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Subject: Reflex USA LLC v. Boart Longyear Group Ltd, IPR2023-00642

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Honorable Board:

Petitioner in the above-referenced matter respectfully seeks leave to file a ten-page preliminary reply to the patent owner preliminary response under 37 CFR 42.108(c). Good cause exists for this request. The preliminary response does not accurately characterize the prosecution history of the patents in the family of the '013 patent at issue in this matter. In addition, it does not fairly characterize Petitioner's obviousness arguments involving the "Wiese" reference. Petitioner could not reasonably have anticipated these inaccuracies, and it respectfully seeks leave to respond to them. If Petitioner is granted leave to file a preliminary reply, Petitioner would not oppose affording Patent Owner an opportunity to file a sur-reply of equal length to Petitioner's reply.

The parties have met and conferred and Patent Owner's position is: Patent Owner opposes Petitioner's request. Good cause for a reply does not exist because each party has had a full and fair opportunity to address the prosecution history of the '013 patent family. Petitioner correctly anticipated that discretionary denial under § 325(d) would be an issue in this proceeding and, accordingly, put forth its characterization of the prosecution history in the Petition. Patent Owner (as anticipated) responded to Petitioner's characterization by providing its own analysis in the preliminary response. Additional briefing on a black-and-white issue (i.e., what does the prosecution history say) does not move the ball and is an inefficient use of resources. The same reasoning applies to Petitioner's obviousness arguments—there is no need for the parties to re-summarize the

contents of the Petition.

If the Board desires a conference call to discuss this request, the parties are available for a teleconference on:

Monday, July 17, after 2pm ET; or
Wednesday, July 19, between 2:30pm and 5pm ET.

Regards,

Scott Weidenfeller
Counsel for Reflex

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