

From: [Trials](#)
To: [Best, Timothy P.](#)
Cc: [Brian Eutermoser](#); [Mikaela Stone](#); [Russell Blythe](#); [Trials](#)
Subject: RE: Request for Leave to File Reply to Patent Owner's Preliminary Response in IPR2023-00633
Date: Thursday, August 10, 2023 9:11:21 AM

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Counsel,

From the Board –

Petitioner's request, as outlined in the email below, is granted. Patent Owner may file a Sur-Reply in accord with the email below.

Regards,

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

From: Best, Timothy P. <TBest@gibsondunn.com>
Sent: Wednesday, August 9, 2023 1:30 PM
To: Trials <Trials@USPTO.GOV>
Cc: BEutermoser@KSLAW.com; Mikaela Stone <Mikaela.Stone@KSLAW.com>; Russell Blythe <RBlythe@KSLAW.com>
Subject: Request for Leave to File Reply to Patent Owner's Preliminary Response in IPR2023-00633

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Your Honors,

Petitioner respectfully requests authorization for briefing in the form of a 2-page Reply to Patent Owner's Preliminary Response ("POPR") in IPR2023-00633 to address Patent Owner's characterization of the record made in connection with its arguments that the Board should exercise discretion to deny institution under § 325(d). If requested by the Board, Petitioner will provide further explanation of good cause. If Petitioner's request is granted, Petitioner does not oppose Patent Owner's submission of an equivalent Sur-Reply.

In connection with this request, Petitioner proposes the briefing schedule outlined below:

1. Petitioner's Reply Deadline – August 18, 2023
2. Patent Owner's Sur-Reply Deadline – August 25, 2023

Petitioner and Patent Owner have conferred. While Patent Owner disagrees with Petitioner,

Patent Owner does not oppose Petitioner's request.

Should the Board desire a call to discuss this request, the parties have conferred and offer times of availability.

1. August 10, 4-5 ET
2. August 14, 2-5 ET

Respectfully,

Timothy P. Best

Partner

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