

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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ADVANCED MICRO DEVICES, INC.,  
Petitioner,

v.

REALTEK SEMICONDUCTOR CORPORATION,  
Patent Owner.

Case IPR2023-00788  
Patent 9,590,582 B2

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*Before* KRISTINA M. KALAN, KIMBERLY McGRAW, and BRIAN D.  
RANGE, *Administrative Patent Judges*.

McGRAW, *Administrative Patent Judge*.

ORDER  
*Conduct of the Proceedings*  
37 C.F.R. § 42.5

Petitioner requests authorization to file a three-page reply to Patent Owner's Preliminary Response to address case law and argument set forth in the Preliminary Response regarding the prior art status of the Muh thesis. Ex. 3001. Patent Owner does not oppose Petitioner's request so long as Patent Owner is authorized to file a three-page sur-reply brief. *Id.*

We determine good cause exists supporting Petitioner's request for a Reply. Given that whether the Muh thesis qualifies as prior art is a threshold issue for one of the asserted grounds, the panel would benefit from additional briefing at the pre-institution stage as allowing the parties to brief this issue early could permit saving and efficiencies for the parties and the Board. The reply is limited to no more than three pages and is due within one week, i.e., no later than September 8, 2023. Patent Owner may file a sur-reply, due one week after filing of reply. The sur-reply is also limited to no more than three pages.

Accordingly, it is:

ORDERED that Petitioner's request for leave to file a reply is *granted*;

FURTHER ORDERED that Patent Owner's request to file a sur-reply is *granted*;

FURTHER ORDERED that the reply shall be filed within one week, the sur-reply shall be filed within one week after filing of the reply, and neither the reply nor the sur-reply shall exceed three (3) pages.

IPR2023-00788  
Patent 9,590,582 B2

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