

From: [Trials](#)
To: [Jennifer Brinkerhoff](#); [Trials](#)
Cc: [Lindenbaum, David](#); [Corby Vowell](#); MZinna@kelleydrye.com
Subject: RE: IPR2023-00894 Petitioner request for leave to file Reply Brief
Date: Monday, September 11, 2023 8:50:08 AM
Attachments: [image001.png](#)

Counsel,

From the Board –

Petitioner is authorized to file a Reply to the Patent Owner Preliminary Response to address the issues set forth in its September 8 email. Any such Reply shall be limited to 7 pages, and due no later than COB on Friday September 15. Patent Owner is authorized to submit a responsive Sur-reply of no more than 5 pages, and due no later than Friday, September 22.

Regards,

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

From: Jennifer Brinkerhoff <jen@fusionorthopedics.com>
Sent: Friday, September 8, 2023 5:00 PM
To: Trials <Trials@USPTO.GOV>
Cc: Lindenbaum, David <DLindenbaum@KelleyDrye.com>; Corby Vowell <corby@vowelllawfirm.com>; MZinna@kelleydrye.com
Subject: IPR2023-00894 Petitioner request for leave to file Reply Brief

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To the Patent Trial and Appeal Board:

Petitioner of IPR2023-00894 requests leave to file a Reply to Patent Owner's Preliminary Response ("POPR"). During prosecution of a parent application to the challenged patent, Patent Owner argued for constructions of claim terms "bore" and "at a terminal end" that contradict its positions in the POPR. These inconsistencies affect each of Patent Owner's merits arguments in the POPR. The parties have conferred, and Patent Owner opposes this request.

Kind regards,

Jennifer Brinkerhoff



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