

From: [Trials](#)
To: [Director PTABDecision Review](#)
Cc: [Trials](#)
Subject: FW: Leave to File Response - IPR2023-00680 (Pat. 9,887,795); IPR2023-00681 (Pat. 10,263,723); IPR2023-00682 (Pat. 10,771,181)
Date: Tuesday, January 9, 2024 4:59:45 PM

From: ptong@raklaw.com <ptong@raklaw.com>
Sent: Tuesday, January 9, 2024 4:54 PM
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Cc: Wroblewski, Karlee <Karlee.Wroblewski@alston.com>; Scott.Stevens@alston.com; Matt.Welch@alston.com; Irene Lee <ilee@raklaw.com>; RAK_NextGen@raklaw.com
Subject: Leave to File Response - IPR2023-00680 (Pat. 9,887,795); IPR2023-00681 (Pat. 10,263,723); IPR2023-00682 (Pat. 10,771,181)

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Re: IPR2023-00680 (Pat. 9,887,795); IPR2023-00681 (Pat. 10,263,723); IPR2023-00682 (Pat. 10,771,181)

To the Honorable Board,

Patent Owners hereby respectfully request permission to file a responsive brief to address the Petitioner's Request for Rehearing by the Director (Paper 11) to address numerous inaccuracies (e.g., that there are "material differences" over Brede), misleading statements (e.g., "that the secondary reference discloses how to package optoelectronic components to fit within a pluggable form factor"—but it does not teach how to package the **sixteen** parallel transceivers of Agazzi '341 in a pluggable form factor) and omitted considerations therein (e.g., applying Section 325(d) does not require a previous Final Written Decision), and explain why the Board's Denial of Institution should not be vacated or reversed.

Patent Owners seek the Board's permission to file a responsive brief of 15 pages (same page count as the Petitioner's Request for Rehearing) to be filed within 14 days of being granted leave to file.

If the Board prefers, Patent Owners will file a petition to the Director for leave to file an opposition brief, explaining why leave should be granted in compliance with the Administrative Procedures Act (APA) requirement that agencies afford parties both notice and a fair opportunity to respond.

The undersigned reached out to Petitioner for its consent. Petitioner opposes Patent Owners' request for briefing.

If the Board desires to have a hearing, the parties are available on January 12.

Peter Tong

IPR2023-00680
IPR2023-00681
IPR2023-00682
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