



Michael Kiklis <michael@kiklisclark.com>

RE: IPR2023-00707 and 00708

1 message

Trials <Trials@uspto.gov>

Mon, Aug 14, 2023 at 7:48 AM

To: Michael Kiklis <michael@kiklisclark.com>

Cc: Matt Holohan <mholohan@sheridanross.com>, DDC-Service_Google-IPRs <DDC-Service_Google-IPRs@sheridanross.com>, Rob Brunelli <rbrunelli@sheridanross.com>, Trials <Trials@uspto.gov>, "kimani@kiklisclark.com" <kimani@kiklisclark.com>

Counsel,

From the Board –

Petitioner is authorized to file a 10-page preliminary reply on or before Wednesday, August 23, and Patent Owner is authorized to file a 5-page preliminary sur-reply on or before Wednesday, August 30. Petitioner's preliminary reply must be limited to responding to the arguments in the Preliminary Response that relate to real party in interest and privity. Patent Owner's preliminary sur-reply must be limited to responding to Petitioner's reply.

In its preliminary reply, Petitioner is permitted to argue that Patent Owner violated a mediation agreement by filing certain documents as exhibits in this proceeding; however, if Petitioner requests any relief from the Board in connection with that alleged violation, then it must specifically identify that relief and provide the basis for it.

Regards,

Esther Goldschlager

Supervisory Paralegal Specialist

Patent Trial & Appeal Board

U.S. Patent & Trademark Office

From: Michael Kiklis <michael@kiklisclark.com>

Sent: Thursday, August 3, 2023 2:25 PM

To: Trials <Trials@USPTO.GOV>

Cc: Matt Holohan <mholohan@sheridanross.com>; DDC-Service_Google-IPRs <DDC-Service_Google-IPRs@sheridanross.com>; Rob Brunelli <rbrunelli@sheridanross.com>

Subject: IPR2023-00707 and 00708

CAUTION: This email has originated from a source outside of USPTO. **PLEASE CONSIDER THE SOURCE** before responding, clicking on links, or opening attachments.

Dear PTAB,

Petitioner seeks authorization for a 10-page reply to address the approximately 38 pages of RPI/privity arguments in the patent owner preliminary responses (POPRs).

Also, the POPRs disclose confidential and FRE 408-protected information from the mediation that the parties attended in violation of the mediation agreement. Petitioner thus seeks guidance from the Board on whether a motion to strike would be appropriate in these circumstances or whether Petitioner should address this in its reply.

The parties have conferred via email. Patent owner opposes a reply. Patent owner refuses to expunge this confidential/FRE 408 information, and patent owner opposes a motion to strike.

Both parties are generally available on Tuesday, Wednesday, and Friday of next week. Both parties are also available after 3 pm Eastern on Thursday of next week.

Respectfully submitted,

Mike Kiklis

Lead counsel for Petitioner Google

Reg. No. 38,939

Michael L. Kiklis

Kiklis and Clark, PLLC

[1800 Diagonal Rd.](#)

[Suite 600](#), PMB 1093

Alexandria, VA 22314

Phone: 800-966-7832

Mobile: 202-262-5741

Email: Michael@kiklisclark.com

Website: kiklisclark.com