

From: [Catherine Mattes](#)
To: [Houston, Michael R.](#); [Trials](#)
Cc: [Frank Calvosa](#); [Nick Cerrito](#); [Meara, Joe](#); [QE - Hangzhou DAC](#)
Subject: RE: IPR2022-01531 -- Request for teleconference to seek authorization to file preliminary reply
Date: Friday, June 30, 2023 7:21:09 AM

CAUTION: This email has originated from a source outside of USPTO. **PLEASE CONSIDER THE SOURCE** before responding, clicking on links, or opening attachments.

Dear PTAB,

We apologize for the serial emails. Petitioner's request to the Board was premature given that the parties held a telephonic meet and confer yesterday wherein Petitioner for the first time explained its purported good cause for filing a reply to the Preliminary Response. During that call, we explained to Petitioner that, because Patent Owner is in China, we would not be able to meaningfully confer with them by the end of the day but that we would endeavor to get a response regarding Patent Owner's position as soon as possible.

We have now had an opportunity to confer with our client and confirm that Patent Owner opposes Petitioner's request and is prepared to brief its position should the Board deem that necessary. Patent Owner's counsel can also be available for a call if needed at a time that is convenient for the Board.

Regards,
Catherine Mattes

Catherine Mattes
Quinn Emanuel Urquhart & Sullivan, LLP

51 Madison Avenue, 22nd Floor
New York, NY 10010
212-849-7567 Direct
212-849-7000 Main Office Number
212-849-7100 FAX
catherinemattes@quinnemanuel.com
www.quinnemanuel.com

NOTICE: The information contained in this e-mail message is intended only for the personal and confidential use of the recipient(s) named above. This message may be an attorney-client communication and/or work product and as such is privileged and confidential. If the reader of this message is not the intended recipient or agent responsible for delivering it to the intended recipient, you are hereby notified that you have received this document in error and that any review, dissemination, distribution, or copying of this message is strictly prohibited. If you have received this communication in error, please notify us immediately by e-mail, and delete the original message.

From: Houston, Michael R. <MHouston@foley.com>
Sent: Thursday, June 29, 2023 5:34 PM
To: Trials <Trials@USPTO.GOV>

Cc: Frank Calvosa <frankcalvosa@quinnemanuel.com>; Nick Cerrito <nickcerrito@quinnemanuel.com>; Meara, Joe <JMeara@foley.com>; QE - Hangzhou DAC <qe-hangzhoudac2@quinnemanuel.com>

Subject: IPR2022-01531 -- Request for teleconference to seek authorization to file preliminary reply

[EXTERNAL EMAIL from mhouston@foley.com]

Dear PTAB,

Pursuant to 37 C.F.R. §42.108(c), Petitioner requests a conference call with the Board for the purpose of seeking authorization to file a 10-page preliminary reply to the Patent Owner Preliminary Response (Paper 9) filed in IPR2022-01531.

Specifically, the Petitioner seeks authorization to file a preliminary reply addressing the arguments in the POPR and its accompanying testimonial evidence regarding:

- (1) why institution should not be denied under Section 325(d) (POPR at 22-28);
- (2) Patent Owner's newly proposed claim constructions of four claim terms (*id.*, 32-39); and
- (3) Patent Owner's non-analogous-art arguments, particularly as related to/impacted by Patent Owner's aforementioned claim construction positions (*e.g.*, *id.*, 14, 17, 20).

Petitioner is prepared to further explain the good cause justification for the requested reply during a call with the Board if desired. Petitioner's counsel should have availability for a call at a time that is convenient for the Board.

Patent Owner's counsel was contacted on Monday, June 26 regarding the above request, and the parties subsequently exchanged messages and held a telephonic meeting. However, Patent Owner has not yet indicated its position on the request, nor provided times of availability for a call with the Board. When Patent Owner's position and availability become known, one of the parties will so inform the Board. Petitioner does not oppose Patent Owner being granted permission to file a preliminary sur-reply of equal length to any permitted preliminary reply.

Counsel for Patent Owner is copied on this email.

Regards,

Mike Houston
Counsel for Petitioner

Michael R. Houston
Partner

Foley & Lardner LLP
321 North Clark Street, Suite 3000, Chicago, IL 60654-4762
Phone 312.832.4378



The information contained in this message, including but not limited to any attachments, may be confidential or protected by the attorney-client or work-product privileges. It is not intended for transmission to, or receipt by, any unauthorized persons. If you have received this message in error, please (i) do not read it, (ii) reply to the sender that you received the message in error, and (iii) erase or destroy the message and any attachments or copies. Any disclosure, copying, distribution or reliance on the contents of this message or its attachments is strictly prohibited, and may be unlawful. Unintended transmission does not constitute waiver of the attorney-client privilege or any other privilege. Legal advice contained in the preceding message is solely for the benefit of the Foley & Lardner LLP client(s) represented by the Firm in the particular matter that is the subject of this message, and may not be relied upon by any other party. Unless expressly stated otherwise, nothing contained in this message should be construed as a digital or electronic signature, nor is it intended to reflect an intention to make an agreement by electronic means.