

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

PARTIES' JOINT REQUEST TO ENTER AGREED REVISED SCHEDULE

Pursuant to the teleconference held by the Board on May 31, 2024 and the Order entered by the Board on June 3, 2024 (Paper No. 37), the parties met and conferred on June 3, 2024 and reached an agreement regarding a revised schedule. Below is the parties' agreed revised schedule. The parties respectfully request the Board to enter the below revised schedule. The parties also respectfully request the Board to waive the requirements set forth under 37 C.F.R. 42.53(d)(2) and (4) for each of the depositions identified in the below revised schedule.

Event / Due Date	Current Schedule	Revised Schedule
Deposition of Petitioner's expert, Leonel Dominguez, limited to Reply issues	Was Not Contemplated in Original Schedule	June 6, 2024 11 AM ET
Due Date 3 - Patent Owner's sur-reply to Petitioner's reply to the response to the petition - Revised motion to amend ("rMTA")	June 13, 2024	June 20, 2024
Due Date 4 Request for oral argument	July 5, 2024	July 5, 2024 (no change)
Deposition of Patent Owner's expert, Eric Ledet	Was Not Contemplated in Original Schedule	To Be Determined in July 2024 (Patent Owner to provide 5 options when serving rMTA)
New Due Date Petitioner's opposition to rMTA	Was Not Contemplated in Original Schedule	August 7, 2024

Event / Due Date	Current Schedule	Revised Schedule
Deposition of Petitioner's expert, Leonel Dominguez	Was Not Contemplated in Original Schedule	August 14, 2024
New Due Date Patent Owner's reply to opposition to rMTA	Was Not Contemplated in Original Schedule	August 21, 2024
Deposition of Patent Owner's expert, Eric Ledet	Was Not Contemplated in Original Schedule	August 28, 2024
Due Date 5 Portion concerning 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
New Due Date Petitioner's sur-reply to rMTA	Was Not Contemplated in Original Schedule	September 6, 2024
Due Date 7 Reply to opposition to motion to exclude evidence	August 9, 2024	September 12, 2024
Due Date 8 Oral argument (if requested)	September 6, 2024	September 13, 2024

Dated: June 7, 2024

Respectfully submitted,

By: <u> /Jennifer R. Brinkerhoff/ </u> Jennifer R. Brinkerhoff (Reg. No. 78,696) <i>Counsel for Petitioner</i> <i>Fusion Orthopedics, LLC</i>	By: <u> /Vincent M. Ferraro/ </u> Vincent M. Ferraro (Reg. No. 79,197) <i>Counsel for Patent Owner</i> <i>Extremity Medical, LLC</i>
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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e)(4), I hereby certify that on June 7, 2024, I caused a copy of the foregoing document to be served via electronic mail to the following addresses for counsel for Petitioner as indicated in Petitioner's Revised Mandatory Notices (Paper 18):

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Dated: June 7, 2024

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