

From: [Trials](#)
To: [Stein, Alexander B.](#)
Cc: [Mace, Andrew](#); [Keefe, Heidi](#); [Weinstein, Mark](#); [Mead, Lowell](#); [HID-VectorFlow-IPR](#); [Trials](#)
Subject: RE: IPR2023-00353 (US 8,234,704) – request for authorization to file preliminary reply
Date: Wednesday, May 10, 2023 2:13:56 PM

Counsel,

The panel has considered Petitioner's request for authorization to file a Preliminary Reply, and denies the request.

Regards,

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

From: Stein, Alexander B. <alexander.stein@morganlewis.com>
Sent: Tuesday, May 9, 2023 7:03 PM
To: Trials <Trials@USPTO.GOV>
Cc: Mace, Andrew <amace@cooley.com>; Keefe, Heidi <hkeefe@cooley.com>; Weinstein, Mark <mweinstein@cooley.com>; Mead, Lowell <lmead@cooley.com>; HID-VectorFlow-IPR <HID-VectorFlow-IPR@morganlewis.com>
Subject: RE: IPR2023-00353 (US 8,234,704) – request for authorization to file preliminary reply

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Dear Board,

Patent Owner writes separately to point out that the Petition already raised the foreseeable discretionary-denial issues (Pet. at 11 and 8) and addressed claim construction (*see, e.g.*, Pet. at 14, 23), so no good cause exists for Petitioner to address these issues again. Further briefing would also prejudice Patent Owner (*see* Prelim. Resp. at 18-19). Patent Owner welcomes the opportunity to explain this further on a conference call should one get scheduled.

Best,

Alexander B. Stein (Reg. No. 71,397)
Counsel for Patent Owner

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IPR2023-00353
Ex. 3001

From: Mace, Andrew <amace@cooley.com>

Sent: Tuesday, May 9, 2023 2:55 PM

To: Trials@uspto.gov

Cc: Keefe, Heidi <hkeefe@cooley.com>; Weinstein, Mark <mweinstein@cooley.com>; Mead, Lowell <lmead@cooley.com>; Stein, Alexander B. <alexander.stein@morganlewis.com>; HID-VectorFlow-IPR <HID-VectorFlow-IPR@morganlewis.com>

Subject: IPR2023-00353 (US 8,234,704) – request for authorization to file preliminary reply

[EXTERNAL EMAIL]

Dear PTAB:

Petitioner in IPR2023-00353 requests permission to file a preliminary reply of no more than 3 pages to respond to Patent Owner's arguments in its preliminary response regarding (1) discretionary denial under section 314(a), and (2) alleged inconsistencies in claim construction positions taken in the pending litigation. The parties have conferred, and Patent Owner opposes the request. If the Board authorizes a preliminary reply, Patent Owner requests a 3-page sur-reply to respond to Petitioner's preliminary reply. If a conference call is needed, the parties will confer and provide their availability.

Respectfully submitted,
Andrew Mace on behalf of Heidi Keefe, counsel for Petitioner

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