From: Dutta, Sanjeet K <SDutta@goodwinlaw.com>
Sent: Friday, March 1, 2024 1:43 PM
To: Trials <Trials@USPTO.GOV>
Cc: Morlock, Michael <MMorlock@kilpatricktownsend.com>; Sanders, Carl <csanders@kilpatricktownsend.com>; Anderson, Andie <andie.anderson@ktslaw.com>; Dabbiere, Courtney <CDabbiere@kilpatricktownsend.com>; Saul, Andrew <ASaul@kilpatricktownsend.com>; Adkins, Robin <RAdkins@kilpatricktownsend.com>; Kline, Douglas J <DKline@goodwinlaw.com>; Reddy, Srikanth K <SReddy@goodwinlaw.com>; Woo, Darryl M <DWoo@goodwinlaw.com>; Larochelle, Christie <CLarochelle@goodwinlaw.com>; Birbach, Naomi <NBirbach@goodwinlaw.com>; Alemanni, John <jalemanni@kilpatricktownsend.com>; Reed, David <DReed@ktslaw.com>; Potkay, Christine <CPotkay@goodwinlaw.com>; Anderson, Andie <andie.anderson@ktslaw.com>; Potkay, Christine <CPotkay@goodwinlaw.com>
Subject: IPR Nos. IPR2023-00199, 00220, 00221, 00254, and 00255

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

RE: IPR Nos. IPR2023-00199, 00220, 00221, 00254, and 00255

Dear Board:

On February 28, 2024, the ITC issued a Notice of a Commission Determination Not to Review a Final Initial Determination Finding No Violation of Section 337; Termination of the Investigation ("Notice") in related ITC Inv. No. 337-TA-1331 (attached). Petitioners request authorization to submit the Notice as supplemental information under 37 C.F.R. 42.123(b) in IPR2023-00199, -00220, -00221, -00254, and -00255. The Notice is relevant to a claim for which the trial has been instituted because the Notice confirms the ALJ's invalidity findings in her Final Initial Determination (Exhibit Nos. 1040 in IPR2023-00199, 1048 in IPR2023-00220, 1030 in IPR2023-00221, 1035 in IPR2023-00254, and 1042 in IPR2023-00255). The Notice reasonably could not have been obtained earlier because the ITC issued the Notice on February 28. Consideration of the supplemental information would be in the interests-of-justice. Petitioners will also file an updated Exhibit list with the addition of the Notice. Petitioners have conferred with Patent Owner, and Patent Owner does not oppose this request.

To the extent the Board would prefer a formal motion, Petitioners request permission to file a motion to submit the Notice and updated Exhibit list in each of the matters referenced above. Petitioners are available for a conference call at any time.

Regards,

Sanjeet K. Dutta
Partner

IPR2023-00255
Ex. 3009

Goodwin Procter LLP
601 Marshall Street
Redwood City, CA 94063
o +1 650 752 3260
m +1 408 644 4064
f +1 650 471 6056
SDutta@goodwinlaw.com

Diversity, Equity + Inclusion | Patent Trial + Appeal Board

****
This message was sent from Goodwin Procter LLP and is intended only for the designated recipient(s). It may contain confidential or proprietary information and may be subject to the attorney-client privilege or other confidentiality protections. If you are not a designated recipient, you may not review, copy or distribute this message. If you receive this in error, please notify the sender by reply e-mail and delete this message. Thank you.
****