

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FUSION ORTHOPEDICS, LLC,
Petitioner,

v.

EXTREMITY MEDICAL, LLC,
Patent Owner.

Case IPR2023-00894
U.S. Patent No. 11,298,166

PATENT OWNER'S PROPOSED REVISED SCHEDULES

Pursuant to the Board’s May 29, 2024 email (Ex. 3009), Patent Owner submits the following proposed revised schedules in accordance with the following scenarios provided by the Board:

1) A one-week extension of Due Date 3 (no rMTA); no change to Due Date 8 (September 6, 2024 (originally August 15, 2024))

Due Date	Current Schedule	Revised Schedule
Due Date 3 - Patent Owner’s sur-reply to Petitioner’s reply to the response to the petition - Patent Owner’s reply to Petitioner’s opposition to the motion to amend <u>No revised motion to amend</u>	June 13, 2024	June 20, 2024
Due Date 4 Request for oral argument	July 5, 2024	July 5, 2024 (no change)
Due Date 5 - Petitioner’s sur-reply to the opposition to the motion to amend - Motion to exclude evidence	July 26, 2024	August 2, 2024
Due Date 6 - Opposition to motion to exclude - Request for pre-hearing conference	August 2, 2024	August 9, 2024
Due Date 7 Reply to opposition to motion to exclude	August 9, 2024	August 16, 2024
Due Date 8 Oral argument (if requested)	September 6, 2024	September 6, 2024 (no change)

2) A two-week extension of Due Date 3 (no rMTA); no change to Due Date 8 (September 6, 2024 (originally August 15, 2024))

Due Date	Current Schedule	Revised Schedule
Due Date 3 • Patent Owner’s sur-reply to Petitioner’s reply to the response to the petition • Patent Owner’s reply to Petitioner’s opposition to the motion to amend • <u>No revised motion to amend</u>	June 13, 2024	June 27, 2024
Due Date 4 • Request for oral argument	July 5, 2024	July 5, 2024 (no change)
Due Date 5 • Petitioner’s sur-reply to the opposition to the motion to amend • Motion to exclude evidence	July 26, 2024	August 9, 2024
Due Date 6 • Opposition to motion to exclude • Request for pre-hearing conference	August 2, 2024	August 16, 2024
Due Date 7 • Reply to opposition to motion to exclude	August 9, 2024	August 23, 2024
Due Date 8 • Oral argument (if requested)	September 6, 2024	September 6, 2024 (no change)

3) A one-week extension of Due Date 3 (with rMTA); Due Date 8 no later than September 13, 2024

Due Date	Current Schedule	Revised Schedule
Due Date 3 - Patent Owner’s sur-reply to Petitioner’s reply to the response to the petition <u>Revised motion to amend</u>	June 13, 2024	June 20, 2024
Due Date 4 Request for oral argument	July 5, 2024	July 5, 2024 (no change)
New Due Date Petitioner’s opposition to <u>revised</u> motion to amend	Was Not Contemplated in Original Schedule	August 1, 2024
New Due Date Patent Owner’s reply to opposition to <u>revised</u> motion to amend	Was Not Contemplated in Original Schedule	August 22, 2024
Due Date 5 - Petitioner’s sur-reply to the opposition to the <u>revised</u> motion to amend - Motion to exclude evidence	July 26, 2024	August 29, 2024
Due Date 6 - Opposition to motion to exclude - Request for pre-hearing conference	August 2, 2024	September 5, 2024
Due Date 7 Reply to opposition to motion to exclude	August 9, 2024	September 12, 2024
Due Date 8 Oral argument (if requested)	September 6, 2024	September 13, 2024

4) A two-week extension of Due Date 3 (with rMTA); Due Date 8 no later than September 13, 2024

Due Date	Current Schedule	Revised Schedule
Due Date 3 - Patent Owner’s sur-reply to Petitioner’s reply to the response to the petition <u>Revised motion to amend</u>	June 13, 2024	June 27, 2024
Due Date 4 Request for oral argument	July 5, 2024	July 5, 2024 (no change)
New Due Date Petitioner’s opposition to <u>revised</u> motion to amend	Was Not Contemplated in Original Schedule	August 8, 2024
New Due Date Patent Owner’s reply to opposition to <u>revised</u> motion to amend	Was Not Contemplated in Original Schedule	August 22, 2024
Due Date 5 - Petitioner’s sur-reply to the opposition to the <u>revised</u> motion to amend - Motion to exclude evidence	July 26, 2024	August 29, 2024
Due Date 6 - Opposition to motion to exclude - Request for pre-hearing conference	August 2, 2024	September 5, 2024
Due Date 7 Reply to opposition to motion to exclude	August 9, 2024	September 12, 2024
Due Date 8 Oral argument (if requested)	September 6, 2024	September 13, 2024

Respectfully submitted,

Dated: May 30, 2024

By: /Vincent M. Ferraro/

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