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Cc: [Williams, Daniel V.](#); michelle.armond@armondwilson.com; forrest.mcclellan@armondwilson.com
Subject: RE: IPR2021-00237 - Remand
Date: Friday, December 1, 2023 5:11:57 PM

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Dear Honorable Board:

The Parties have met and conferred regarding a proposed procedural schedule for the remand from the Federal Circuit for the above-identified IPR. The Parties jointly propose the following procedure for remand.

The Parties' joint remand proposal:

The Parties propose that the scope of briefing on remand be limited to the impact of the Federal Circuit appeal, and decision, on the Parties' arguments made during the IPR, including those made in the Petition and other IPR briefing.

The Parties propose the following schedule and page limits for briefing:

	Briefing Due Dates	Page Limit
--Petitioner's opening brief --Patent Owner's opening brief	Four weeks after authorization, simultaneous exchange	10 pages
--Petitioner's response brief --Patent Owner's response brief	Two weeks after opening briefs, simultaneous exchange	5 pages

The Parties propose that no additional evidence or expert declaration evidence be allowed by Petitioner or Patent Owner.

The Parties propose that either Party may submit as exhibits the Parties' briefing from the Federal Circuit appeal.

The Parties propose a shortened oral argument (30 minutes per side) to address the issues presented in the remand briefing.

Patent Owner's additional issues:

Additionally, on the call with the Board, Patent Owner intends to (1) seek authorization to withdraw

Forrest M. McLellan as backup counsel, and (2) request guidance on whether Patent Owner's motion to exclude (Papers 31-33) needs to be refiled to be considered on remand.

Respectfully submitted,

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From: Trials <Trials@USPTO.GOV>

Sent: Wednesday, November 22, 2023 11:47 AM

To: Haag, Joseph <Joseph.Haag@wilmerhale.com>; doug.wilson@armondwilson.com

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EXTERNAL SENDER

Dear Counsel,

From the Board –

The Court of Appeals for the Federal Circuit issued a decision on appeal of the Final Written Decision in this proceeding on October 13, 2023. On November 20, 2023, the Federal Circuit issued its mandate. The parties are directed to the PTAB's Standard Operating Procedure (SOP) 3 and specifically the Appendix to SOP 3 for guidance on the procedures to be followed on remand. The parties shall meet and confer and jointly submit an email to the Board by December 8, 2023, proposing a procedure on remand and identifying any disagreements between the parties regarding the proposed procedure.

Regards,

Esther Goldschlager

Supervisory Paralegal Specialist

Patent Trial & Appeal Board

U.S. Patent & Trademark Office