

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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MICROCHIP TECHNOLOGY INCORPORATED and  
MICROSEMI CORPORATION,  
Petitioner,

v.

BELL SEMICONDUCTOR, LLC,  
Patent Owner.

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IPR2021-00168; Patent 6,624,007 B2  
IPR2021-00177; Patent 6,743,669 B2  
IPR2021-00191; Patent 7,221,173 B2<sup>1</sup>

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Before MITCHELL G. WEATHERLY, JO-ANNE M. KOKOSKI, and  
JEFFREY W. ABRAHAM, *Administrative Patent Judges*.

ABRAHAM, *Administrative Patent Judge*.

ORDER  
Authorizing Petitioner Reply to Preliminary Response  
and Patent Owner Sur-reply  
*37 C.F.R. § 42.20*

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<sup>1</sup> We exercise our discretion to issue a single Order, to be filed in each case. The parties are not authorized to use this style heading for any subsequent papers.

IPR2021-00168, Patent 6,624,007 B2  
IPR2021-00177, Patent 6,743,669 B2  
IPR2021-00191, Patent 7,221,173 B2

In an email of March 30, 2021 (Ex. 3001), Petitioner requested leave to file a reply to Patent Owner's Preliminary Responses in IPR2021-00168, IPR2021-00177, and IPR2021-00191. Counsel for Petitioner indicates it is seeking an opportunity to discuss circumstances in the related district court proceeding that have changed since the time Petitioner filed its Petitions, and address how such circumstances may affect the Board's decision on exercising its discretion to deny institution of *inter partes* review under 35 U.S.C. § 314(a). Petitioner seeks to file a five-page reply.

Patent Owner does not object to Petitioner's request to the extent the reply is limited to addressing events that have occurred since the filing of the Petitions and whether those events may affect the Board's decision on exercising its discretion to deny institution of *inter partes* review under 35 U.S.C. § 314(a). Patent Owner also requests leave to file a five-page sur-reply.

Based on the arguments and information presented by the parties in the email, we determine that permitting the parties to submit additional briefing would be in the interests of justice and may also be helpful to the panel. *See* 37 C.F.R. § 42.20(d).

Accordingly, it is hereby:

ORDERED that Petitioner is authorized to file, within five business days of the date of this order, a Reply Brief of no more than five pages, limited to addressing circumstances in the related district court proceeding that have changed since the time Petitioner filed its Petitions, and how those circumstances may affect the Board's decision on exercising its discretion to deny institution of *inter partes* review under 35 U.S.C. § 314(a);

IPR2021-00168, Patent 6,624,007 B2  
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FURTHER ORDERED that Patent Owner is authorized to file, within five business days of the date Petitioner files its Reply Brief, a Sur-reply Brief of no more than five pages, limited to arguments raised in Petitioner's Reply Brief, and

FURTHER ORDERED that neither party is permitted to address in the reply or sur-reply the merits of the proposed challenges to unpatentability.

IPR2021-00168, Patent 6,624,007 B2  
IPR2021-00177, Patent 6,743,669 B2  
IPR2021-00191, Patent 7,221,173 B2

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