
From: Trials <Trials@USPTO.GOV>
Sent: Wednesday, June 7, 2023 11:25 AM
To: Hartmann, Anthony; Trials
Cc: Douglas, Christopher; Choi, Nick; Bosch, Michele; Goldberg, Joshua; Klodowski, Daniel; Mills, Gracie
Subject: RE: IPR2023-00586 – Seeking Authorization for a Reply to Patent Owner Preliminary Response

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EXTERNAL Email:

Counsel,

The Board authorizes Petitioner to file the requested reply to Patent Owner's Preliminary Response filed in the above-referenced proceeding to address the discretionary denial issues raised by Patent Owner under 35 U.S.C. § 314(a).

Patent Owner is authorized to file a sur-reply.

Each of the briefs is limited to 5 pages in length and shall be filed on or before June 21, 2023 for the reply and on or before July 6, 2023 for the sur-reply.

Regards,

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

From: Hartmann, Anthony <anthony.hartmann@finnegan.com>
Sent: Tuesday, June 6, 2023 10:55 AM
To: Trials <Trials@USPTO.GOV>
Cc: Douglas, Christopher <Christopher.Douglas@alston.com>; Choi, Nick <Nick.Choi@alston.com>; Bosch, Michele <michele.bosch@finnegan.com>; Goldberg, Joshua <Joshua.Goldberg@finnegan.com>; Klodowski, Daniel <Daniel.Klodowski@finnegan.com>; Mills, Gracie <Gracie.Mills@finnegan.com>; Hartmann, Anthony <anthony.hartmann@finnegan.com>
Subject: RE: IPR2023-00586 – Seeking Authorization for a Reply to Patent Owner Preliminary Response

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Dear Honorable Board,

Petitioner Zhuhai CosMX Battery Co. respectfully requests authorization to file a reply to Patent Owner's Preliminary Response (POPR) filed on May 30, 2023, in the above-referenced proceeding. The good cause basis of Petitioner's request is to address the discretionary denial issues raised by Patent Owner under 35 U.S.C. § 314(a), including the applicability of the facts with respect to the *Fintiv* factors.

Petitioner respectfully requests a Reply that is 5 pages and that the paper be due 10 days after authorization is provided for the Reply.

Petitioner requested Patent Owner's position on Petitioner's request. In response, Patent Owner stated fully: "Patent Owner opposes Petitioner's request as it fails to demonstrate good cause for a reply under 37 CFR § 42.108(c). Any discretionary denial issues raised under 35 U.S.C. § 314(a), including the applicability of the facts with respect to Fintiv factors 1 to 6, were foreseeable and should have been raised in the Petition. Should Petitioner decide to reach out to the Board with regard to a reply and if a reply is granted, Patent Owner requests a sur-reply of equal length (5 pages) and a deadline for filing the sur-reply of 14 days after the reply is filed."

Petitioner does not oppose Patent Owner's request for a sur-reply of equal length to any Reply authorized for Petitioner, but does oppose a longer period for any sur-reply.

Counsel for the parties are available for a call with the Board on Thursday or Friday of this week, if the Board would like.

Sincerely,
Anthony Hartmann
Back-up Counsel for Petitioner

Anthony A. Hartmann
Of Counsel

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