UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

VIKING DRILL & TOOL, INC.

Petitioner

v.

HONGJIA WANG

Patent Owner

IPR2023-00473

U.S. Patent No. 11,007,583

PATENT OWNER'S ADDENDUM TO SUR-REPLY TO ADDRESS PETITIONER'S CORRECTED CITATION

Viking Drill & Tool's Petition Filing Date: January 17, 2023

Viking claims that Endres "was unable to testify that the Hyper-Step drills have axial relief because he never took measurements of the drills." (Paper 42 at 26 [citing Ex. 1046, 133:6-8]; Paper 66). Viking misrepresents Endres' position using an out-of-context quote from his deposition. In context, Viking was asking Endres whether one of the advantages of the '583 patent was faster penetration rates—not whether the Easy Boost and Vortex Point drill bits exhibit axial relief. (Ex. 1046, 131:21-133:24).. (*Id.*)

In fact, Viking had separately questioned Endres, elsewhere in his deposition, about the nexus and infringement claim charts submitted with his declaration, and Endres confirmed that he personally examined samples of the drill bits for which he submitted claim charts, reviewed the claim charts, and confirmed that the products embody each and every limitation of the '583 patent (including axial relief). Viking omitted this testimony from their improper excerpts of Endres' deposition, 37 CFR § 42.53(f)(7); Fed. R. Evid. 106; *see also* 37 CFR § 42.23(b) (limiting sur-reply evidence). As illustrated in Patent Owner's Sur-Reply, the fact that the Easy Boost drill bits exhibit axial relief is readily apparent from such a visual examination. (Paper 54 at 16 [annotating Ex. 2081]), and, notably, Viking's expert did not challenge Endres' conclusions in this regard. (Ex. 1044, ¶¶ 45-51). Thus, the Board should disregard Viking's claim.

Dated: April 1, 2024

Respectfully submitted,

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Dated: April 1, 2024

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CERTIFICATION OF SERVICE

Pursuant to 37 C.F.R. §§ 42.6(e)(4) and 42.205(b) and the agreement of the parties, the undersigned certifies that on April 1, 2024, a true and correct copy of the **PATENT OWNER'S ADDENDUM TO SUR-REPLY TO ADDRESS PETITIONER'S CORRECTED CITATION** was served by electronic mail upon the following:

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