

From: [Trials](#)
To: [Krause, Andrew](#); [Trials](#)
Cc: [~Walter, Derek](#); [Personalis.Foresight@weil.com](#); [~Naini, Amir](#); [#ForesightIPRs](#)
Subject: RE: IPR2023-00224, -00317, -00545, -00546 (Foresight Diagnostics Inc. v. Personalis Inc.)
Date: Monday, August 21, 2023 4:12:06 PM

Counsel,

From the Board –

As indicated in the below email, the parties jointly request modification of due dates for IPR2023-00224 and -00317 to align with those of later-filed IPR2023-00545 and -00546, “provided that the Board . . . find a combined hearing to be beneficial.” As the parties recognize, the requested scheduling change entails a “good cause” extension of the one-year period for final determination of IPR2023 and -00317. *See* 35 U.S.C § 316(a)(11). Considering the Panel’s workload, the relationship between the involved patents, and the extent of the overlapping issues, the proposed modifications do not substantially contribute to judicial efficiency nor clearly satisfy the good cause requirement of §316(a)(11). Accordingly, we decline to implement the parties’ requested scheduling change.

Regards,

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

From: Krause, Andrew <AKrause@irell.com>
Sent: Monday, August 14, 2023 2:02 PM
To: Trials <Trials@USPTO.GOV>
Cc: ~Walter, Derek <derek.walter@weil.com>; Personalis.Foresight@weil.com; ~Naini, Amir <amir@nainipc.com>; #ForesightIPRs <ForesightIPRs@irell.com>
Subject: RE: IPR2023-00224, -00317, -00545, -00546 (Foresight Diagnostics Inc. v. Personalis Inc.)

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Your Honors:

I have re-pasted the email below to update the formatting to HTML so that the table is displayed properly.

Respectfully,
Andrew Krause

Your Honors:

We write to request guidance from the Board regarding the coordination of the case schedules in these related IPRs. The proceedings are currently scheduled on separate tracks, as tabulated below.

IPR No.	Patent No.	Institution Date	Current Hearing Date
2023-00224	11,384,394	6/13/23	3/19/24
2023-00317	11,408,033	6/13/23	3/19/24
2023-00545	11,299,783	8/8/23	5/7/24
2023-00546	10,450,611	8/8/23	5/7/24

The parties have met and conferred, and agree that there would be efficiency in coordinating all four IPRs on the same schedule given that there are related issues in each set of IPRs, provided that the Board would also find a combined hearing to be beneficial. To that end, we respectfully request authorization to file a motion to modify Due Date 4 (Request for Oral Argument), Due Date 7 (Reply to opposition to motion to exclude), and Due Date 8 (Oral Hearing) in the -00224/-00317 IPRs to align those dates with Due Date 4, Due Date 7, and Due Date 8 in the -00545/-00546 proceedings. The parties would then work to enter a stipulation aligning the intervening due dates in the -00224/-00317 IPRs with the currently scheduled corresponding due dates in the -00545/-00546 IPRs to coordinate the schedules. In light of the potential efficiencies for the parties and Board resulting from these modifications to the schedule of the -00224/-00317 IPRs, the parties agree that the Board would have good cause to extend the Final Written Decision deadline in those proceedings to 8/8/24 if such motion is granted.

The parties are available for a conference call with the Board after noon ET on 8/15/23 or 8/16/23.

Respectfully,

Andrew Krause (Counsel for Petitioner), Derek Walter (Counsel for Patent Owner)

From: Krause, Andrew <AKrause@irell.com>

Sent: Monday, August 14, 2023 10:57 AM

To: Trials <Trials@uspto.gov>

Cc: ~Walter, Derek <derek.walter@weil.com>; Personalis.Foresight@weil.com; ~Naini, Amir <amir@nainipc.com>; #ForesightIPRs <ForesightIPRs@irell.com>

Subject: IPR2023-00224, -00317, -00545, -00546 (Foresight Diagnostics Inc. v. Personalis Inc.)

Your Honors:

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Respectfully,

Andrew Krause (Counsel for Petitioner), Derek Walter (Counsel for Patent Owner)

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