Moriarty, Robyn

From: Trials <Trials@USPTO.GOV>
Sent: Monday, April 3, 2023 12:09 PM
To: Westin, Lori
Cc: Joe Paunovich; qeImpossibleIPR; Rosato, Michael; Devine, Wendy; Reed, Matthew; Thomas, Tasha; Trials
Subject: RE: IPR2023-00206, IPR2023-00207, IPR2023-00208, and IPR2023-00209

EXT - trials@uspto.gov

Counsel,

From the Board –

No conference call is necessary, but the Board believes that briefing from both parties would be helpful on the issues of the proper handling of Patent Owner's request for leave to file a petition for a certificate of correction and the effect of any such certificate should it be issued during the pendency of any trial that might be instituted in these proceedings. Accordingly, in each case, the Board authorizes Patent Owner to file a motion under 37 C.F.R. § 1.323 and Petitioner to file an opposition to that motion. The motion shall be filed no later than April 13, the opposition shall be filed no later than April 23, and neither the motion nor the opposition shall exceed 10 pages.

Regards,

Esther Goldschlager
Supervisory Paralegal Specialist
Patent Trial & Appeal Board
U.S. Patent & Trademark Office

From: Westin, Lori <lwestin@wsgr.com>
Sent: Thursday, March 30, 2023 3:18 PM
To: Trials <Trials@USPTO.GOV>
Cc: Joe Paunovich <joepaunovich@quinnemanuel.com>; qeImpossibleIPR <qeimpossibleipr@quinnemanuel.com>; Rosato, Michael <mrosato@wsgr.com>; Devine, Wendy <wdevine@wsgr.com>; Reed, Matthew <MReed@wsgr.com>; Thomas, Tasha <tthomas@wsgr.com>
Subject: IPR2023-00206, IPR2023-00207, IPR2023-00208, and IPR2023-00209

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Dear Honorable Board,

Patent Owner Impossible Foods, Inc., filed its POPRs in IPR2023-00206, -00207, -00208, -00209, on March 20, 2023. In its POPRs in IPR2023-00206 and -00207, Patent Owner discusses that reference to certain applications (the '069 provisional, Brown, and the '205 provisional) was not perfected and unintentionally omitted from the involved patents' priority chain. *See, e.g.*, -00206 POPR (Paper 8) at 10. As also noted in its POPRs, Patent Owner has taken measures to correct this unintentional omission through the filing of a petition and certificate of correction with the Office for those patents within the affected family that are currently not subject to an IPR proceeding. *See, e.g.*, EX2001.

Patent Owner now wishes to proceed with the filing of a petition and certificate of correction for each of the four affected patents that are currently the subject of an IPR. While Patent Owner does not believe a motion under 37 C.F.R. § 1.323 is required, out of an abundance of caution, Patent Owner provides notice to the Board of its intent to file corresponding petitions and certificates of corrections for the involved patents.

Petitioner opposes Patent Owner's "notice" of its intent to file petitions for certificate of correction (CoC) and respectfully requests briefing for any motion filed under Rule 1.323. Petitioner requests an opportunity to be heard before any Board action on this matter.

Should the Board wish to have a conference call, the parties are mutually available during the following times: Friday, March 31, from noon to 1 pm and from 3:30 pm to 4 pm eastern; and Monday, April 3, from 2 pm to 4 pm eastern.

Best regards,
Lori Westin

IMPOSSIBLE EXHIBIT - 2014
Motif FoodWorks, Inc. v. Impossible Foods Inc. - IPR2023-00207

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