

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO**

STC.UNM,

Plaintiff,

v.

INTEL CORPORATION,

Defendant.

Civil No. 10-CV-01077-RB-WDS

**STC.UNM'S UNOPPOSED MOTION FOR LEAVE
TO FILE A TWO PAGE SURREPLY**

STC.UNM seeks leave of the Court to file a short surreply (Ex A) to new evidence submitted by Intel in its Reply in Support of its Motion for Summary Judgment. (Doc. 192). *See Doebele v. Sprint/United Mgmt. Co.*, 342 F.3d 1117, 1139 n.13 (10th Cir. 2003) (when new evidence or arguments are presented in a reply brief, the district court must either disregard the reply or allow the opposing party to file a surreply); *Billsie v. Brooksbank*, 525 F. Supp. 2d 1290, 1292 (D.N.M. 2007)(“Moreover, because Defendant Brooksbank's Reply to Plaintiff's Opposition introduces new evidence to support his original motion, I GRANT Plaintiff leave to file a surreply.”). The new evidence (Ex EE) is a printout of summary information obtained from a USPTO database that appears to have been prepared on February 16, 2012 – two weeks after STC.UNM filed its responsive brief. (Doc. 187). The surreply, attached as Ex A, also briefly addresses Intel’s mischaracterization of the law regarding inventorship and patent ownership.

Intel does not oppose the filing of the attached surreply, so long as STC.UNM does not oppose Intel’s filing of a sur-surreply, which STC.UNM does not oppose. STC.UNM submits, however, that Intel’s apparent need to file a third brief only suggests Intel’s proofs from the underlying motion have not satisfied the requirements for summary judgment.

Dated: March 6, 2012

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Respectfully submitted,

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Certificate of Service: I hereby certify that on March 6, 2012, I caused the foregoing to be electronically filed with the Clerk of the Court using the CM/ECF system which will send notification of such filing via electronic mail to all counsel of record.

/s/ Steven R. Pedersen