

From: [David Holt](#)
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Cc: [Cook Alciati](#); [Davis, James L., Jr.](#); [Michael Dorfman](#); [Gardella Grace Litigation](#); IPR42342-0120IP1@fr.com
Subject: IPR2023-00852 - Request for Reply to Patent Owner's Preliminary Response
Date: Tuesday, September 26, 2023 1:14:12 PM

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Honorable Board,

Petitioner respectfully requests a 5-page Reply to Patent Owner's Preliminary Response ("POPR") in IPR2023-00852 to address Patent Owner's argument in Section II.A of the POPR that the Petition fails to demonstrate public accessibility of the Tuan reference. With the Reply, Petitioner requests to submit the following responsive evidence:

- Reproduced pages from Internet Archive's Wayback Machine demonstrating the searching capabilities of Keio University's Libraries on or before the Critical Date of the '948 Patent
- A brief declaration from Ms. June Munford explaining the relevance of the above Wayback Machine pages to public accessibility and the ability of POSITAs to locate Tuan on or before the Critical Date of the '948 Patent
- A brief declaration from Dr. Henry Houh related to how the title of Tuan was sufficiently descriptive to permit a POSITA to find Tuan through reasonable diligence

Patent Owner opposes Petitioner's request and requests a call to explain its position.

The parties are available for a conference call tomorrow (9/27) 11:30a-1p ET and 3:30p-6p ET and Thursday (9/28) 2-3p ET and 4-6p ET.

Sincerely,

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