

From: [Trials](#)
To: [Williams, Eliot D.](#); [Trials](#)
Cc: [HZhong@irell.com](#); [jlindsay@irell.com](#); [JSheasby@irell.com](#); [NetlistIPR@irell.com](#); [Chandler, Ted](#); [PDLSamsungNetlistIPRs@bakerbotts.com](#)
Subject: RE: IPR2023-00847: Petitioner's unopposed request for 4-page pre-institution reply
Date: Monday, September 25, 2023 12:56:30 PM

Counsel,

From the Board –

We grant Petitioner's unopposed request to file a reply to the Patent Owner's Preliminary Response, and Patent Owner is authorized to file a sur-reply to the reply to the Preliminary Response. The reply shall not exceed 4 pages and is limited to addressing Patent Owner's arguments in the Preliminary Response concerning discretionary denial under § 325(d). The sur-reply shall not exceed 4 pages and is limited to responding to Petitioner's arguments in the reply. The reply is due 7 business days from the date of this grant, with the sur-reply due 7 business days after the filing of the reply.

Regards,

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

From: Williams, Eliot D. <Eliot.Williams@BakerBotts.com>
Sent: Friday, September 22, 2023 4:55 PM
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Subject: IPR2023-00847: Petitioner's unopposed request for 4-page pre-institution reply

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Dear Honorable Board:

Petitioner in the above-referenced IPR requests authorization to file a limited, 4-page pre-institution reply to the Patent Owner's Preliminary Responses (POPR) filed on September 14th. Patent Owner does not oppose the request "provided that [Patent Owner] get[s] a sur-reply of equal length within 2 weeks of reply if Petitioner's request is granted."

In particular, Petitioner requests a 4-page pre-institution reply, due 5 business days after Board authorization, limited to Patent Owner's arguments about discretionary denial under § 325(d) (POPR 1, 3–25). Good cause exists for a reply in light of the lengthy, unexpected, and incomplete

arguments made by Patent Owner in its POPR, as well as the recent Final Written Decision in IPR2022-00236 (issued after the Petition), which refutes Patent Owner's § 325(d) arguments and shows that the obviousness arguments presented in the Petition are correct. The proposed reply would enable the Board to identify and resolve the disputed issues more quickly and efficiently than if required to sort through all of Patent Owner's papers and exhibits without hearing from Petitioner on those issues.

If needed, the parties are available at the following times for a teleconference to discuss:

Wed 9/27: After 12pm ET

Thu 9/28: After 12pm ET

Fri 9/29: After 12pm ET

Respectfully,

Eliot D. Williams

BAKER BOTTS LLP ■

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