

From: [Trials](#)
To: [Deniz Bayramoglu](#); [Trials](#)
Cc: [Lucas Stelling](#); gokalp@bayramoglu-legal.com; [Cavanagh, Matthew J.](#); [Meeks, Susan](#); [Cupar, David B.](#)
Subject: RE: IPR2023-00521
Date: Friday, July 21, 2023 12:12:12 PM

Counsel,

Petitioner's request to file a Motion requesting leave to file a Reply in IPR2023-00521 is denied. In view of the statutory timeframes related to issuing an Institution Decision (*See* 35 U.S.C §314(b)(1)), requests to file a Reply to a Preliminary Response must be made promptly. Patent Owner's Preliminary Response was filed June 5, 2023. In this case, a delay of 45 days between the filing of the Preliminary Response and the request for authorization to file a Reply leaves insufficient time to complete briefing and draft the Institution Decision.

Thank you,
Eric W. Hawthorne
Supervisory Paralegal Specialist
Patent Trial and Appeal Board

From: Deniz Bayramoglu <deniz@bayramoglu-legal.com>
Sent: Thursday, July 20, 2023 6:51 PM
To: Trials <Trials@USPTO.GOV>
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Subject: IPR2023-00521

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Dear Honorable Board,

Petitioner respectfully requests for authorization to file a motion for leave to file a Reply to the POPR in IPR2023-00521.

There is good cause to support Petitioner's request, given at least that the Patent Owner's (PO's) arguments were unforeseeable, in particular:

1. PO's argument that discretionary denial should be granted under 325(d) because of U.S. district court litigation; and Petitioner's belief that the PO has mischaracterized proceedings that did occur before the Office.

2. PO's argument that it is proper to grant discretionary denial under 35 USC 314(a) and 316(b) and which relies on a 38- page declaration of Dr. Cohen which argues that an Executive order of the president compels discretionary denial and which is unrelated to technological aspects of the '740 patent.
3. PO's argument that the petitioner has failed to demonstrate a reasonable likelihood of success cite to obscure cases, and include numerous inaccuracies and mischaracterizations.

Petition has contacted the PO's counsel to request consent to the filing of a Motion and Reply to the POPR. The PO's counsel opposes the filing of a Reply.

Petitioner requests authorization under 37 CFR 42.20(b) to file a Motion requesting leave to file a Reply, where the motion is less than 15 pages, and the Reply is limited to 5,600 words.

If the Board grants the authorization, the motion and corresponding reply will be filed by Petitioner promptly. Further, if the motion is granted and the Reply is entered, petitioner would not oppose the PO filing a sur-reply which is limited to 5,600 words and is responsive to the arguments made in Petitioner's reply, and to be filed by a deadline set by the Board.

Best Regards,
Nihat Deniz Bayramoglu