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Subject: IPR2023-00247 // Remand Briefing

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Honorable Board,

Patent Owner's brief on remand includes arguments that were neither in the original IPR record nor in the Federal Circuit briefing. In particular, Patent Owner cites to *In re Stepan* and characterizes the Petition as combining embodiments without explanation. PO Remand Br., 4.

To the extent the Board would find further briefing helpful on this newly raised issue, Petitioner respectfully requests a two-page reply limited to the *In re Stepan* issue.

Petitioner has conferred with Patent Owner's counsel. Patent Owner's position is as follows: "Patent Owner opposes Petitioner's request for additional briefing. Patent Owner's brief is responsive to Petitioner's, where Petitioner itself differentiates between various communication embodiments in Rothschild. Paper 38 at 4-5. Regardless, the Board is aware of the case law cited in Patent Owner's brief and capable of evaluating the Petition without the need for additional briefing. If the Board does determine that additional briefing is helpful, Patent Owner requests a sur-reply of the same length."

If the Board desires a conference call, the parties will provide their availability.

Regards,

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