

PTAB's 1st Preliminary Reply And Surreply Under New Rules

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In this article published by *Law360*, [Monica Grewal](#) and [Michael H. Smith](#) discuss the most recent Patent Trial and Appeals Board rule changes and outline cases that illustrate some of the factors petitioners should consider when requesting leave to file preliminary reply.

In *Apple Inc. v. Personalized Media Communications LLC*, Case IPR2016-00755, Paper 8 (PTAB July 14, 2016), the board for the first time granted a request for leave to file a reply. By contrast, in prior cases such as *Xactware Solutions Inc. v. Pictometry International Corporation*, IPR2016-00593 and -00594, Papers 11 and 12 (PTAB July 1, 2016), the board had denied such requests. These cases illustrate some of the factors petitioners should consider when requesting leave to file a preliminary reply. [Read the full article](#)

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