

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 RESPONSE TO SANDIA CORPORATION'S MOTION
FOR LEAVE TO FILE SURREPLY**

STC objects to Sandia's request to file a sur-reply for the following reasons.

First, Sandia says its sur-reply is needed to address the declaration of Dr. Julia Fulghum. However, the proposed filing contains no counter-declaration. Instead, Sandia only submitted unsupported attorney argument. As a result, it should not be entertained by the Court.

Second, Sandia says the sur-reply is needed to address STC's contention that the Commercialization Agreement granted it right to enforce the subject Intellectual Property. However, the interpretation of the contract is an issue that has been fully briefed by Sandia, Intel, and STC. That Sandia failed to raise in its prior submission the arguments it now wants to make is no justification for the filing of a sur-reply.

Dated: August 29, 2012

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on August 29, 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/ Keith A. Vogt
Keith A. Vogt
STADHEIM & GREAR, LTD.