

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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FUSION ORTHOPEDICS, LLC,  
Petitioner,

v.

EXTREMITY MEDICAL, LLC,  
Patent Owner.

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

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**PATENT OWNER'S REVISED CONTINGENT MOTION TO AMEND**

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### List of Exhibits

| Exhibit No. | Exhibit Description                                                                                                                                        |
|-------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2001        | Declaration of Michael J. Zinna in Support of Patent Owner’s Motion For Pro Hac Vice Admission Pursuant To 37 C.F.R. § 42.10(c)                            |
| 2002        | Complaint from Parallel District Court Case: <i>Extremity Medical, LLC vs. Fusion Orthopedics, LLC</i> , Case No. 2:22-cv-00723-PHX-GMS (D. Ariz.) (ECF 1) |
| 2003        | Case Management Order from Parallel District Court Case (ECF 49)                                                                                           |
| 2004        | July 10, 2023 Scheduling Order from Parallel District Court Case (ECF 74)                                                                                  |
| 2005        | July 28, 2023 Scheduling Order from Parallel District Court Case (ECF 76)                                                                                  |
| 2006        | Patent Owner’s infringement contentions served in the Parallel District Court Case                                                                         |
| 2007        | Petitioner’s invalidity contentions served in the Parallel District Court Case and Exhibits A2 and A6 thereto                                              |
| 2008        | <i>Markman</i> Order issued by the Court in the Parallel District Court Case (ECF 73)                                                                      |
| 2009        | Printout from <a href="http://www.docketnavigator.com">www.docketnavigator.com</a>                                                                         |
| 2010        | July 15, 2021 “List of References cited by applicant and considered by examiner” for U.S. Patent Application No. 17/323,923                                |
| 2011        | Selected Pages of the Transcript from the June 7, 2023 Deposition of Leonel Dominguez                                                                      |
| 2012        | Declaration of Dr. Eric H. Ledet                                                                                                                           |
| 2013        | Transcript from the January 18, 2024 Deposition of Leonel Dominguez                                                                                        |

| <b>Exhibit No.</b> | <b>Exhibit Description</b>                                                                                                                                 |
|--------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2014               | U.S. Patent Publication No. 2009/0240252 (“Chang”)                                                                                                         |
| 2015               | Claim Construction Order issued in <i>Extremity Medical, LLC vs. Fusion Orthopedics, LLC</i> , Case No. 2:22-cv-00723-PHX-GMS (D. Ariz.)                   |
| 2016               | Transcript from the June 7, 2023 Deposition of Leonel Dominguez                                                                                            |
| 2017               | U.S. Patent No. 10,357,299                                                                                                                                 |
| 2018               | Printout from the website<br><a href="https://www.machinistguides.com/counterbores-all-about/">https://www.machinistguides.com/counterbores-all-about/</a> |
| 2019               | Reserved                                                                                                                                                   |
| 2020               | Prosecution History for U.S. Patent Application No. 17/323,923                                                                                             |
| 2021               | Prosecution History for U.S. Patent Application No. 12/658,680                                                                                             |
| 2022               | Transcript from the June 6, 2024 Deposition of Leonel Dominguez                                                                                            |
| 2023               | Second Declaration of Dr. Eric H. Ledet                                                                                                                    |
| 2024               | U.S. Patent No. 5,057,103                                                                                                                                  |
| 2025               | U.S. Patent No. 5,139,499                                                                                                                                  |
| 2026               | U.S. Patent No. 7,967,851                                                                                                                                  |
| 2027               | U.S. Patent No. 8,221,478                                                                                                                                  |
| 2028               | Enlarged image from paragraph 75 of Mr. Dominguez’s Declaration (Ex. 1002)                                                                                 |
| 2029               | Enlarged image from paragraph 57 of Mr. Dominguez’s Declaration (Ex. 1002)                                                                                 |
| 2030               | Marked up image of Figure 18 of U.S. Patent No. 11,298,166                                                                                                 |

| <b>Exhibit No.</b> | <b>Exhibit Description</b>                                                  |
|--------------------|-----------------------------------------------------------------------------|
| 2031               | Image of Figure 25C from U.S. Patent No. 10,357,299 marked by Mr. Dominguez |
| 2032               | U.S. Patent No. 7,901,459                                                   |
| 2033               | U.S. Patent No. 8,105,327                                                   |
| 2034               | U.S. Patent No. 9,521,999                                                   |
| 2035               | U.S. Patent Application Publication No. 2004/0106950                        |
| 2036               | U.S. Patent Application Publication No. 2009/0192546                        |

## **I. Introduction**

Pursuant to the Board's pilot program (Notice, 84 Fed. Reg. 9497), Patent Owner respectfully submits this Revised Contingent Motion to Amend ("Revised Motion") in response to the Board's Preliminary Guidance dated May 9, 2024 (Paper 32). Patent Owner includes revised contingent substitute claims for U.S. Patent No. 11,298,166 ("the '166 Patent") that even further patentably distinguish the references advanced by Petitioner. Specifically, Patent Owner submits proposed Claims 16-30 to substitute challenged Claims 1-15 of the '166 Patent, contingent on the outcome of this *inter partes* review. In the event the Board finds at least one original claim (Claims 1-15) unpatentable, Patent Owner respectfully requests that the Board grant this Revised Motion, issue the corresponding substitute Claims 16-30 presented herein, and maintain any original claims found to be patentable.

As evident from this Revised Motion and the accompanying second declaration of Dr. Eric H. Ledet (Exhibit 2023), the Revised Motion and the substitute claims meet all of the requirements of 37 C.F.R § 42.121: (1) the contingent amendment is responsive to one or more grounds of alleged unpatentability involved in this proceeding, (2) the amendment does not seek to enlarge the scope of the claims or introduce new subject matter, (3) the amendment only proposes 15 substitute claims (Claims 16-30) for the 15 challenged claims

(Claims 1-15), and (4) the Revised Motion clearly shows the changes sought and the support in the original disclosure of the '166 Patent for each substitute claim, and the support in an earlier-filed disclosure for each substitute claim for which the benefit of the filing date of the earlier-filed disclosure is sought.

Although Patent Owner does not bear the burden of either persuasion or production regarding the patentability of the amended claims as a condition of allowance (*see In re Aqua Products, Inc.*, 872 F.3d 1290, 1296 (Fed. Cir. 2017)), the instant Motion and supporting second declaration of Dr. Eric H. Ledet demonstrate that the proposed amended claims are patentable over the references at issue in this proceeding. Accordingly, Patent Owner respectfully requests the Board to grant this Revised Motion if at least one corresponding original claim of the '166 Patent is found unpatentable.

## **II. Statement of Relief Requested**

To the extent the Board finds one or more of original Claims 1-15 unpatentable in this proceeding, Patent Owner respectfully requests the Board to grant this Revised Contingent Motion to Amend, issue the corresponding substitute Claims 16-30 presented herein, and maintain any original claims found to be patentable. The Board should not consider this Revised Motion if it finds each of original Claims 1-15 to be patentable.

### **III. The Substitute Claims Meet All the Requirements of 37 C.F.R. § 42.121**

As shown in the attached Claims Appendix, proposed substitute Claims 16-30 retain all the features of original Claims 1-15, respectively, and do not enlarge the scope of the claims in any way. *See* 37 C.F.R. § 42.121(a)(2)(ii). Rather, the contingent amendments add only narrowing features. Specifically, substitute independent Claim 16 adds the following limitation to original independent Claim 1: “wherein the first aperture is on a portion of a first exterior surface of the third member and on a portion of a second exterior surface of the third member.” Substitute independent Claim 27 adds the same limitation to original independent Claim 12.

Substitute Claims 20 and 28 further add the following limitations: “further wherein the first exterior surface of the third member is a top exterior surface of the terminal end, and further wherein the second exterior surface of the third member is the side exterior surface of the third member.” The rest of the amendments made to the original dependent claims, Claims 2-11 and 13-15, only update claim dependencies.

The proposed substitute independent claims are responsive to one or more grounds of unpatentability at issue in this proceeding. *See* 37 C.F.R. § 42.121(a)(2)(i). Specifically, Petitioner in this proceeding has contended that the asserted prior art references disclose aspects of original Claims 1 and 12, which

this Revised Motion conditionally seeks to amend. *Compare* Petition, Paper No. 1 at 8-63 with Claims Appendix, *infra*. This Revised Motion also responds to the Board’s Preliminary Guidance finding Patent Owner’s first set of amended claims added new matter and is unpatentable over the cited prior art.

Patent Owner proposes only one substitute claim for each challenged claim: substitute Claims 16-30 for original Claims 1-15. The proposed substitute claims therefore fit the “presumption . . . that only one substitute claim would be needed to replace each challenged claim,” and this Revised Motion presents a reasonable number of substitute claims. 37 C.F.R. § 42.121(a)(3).

As demonstrated below, the proposed substitute claims are supported by the original non-provisional patent application that led to the ’166 Patent as well as the patent application to which that application claims priority, so they do not introduce any new subject matter. *See* 37 C.F.R. § 42.121(a)(2)(ii).

#### **IV. The Original Non-Provisional Application and its Parent Support the Limitations Added to Proposed Substitute Claims 16-30**

The ’166 Patent issued from U.S. Patent Application No. 17/323,923 (“Application 17/323,923”), which claims priority to U.S. Patent Application No. 12/658,680 (“Application 12/658,680”), filed February 11, 2010.

For purposes of this Revised Motion, Patent Owner identifies the below portions of Application 17/323,923 (Corrected Exhibit 2020) and Application 12/658,680 (Corrected Exhibit 2021) that provide written description support

pursuant to 35 U.S.C. § 112 for proposed substitute Claims 16-30. As demonstrated below and in the accompanying second declaration of Dr. Ledet (Exhibit 2023), one of ordinary skill in the art would have understood based on the disclosures of Application 17/323,923 and Application 12/658,680 that the inventors of the '166 Patent possessed the substitute claims' assembly for bone fusion at the time of each of those applications. *See* Ex.2023, ¶¶13-21.

| Cl. No.                              | Substitute Claim Text <sup>1</sup>                                | Support in Application 17/323,923 <sup>2</sup>                                               | Support in Application 12/658,680 <sup>3</sup>                                               |
|--------------------------------------|-------------------------------------------------------------------|----------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------|
| <b>Substitute Claims 16 &amp; 27</b> |                                                                   |                                                                                              |                                                                                              |
| 16[a] & 27[a]                        | An assembly for bone fusion, comprising:                          | Exhibit 2020, p. 17-20, 34-38, 43-45; Figs. 9-11, 18.                                        | Exhibit 2021, p. 21-27, 35-37, 40-54; Figs. 9-11, 18.                                        |
| 16[b] & 27[b]                        | a first member comprising a first elongated body extending from a | Exhibit 2020, p. 17-20, 34-38, 43-45; Figs. 9-11, 18. The claimed “first member” and claimed | Exhibit 2021, p. 21-27, 35-37, 40-54; Figs. 9-11, 18. The claimed “first member” and claimed |

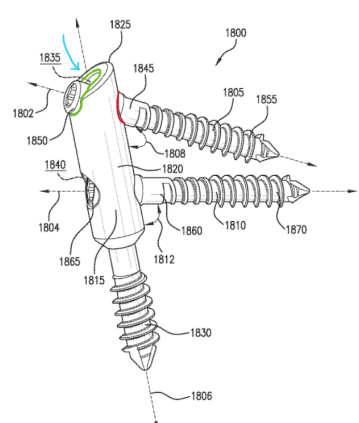
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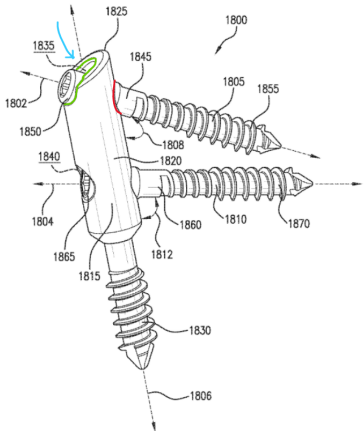
<sup>1</sup> Deletions from the original claims are shown by red brackets surrounding red text, and additions are shown in blue underlining with blue text.

<sup>2</sup> The citations in this column are made to Corrected Exhibit 2020, which is the publicly available file history of Application 17/323,923. The citations are to the exhibit page numbers provided by Patent Owner.

<sup>3</sup> The citations in this column are made to Corrected Exhibit 2021, which is the publicly available file history of Application 12/658,680. The citations are to the exhibit page numbers provided by Patent Owner.



| Cl. No.       | Substitute Claim Text <sup>1</sup>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Support in Application 17/323,923 <sup>2</sup>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Support in Application 12/658,680 <sup>3</sup>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|---------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|               | thread having a first thread height extending radially outward from the external surface of said shaft;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Ex.2020, p. 17-18.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 16[d] & 27[d] | <p>a third member comprising a third elongated body extending along a straight line from a first end to a second end along a third longitudinal axis, wherein the third member comprises a first aperture at a terminal end of the first end of the third elongated body, <u>wherein the first aperture is on a portion of a first exterior surface of the third member and on a portion of a second exterior surface of the third member</u>, and a first bore extending along a first bore axis from the first aperture to a second aperture on <span style="color: red;">[[an]]</span> <u>a side</u> exterior surface of the third member,</p> | <p>Exhibit 2020, p. 17-20, 34-38, 43-45; Figs. 9-11, 18. The claimed “third member” and claimed components thereof are supported at least by the original disclosure showing and describing tapered screw member 1815 shown in Figure 18 and described in the disclosure cited above. This claim limitation is also supported by originally filed Claim 1. Ex.2020, p. 17-18.</p> <p>Moreover, support for the newly added limitation is provided by at least by the aperture annotated in green on tapered screw member 1815 in Figure 18, set forth below.</p> | <p>Exhibit 2021, p. 21-27, 35-37, 40-54; Figs. 9-11, 18. The claimed “third member” and claimed components thereof are supported at least by the original disclosure showing and describing tapered screw member 1815 shown in Figure 18 and described in the disclosure cited above.</p> <p>Moreover, support for the newly added limitation is provided by the aperture annotated in green on tapered screw member 1815 in Figure 18, set forth below.</p>  <p style="text-align: center;">FIG. 18</p> |

| Cl. No. | Substitute Claim Text <sup>1</sup>                                                                                                                                                                                                                                                             | Support in Application 17/323,923 <sup>2</sup>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Support in Application 12/658,680 <sup>3</sup>                                                                                                                                   |
|---------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|         | <p>wherein the first bore comprises an interior surface at the first aperture, wherein there are no threads adjacent to the second aperture on the <u>side</u> exterior surface of the third member, and wherein the third longitudinal axis and the first bore axis define a first angle,</p> |  <p>FIG. 18</p> <p>See Ex.2030.<br/>Petitioner's expert confirmed this added limitation is supported by the aperture annotated in green in Figure 18.<br/>Ex.2022, 111:19-112:1 (Q. ... [I]s this aperture where my mouse is and where the green is on this Figure 18 [of the '166 Patent], is that an aperture that's on the top surface of member 1815 as well as on the side surface – side exterior surface of the same member? A. Yeah, I see the – I see the opening in green indicating part of it is on the top surface, part of it is on the side surface of the nail”).</p> | <p>See Ex.2030.<br/>Petitioner's expert, Mr. Dominguez, confirmed this added limitation is supported by the aperture annotated in green in Figure 18. Ex.2022, 111:19-112:1.</p> |
| 16[e] & | wherein the third member further                                                                                                                                                                                                                                                               | Exhibit 2020, p. 17-20, 34-38, 43-45; Figs. 9-11,                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Exhibit 2021, p. 21-27, 35-37, 40-54; Figs. 9-11,                                                                                                                                |

| Cl. No.       | Substitute Claim Text <sup>1</sup>                                                                                                                                                                                                                                                                                                                          | Support in Application 17/323,923 <sup>2</sup>                                                                                                                                                                                                                                                                                                                          | Support in Application 12/658,680 <sup>3</sup>                                                                                                                                                                                                                                        |
|---------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 27[e]         | comprises a third aperture on the <a href="#">side</a> exterior surface of the third member, and a second bore extending along a second bore axis from the third aperture to a fourth aperture on <a href="#">[[an]] the side</a> exterior surface of the third member, wherein the third longitudinal axis and the second bore axis define a second angle, | 18. The claimed “third member” and claimed components thereof are supported at least by the original disclosure showing and describing tapered screw member 1815 shown in Figure 18 and described in the disclosure cited above. This claim limitation is also supported by originally filed Claim 1. Ex.2020, p. 17-18.                                                | 18. The claimed “third member” and claimed components thereof are supported at least by the original disclosure showing and describing tapered screw member 1815 shown in Figure 18 and described in the disclosure cited above.                                                      |
| 16[f] & 27[f] | wherein the first member couples to the third member by inserting the first end of the first member into the first aperture, through the first bore, and out of the second aperture,                                                                                                                                                                        | Exhibit 2020, p. 17-20, 34-38, 43-45; Figs. 9-11, 18. The claimed coupling is supported at least by the original disclosure showing and describing the coupling of lag screw member 1805 to tapered screw member 1815 shown in Figure 18 and described in the disclosure cited above. This limitation is also supported by originally filed Claim 1. Ex.2020, p. 17-18. | Exhibit 2021, p. 21-27, 35-37, 40-54; Figs. 9-11, 18. The claimed coupling is supported at least by the original disclosure showing and describing the coupling of lag screw member 1805 to tapered screw member 1815 shown in Figure 18 and described in the disclosure cited above. |
| 16[g] & 27[g] | wherein the second member couples to the third member                                                                                                                                                                                                                                                                                                       | Exhibit 2020, p. 17-20, 34-38, 43-45; Figs. 9-11, 18. The claimed                                                                                                                                                                                                                                                                                                       | Exhibit 2021, p. 21-27, 35-37, 40-54; Figs. 9-11, 18. The claimed coupling                                                                                                                                                                                                            |

| <b>Cl. No.</b> | <b>Substitute Claim Text<sup>1</sup></b>                                                                                          | <b>Support in Application 17/323,923<sup>2</sup></b>                                                                                                                                                                                                                                                      | <b>Support in Application 12/658,680<sup>3</sup></b>                                                                                                                                                                                                                                                  |
|----------------|-----------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                | by inserting the first end of the second member into the third aperture, through the second bore, and out of the fourth aperture, | coupling is supported at least by the original disclosure showing and describing the coupling of lag screw member 1810 to tapered screw member 1815 shown in Figure 18 and described in the disclosure cited above. This limitation is also supported by originally filed Claim 1. Ex.2020, p. 17-18.     | is supported at least by the original disclosure showing and describing the coupling of lag screw member 1805 to tapered screw member 1815 shown in Figure 18 and described in the disclosure cited above.                                                                                            |
| 16[h]          | wherein the first angle is in the range of about 0 degrees to about 90 degrees,                                                   | Exhibit 2020, p. 17-20, 34-38, 43-45; Figs. 9-11, 18. The claimed “first angle” is supported at least by the original disclosure explaining that angle 1808 “may be any angle less than 90 degrees.” Ex.2020, 44:12-14. This limitation is also supported by originally filed Claim 1. Ex.2020, p. 17-18. | Exhibit 2021, p. 21-27, 35-37, 40-54; Figs. 9-11, 18. The claimed “first angle” is supported at least by the original disclosure explaining that angle 1808 “may be any angle less than 90 degrees.” Ex.2021, 34:2-5. This limitation is also supported by originally filed Claim 53. Ex.2021, p. 50. |
| 16[i] & 27[h]  | wherein the second angle is in the range of about 0 degrees to about 90 degrees, and                                              | Exhibit 2020, p. 17-20, 34-38, 43-45; Figs. 9-11, 18. The claimed “second angle” is supported at least by the original disclosure explaining that angle 1812 “may be any angle less than 90 degrees.” Ex.2020, 44:12-14. This limitation is also supported by originally filed Claim 1.                   | Exhibit 2021, p. 21-27, 35-37, 40-54; Figs. 9-11, 18. The claimed “second angle” is supported at least by the original disclosure explaining that angle 1812 “may be any angle less than 90 degrees.” Ex.2021, 34:2-5. This limitation is also supported by originally filed Claim 53. Ex.2021,       |

| Cl. No.                    | Substitute Claim Text <sup>1</sup>                                                                                                                                                     | Support in Application 17/323,923 <sup>2</sup>                                                                                                                                                                                                                                                                                                                                         | Support in Application 12/658,680 <sup>3</sup>                                                                                                                                                                                                                                                     |
|----------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                            |                                                                                                                                                                                        | Ex.2020, p. 17-18.                                                                                                                                                                                                                                                                                                                                                                     | p. 50.                                                                                                                                                                                                                                                                                             |
| 16[j] & 27[i]              | wherein the second bore axis is substantially perpendicular to the third longitudinal axis.                                                                                            | Exhibit 2020, p. 17-20, 34-38, 43-45; Figs. 9-11, 18. This claimed feature is supported at least by the original disclosure explaining that angle 1812 “may be any angle less than 90 degrees.” Ex.2020, 44:12-14. Meaning that the second bore may be 89.99 degrees to the third longitudinal axis. This limitation is also supported by originally filed Claim 1. Ex.2020, p. 17-18. | Exhibit 2021, p. 21-27, 35-37, 40-54; Figs. 9-11, 18. This claimed feature is supported at least by the original disclosure explaining that angle 1812 “may be any angle less than 90 degrees.” Ex.2021, 34:2-5. Meaning that the second bore may be 89.99 degrees to the third longitudinal axis. |
| <b>Substitute Claim 17</b> |                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                    |
|                            | The assembly of claim <a href="#">[1]</a> 16, wherein the head portion of the first member resides at least partially within the first bore.                                           | Exhibit 2020, p. 17-20, 34-38, 43-45; Figs. 9-11, 18. This limitation is also supported by originally filed Claim 2. Ex.2020, p. 18.                                                                                                                                                                                                                                                   | Exhibit 2021, p. 21-27, 35-37, 40-54; Figs. 9-11, 18.                                                                                                                                                                                                                                              |
| <b>Substitute Claim 18</b> |                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                    |
|                            | The assembly of claim <a href="#">[2]</a> 17, wherein the exterior surface of the head portion of the first member abuts the interior surface of the first bore at the first aperture. | Exhibit 2020, p. 17-20, 34-38, 43-45; Figs. 9-11, 18. This limitation is also supported by originally filed Claim 3. Ex.2020, p. 18.                                                                                                                                                                                                                                                   | Exhibit 2021, p. 21-27, 35-37, 40-54; Figs. 9-11, 18.                                                                                                                                                                                                                                              |

| Cl. No.                    | Substitute Claim Text <sup>1</sup>                                                                                                                                                                                                                                                                                                                                                         | Support in Application 17/323,923 <sup>2</sup>                                                                                                                                                                                | Support in Application 12/658,680 <sup>3</sup>                                                                                                 |
|----------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Substitute Claim 19</b> |                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                               |                                                                                                                                                |
|                            | The assembly of claim <a href="#">[[3]] 18</a> , wherein the head portion of the first member comprises a torque transmitting aperture.                                                                                                                                                                                                                                                    | Exhibit 2020, p. 17-20, 34-38, 43-45; Figs. 9-11, 18. This limitation is also supported by originally filed Claim 4. Ex.2020, p. 18.                                                                                          | Exhibit 2021, p. 21-27, 35-37, 40-54; Figs. 9-11, 18.                                                                                          |
| <b>Substitute Claim 20</b> |                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                               |                                                                                                                                                |
|                            | The assembly of claim <a href="#">[[1]] 16</a> , wherein the first aperture of the third member is aligned on the first bore axis, <a href="#">and further wherein the first exterior surface of the third member is a top exterior surface of the terminal end, and further wherein the second exterior surface of the third member is the side exterior surface of the third member.</a> | Exhibit 2020, p. 17-20, 34-38, 43-45; Figs. 9-11, 18. This limitation is also supported by originally filed Claim 5. Ex.2020, p. 18.<br><br><i>See also</i> written disclosure support identified for claim limitation 16[d]. | Exhibit 2021, p. 21-27, 35-37, 40-54; Figs. 9-11, 18.<br><br><i>See also</i> written disclosure support identified for claim limitation 16[d]. |
| <b>Substitute Claim 21</b> |                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                               |                                                                                                                                                |
|                            | The assembly of claim <a href="#">[[5]] 20</a> , wherein the head portion of the first member resides at least partially within the first                                                                                                                                                                                                                                                  | Exhibit 2020, p. 17-20, 34-38, 43-45; Figs. 9-11, 18. This limitation is also supported by originally filed Claim 6. Ex.2020, p. 18.                                                                                          | Exhibit 2021, p. 21-27, 35-37, 40-54; Figs. 9-11, 18.                                                                                          |

| <b>Cl. No.</b>             | <b>Substitute Claim Text<sup>1</sup></b>                                                                                                                                                  | <b>Support in Application 17/323,923<sup>2</sup></b>                                                                                  | <b>Support in Application 12/658,680<sup>3</sup></b>  |
|----------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------|
|                            | bore.                                                                                                                                                                                     |                                                                                                                                       |                                                       |
| <b>Substitute Claim 22</b> |                                                                                                                                                                                           |                                                                                                                                       |                                                       |
|                            | The assembly of claim <a href="#">[[6]] 21</a> , wherein the exterior surface of the head portion of the first member abuts the interior surface of the first bore at the first aperture. | Exhibit 2020, p. 17-20, 34-38, 43-45; Figs. 9-11, 18. This limitation is also supported by originally filed Claim 7. Ex.2020, p. 18.  | Exhibit 2021, p. 21-27, 35-37, 40-54; Figs. 9-11, 18. |
| <b>Substitute Claim 23</b> |                                                                                                                                                                                           |                                                                                                                                       |                                                       |
|                            | The assembly of claim <a href="#">[[1]] 16</a> , wherein the head portion of the first member is tapered.                                                                                 | Exhibit 2020, p. 17-20, 34-38, 43-45; Figs. 9-11, 18. This limitation is also supported by originally filed Claim 8. Ex.2020, p. 19.  | Exhibit 2021, p. 21-27, 35-37, 40-54; Figs. 9-11, 18. |
| <b>Substitute Claim 24</b> |                                                                                                                                                                                           |                                                                                                                                       |                                                       |
|                            | The assembly of claim <a href="#">[[1]] 16</a> , wherein the first bore axis and the second bore axis intersect outside the third member.                                                 | Exhibit 2020, p. 17-20, 34-38, 43-45; Figs. 9-11, 18. This limitation is also supported by originally filed Claim 9. Ex.2020, p. 19.  | Exhibit 2021, p. 21-27, 35-37, 40-54; Figs. 9-11, 18. |
| <b>Substitute Claim 25</b> |                                                                                                                                                                                           |                                                                                                                                       |                                                       |
|                            | The assembly of claim <a href="#">[[1]] 16</a> , wherein the first end of the first member includes a self-tapping edge for removing bone material.                                       | Exhibit 2020, p. 17-20, 34-38, 43-45; Figs. 9-11, 18. This limitation is also supported by originally filed Claim 10. Ex.2020, p. 19. | Exhibit 2021, p. 21-27, 35-37, 40-54; Figs. 9-11, 18. |

| Cl. No.                    | Substitute Claim Text <sup>1</sup>                                                                                                                                                                                                                                                                                                                                                              | Support in Application 17/323,923 <sup>2</sup>                                                                                                                                                                                 | Support in Application 12/658,680 <sup>3</sup>                                                                                                 |
|----------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Substitute Claim 26</b> |                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                |                                                                                                                                                |
|                            | The assembly of claim <a href="#">[[10]] 25</a> , wherein the first end of the second member includes a self-tapping edge for removing bone material.                                                                                                                                                                                                                                           | Exhibit 2020, p. 17-20, 34-38, 43-45; Figs. 9-11, 18. This limitation is also supported by originally filed Claim 11. Ex.2020, p. 19.                                                                                          | Exhibit 2021, p. 21-27, 35-37, 40-54; Figs. 9-11, 18.                                                                                          |
| <b>Substitute Claim 28</b> |                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                |                                                                                                                                                |
|                            | The assembly of claim <a href="#">[[12]] 27</a> , wherein the head portion of the first member resides at least partially within the first bore, <u>and further wherein the first exterior surface of the third member is a top exterior surface of the terminal end, and further wherein the second exterior surface of the third member is the side exterior surface of the third member.</u> | Exhibit 2020, p. 17-20, 34-38, 43-45; Figs. 9-11, 18. This limitation is also supported by originally filed Claim 13. Ex.2020, p. 20.<br><br><i>See also</i> written disclosure support identified for claim limitation 16[d]. | Exhibit 2021, p. 21-27, 35-37, 40-54; Figs. 9-11, 18.<br><br><i>See also</i> written disclosure support identified for claim limitation 16[d]. |
| <b>Substitute Claim 29</b> |                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                |                                                                                                                                                |
|                            | The assembly of claim <a href="#">[[13]] 28</a> , wherein the head portion of the first member is tapered.                                                                                                                                                                                                                                                                                      | Exhibit 2020, p. 17-20, 34-38, 43-45; Figs. 9-11, 18. This limitation is also supported by originally filed Claim 14. Ex.2020, p. 20.                                                                                          | Exhibit 2021, p. 21-27, 35-37, 40-54; Figs. 9-11, 18.                                                                                          |

| Cl. No.                    | Substitute Claim Text <sup>1</sup>                                                                         | Support in Application 17/323,923 <sup>2</sup>                                                                                        | Support in Application 12/658,680 <sup>3</sup>        |
|----------------------------|------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------|
| <b>Substitute Claim 30</b> |                                                                                                            |                                                                                                                                       |                                                       |
|                            | The assembly of claim <a href="#">[[12]] 27</a> , wherein the head portion of the first member is tapered. | Exhibit 2020, p. 17-20, 34-38, 43-45; Figs. 9-11, 18. This limitation is also supported by originally filed Claim 15. Ex.2020, p. 20. | Exhibit 2021, p. 21-27, 35-37, 40-54; Figs. 9-11, 18. |

*See* Ex.2023, ¶¶15-21.

## **V. Level of Ordinary Skill in the Art**

Patent Owner asserts that one of ordinary skill would be a person with a Bachelor's Degree in biomedical and/or mechanical engineering or similar training and would have at least three years of experience with implant devices used for internal fixation of bones. *See* Ex.2012, ¶¶30-34.

## **VI. Claim Construction**

In this Revised Motion, Patent Owner does not rely on specific claim constructions to demonstrate patentability of the proposed substitute claims over the prior art. Rather, Patent Owner demonstrates patentability based on the new limitations of the proposed substitute claims. The meanings of the new limitations are discernible from the context of Application 17/323,923, Application 17/002,005, Application 15/884,048, Application 15/181,435, Application 14/599,671, Application 12/658,680, Application 12/456,808, and Provisional

61/132,932, and would be readily understood by those of ordinary skill in the art. Ex. 2023, ¶22.

## **VII. The Proposed Substitute Claims Are Patentable Over the Prior Art**

Patent Owner does not bear the burden of either persuasion or production regarding the patentability of the amended claims as a condition of allowance. *See In re Aqua Products*, 872 F.3d at 1296. Patent Owner nonetheless confirms that no combination of the prior art of record teaches or suggests the subject matter of the proposed claims. This Revised Motion and the supporting second declaration of Dr. Ledet (Ex.2023, ¶¶23-41) discuss the asserted prior art in this proceeding. *See MasterImage 3D, Inc. v. RealD Inc.*, IPR2015-00040, Paper 42 at 2 (PTAB July 15, 2015); *Nike, Inc. v. Adidas AG*, 812 F. 3d 1326, 1350-51 (Fed. Cir. Feb. 11, 2016). Patent Owner is not aware of any other prior art material to the claimed elements or the claimed assembly as a whole. Consistent with its duty under 37 C.F.R. § 42.11, Patent Owner discloses and distinguishes below the closest references that might be deemed material to the claimed features. *See VMWare, Inc. v. Clouding Corp.*, IPR2014-01292, Paper 23 at 2 (PTAB April 7, 2015).

### **A. None of the References, Alone or in Combination, Teach a Third Member Having a First Aperture on a Portion of a First Exterior Surface of the Third Member and on a Portion of a Second Exterior Surface of the Third Member**

The substitute independent claims add the following limitation to the existing scope of the original independent claims: “wherein the first aperture is on

a portion of a first exterior surface of the third member and on a portion of a second exterior surface of the third member.” The Petition in this proceeding cites five prior art references for its alleged grounds of invalidity: French Patent Application Publication No. FR 2,861,576 (“Cognet”); U.S. Patent No. 4,827,917 (“Brumfield”); U.S. Patent Application Publication No. 2003/0187447 (“Ferrante”); U.S. Patent Application Publication No. 2006/0206044 (“Simon”); and U.S. Patent No. 6,270,499 (“Leu”). Paper 1 (Petition) at 6; Paper 15 (Institution Decision) at 3. None of Petitioner’s prior art references, alone or in combination, teach the above added limitation in combination with the other limitations recited in the proposed substitute claims. *See* Ex.2023 at ¶¶23-41.

The substitute claims all require a third member having a first aperture “wherein the first aperture is on a portion of a first exterior surface of the third member and on a portion of a second exterior surface of the third member.” Figure 18 of the ’166 Patent shows an embodiment of this specific claimed configuration (annotations added to show the specifically claimed “first aperture”). *See* Ex.2023 at ¶¶19-20.

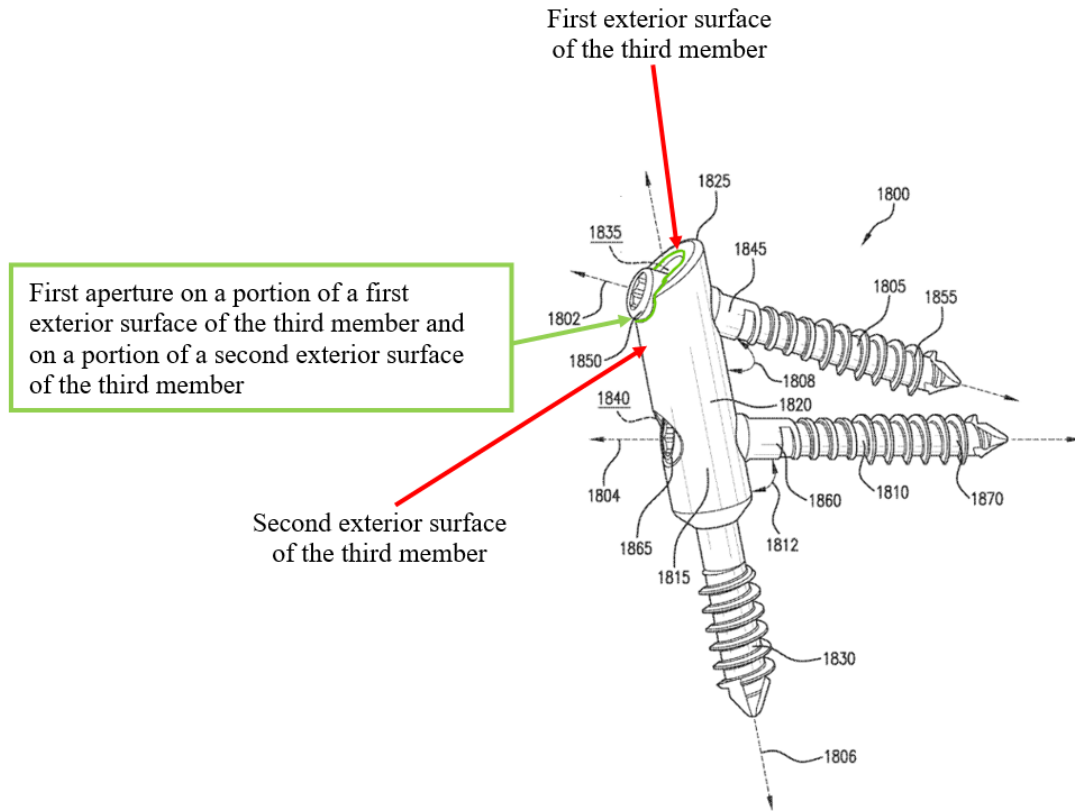


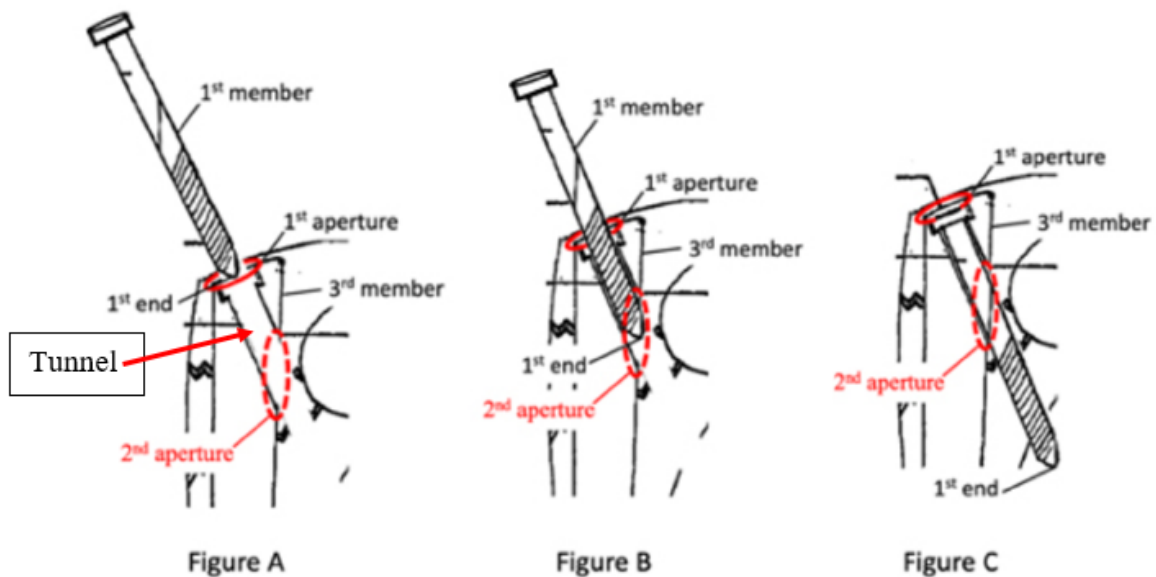
FIG. 18

Notably, Figure 18 shows that the first aperture is on both a portion of a first exterior surface of the third member and a portion of a second exterior surface of the third member. *See* Ex.2023 at ¶¶19-20. Petitioner’s expert, Mr. Dominguez, confirmed that the first aperture shown in Figure 18 is on two exterior surfaces of the third member. Ex.2022, 111:19-112:1 (Q. ... [I]s this aperture where my mouse is and where the green is on this Figure 18 [of the ’166 Patent], is that an aperture that’s on the top surface of member 1815 as well as on the side surface – side exterior surface of the same member? A. Yeah, ... I see the opening in green indicating part of it is on the top surface, part of it is on the side surface of the nail.”).

None of Petitioner's asserted references disclose this claimed configuration, as recited in proposed substitute independent Claims 16 and 27. *See* Ex.2023, ¶¶23-41.

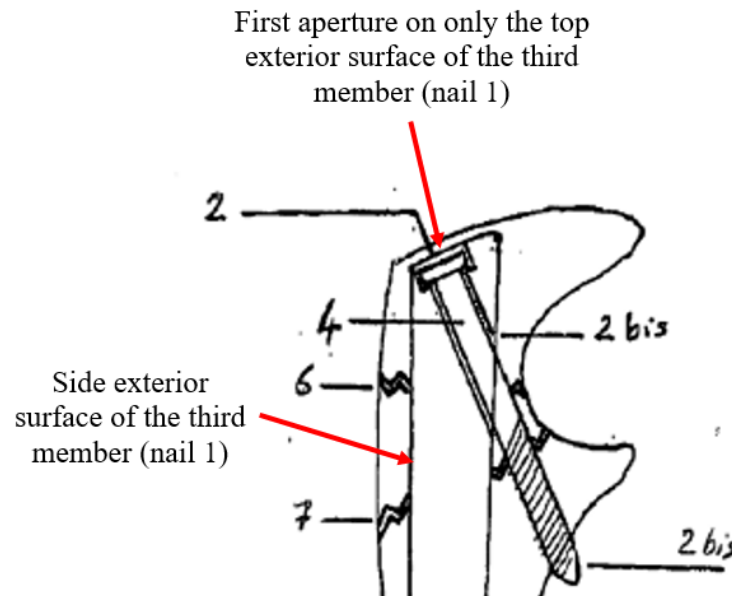
### 1. Cognet (Ex.1004) Does Not Disclose the New Limitation

Petitioner alleges that Cognet discloses a first member (screw) that couples to a third member (nail) by inserting the first end of the first member/screw into the first aperture of the third member/nail (Figure A, below), through the tunnel running through the third member/nail (Figure B, below), and out of the second aperture (Figure C, below), as shown by Figure 1 of Cognet. Paper 1, 20-21.



As shown in the annotated image below of Cognet's Figure 1, however, the first aperture of the third member/nail is clearly only provided on one exterior surface of the third member (i.e., the top surface) and therefore Figure 1 of Cognet

does not disclose a first aperture that is “on a portion of a first exterior surface of the third member and on a portion of a second exterior surface of the third member,” as required by all the proposed substitute claims. Ex.2023, ¶27.



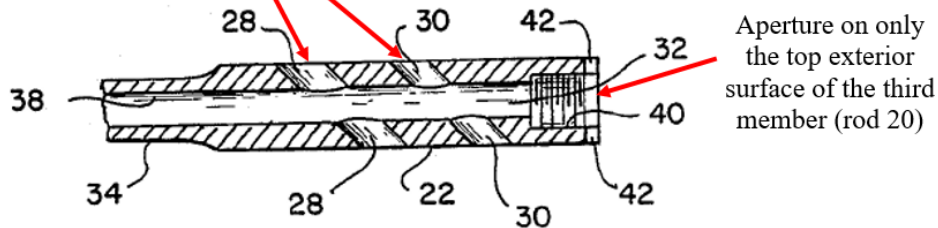
Ex.1004, Figure 1; Ex.2023, ¶27. There is no other disclosure in Cognet that teaches this limitation. Ex.2023, ¶¶27-28.

## 2. Brumfield (Ex.1006) Does Not Disclose the New Limitation

Brumfield likewise does not disclose an aperture that is on two different exterior surfaces of the third member (Brumfield’s rod 20), as required by all the substitute claims. *See* Ex.2023 at ¶29. Rather, Brumfield discloses a rod (20) that has apertures either on just the top surface of the rod or on just the exterior side surface of the rod (but not one aperture on both surfaces), as shown below in annotated Figure 3 of Brumfield:

Apertures on only the side  
exterior surface of the third  
member (rod 20)

**Fig. 3.**

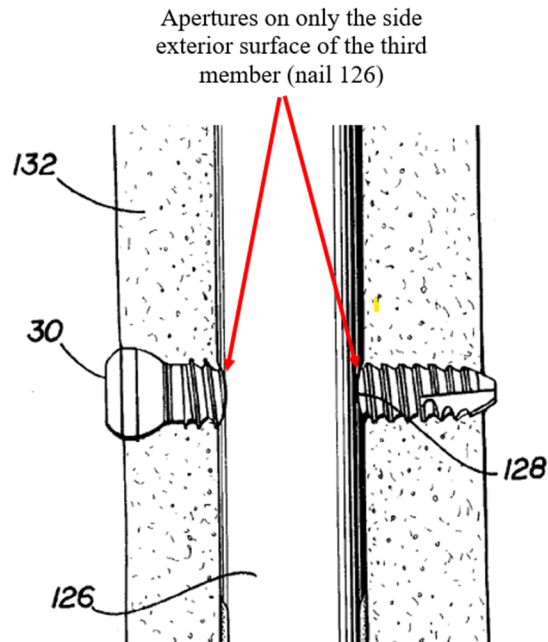


Aperture on only  
the top exterior  
surface of the third  
member (rod 20)

Ex.1006 at Figure 3; Ex.2023 at ¶29. There is no other disclosure in Brumfield that teaches an assembly for bone fusion that includes a third member having a first aperture that is “on a portion of a first exterior surface of the third member and on a portion of a second exterior surface of the third member,” as required by all the proposed substitute claims. Ex.2023, ¶¶30-31.

### **3. Ferrante (Ex.1007) Does Not Disclose the New Limitation**

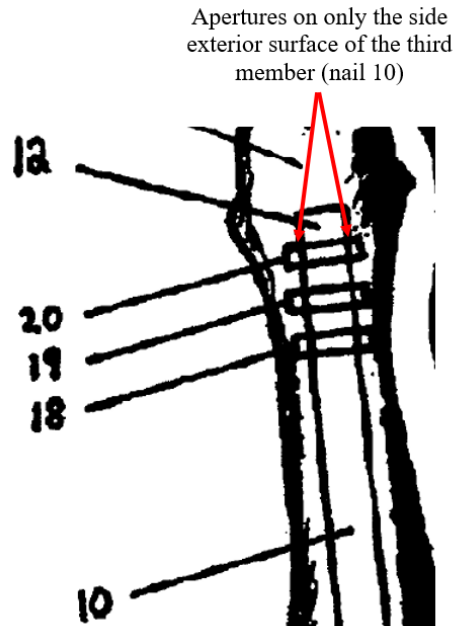
Ferrante also does not disclose an aperture that is on two different exterior surfaces of the third member (Ferrante’s nail 126), as required by all the substitute claims. *See* Ex.2023 at ¶32. Rather, Ferrante discloses a nail (126) that has apertures on only a side exterior surface of the nail, as shown below in annotated Figure 15 of Ferrante:



Ex.1007 at Figure 15; Ex.2023 at ¶32. There is no other disclosure in Ferrante that teaches an assembly for bone fusion that includes a third member having a first aperture that is “on a portion of a first exterior surface of the third member and on a portion of a second exterior surface of the third member,” as required by all the proposed substitute claims. Ex.2023, ¶¶33-34.

#### 4. Simon (Ex.1008) Does Not Disclose the New Limitation

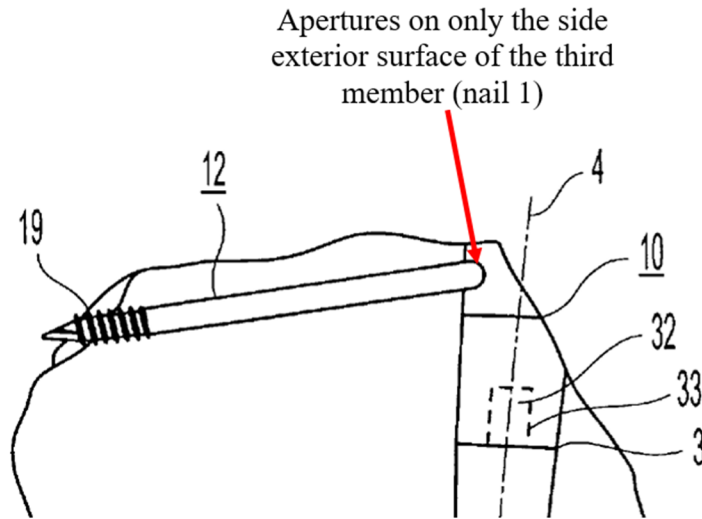
Simon also does not disclose an aperture that is on two different exterior surfaces of the third member (Simon’s nail 10), as required by all the substitute claims. *See* Ex.2023 at ¶35. Rather, Simon discloses a nail (10) that has apertures on only a side exterior surface of the nail, as shown below in annotated Figure 1 of Simon:



Ex.1008 at Figure 1; Ex.2023 at ¶35. There is no other disclosure in Simon that teaches an assembly for bone fusion that includes a third member having a first aperture that is “on a portion of a first exterior surface of the third member and on a portion of a second exterior surface of the third member,” as required by all the proposed substitute claims. Ex.2023, ¶¶36-37.

## 5. Leu (Ex.1009) Does Not Disclose the New Limitation

Leu also does not disclose an aperture that is on two different exterior surfaces of the third member (Leu’s nail 1), as required by all the substitute claims. *See* Ex.2023 at ¶38. Rather, Leu discloses a nail (1) that has apertures on only a side exterior surface of the nail, as shown below in annotated Figure 1 of Leu:



Ex.1009 at Figure 1; Ex.2023 at ¶38. There is no other disclosure in Leu that teaches an assembly for bone fusion that includes a third member having a first aperture that is “on a portion of a first exterior surface of the third member and on a portion of a second exterior surface of the third member,” as required by all the proposed substitute claims. Ex.2023, ¶¶39-40.

\* \* \*

Because, as explained above, none of Cognet, Brumfield, Ferrante, Simon, and Leu, alone or in combination, teach, disclose, or suggest the limitation:

“wherein the first aperture is on a portion of a first exterior surface of the third member and on a portion of a second exterior surface of the third member,”

substitute independent Claims 16 and 27, and the claims that depend directly or indirectly therefrom (Claims 17-26 and 28-30) are patentable over these asserted references. Ex.2023, ¶¶23-41.

## VIII. Conclusion

Patent Owner submits that this Revised Contingent Motion to Amend meets the requirements of 35 U.S.C. § 316(d) and 37 C.F.R. § 42.121. If the Board finds one or more of original Claims 1-15 unpatentable, Patent Owner respectfully requests that the Board grant this Revised Motion, issue the corresponding substitute Claims 16-30 presented herein, and maintain any original claims found to be patentable. The Board should not consider this Revised Motion if it finds each of Claims 1-15 to be patentable.

Respectfully submitted,

Dated: June 20, 2024

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## **CLAIMS APPENDIX**

Proposed substitute claims are shown in marked-up form below. Underlining indicates proposed additions to the original claims, double brackets indicate deletions from the original claims.

Claim 16. [Proposed substitute for Claim 1] An assembly for bone fusion, comprising:

a first member comprising a first elongated body extending from a first end to a second end along a first longitudinal axis, wherein the first member comprises a shaft portion having an external surface and a head portion having an exterior surface, said first member further comprising a first thread having a first thread height extending radially outward from the external surface of said shaft portion;

a second member comprising a second elongated body extending from a first end to a second end along a second longitudinal axis, wherein the second member comprises a shaft having an external surface, said second member further comprising a first thread having a first thread height extending radially outward from the external surface of said shaft;

a third member comprising a third elongated body extending along a straight line from a first end to a second end along a third longitudinal axis,

wherein the third member comprises a first aperture at a terminal end of the first end of the third elongated body, wherein the first aperture is on a portion of a first exterior surface of the third member and on a portion of a second exterior surface of the third member, and a first bore extending along a first bore axis from the first aperture to a second aperture on [[an]] a side exterior surface of the third member, wherein the first bore comprises an interior surface at the first aperture, wherein there are no threads adjacent to the second aperture on the side exterior surface of the third member, and wherein the third longitudinal axis and the first bore axis define a first angle,

wherein the third member further comprises a third aperture on the side exterior surface of the third member, and a second bore extending along a second bore axis from the third aperture to a fourth aperture on [[an]] the side exterior surface of the third member, wherein the third longitudinal axis and the second bore axis define a second angle,

wherein the first member couples to the third member by inserting the first end of the first member into the first aperture, through the first bore, and out of the second aperture,

wherein the second member couples to the third member by inserting the first end of the second member into the third aperture, through the second bore, and out of the fourth aperture, wherein the first angle is in the range of about 0 degrees to about 90 degrees, wherein the second angle is in the range of about 0 degrees to about 90 degrees, and wherein the second bore axis is substantially perpendicular to the third longitudinal axis.

Claim 17. [Proposed substitute for Claim 2] The assembly of claim 16, wherein the head portion of the first member resides at least partially within the first bore.

Claim 18. [Proposed substitute for Claim 3] The assembly of claim 17, wherein the exterior surface of the head portion of the first member abuts the interior surface of the first bore at the first aperture.

Claim 19. [Proposed substitute for Claim 4] The assembly of claim 18, wherein the head portion of the first member comprises a torque transmitting aperture.

Claim 20. [Proposed substitute for Claim 5] The assembly of claim [[1]] 16, wherein the first aperture of the third member is aligned on the first bore axis, and further wherein the first exterior surface of the third member is a top exterior surface of the terminal end, and further wherein the second exterior surface of the third member is the side exterior surface of the third member.

Claim 21. [Proposed substitute for Claim 6] The assembly of claim [[5]] 20, wherein the head portion of the first member resides at least partially within the first bore.

Claim 22. [Proposed substitute for Claim 7] The assembly of claim [[6]] 21, wherein the exterior surface of the head portion of the first member abuts the interior surface of the first bore at the first aperture.

Claim 23. [Proposed substitute for Claim 8] The assembly of claim [[1]] 16, wherein the head portion of the first member is tapered.

Claim 24. [Proposed substitute for Claim 9] The assembly of claim 16, wherein the first bore axis and the second bore axis intersect outside the third member.

Claim 25. [Proposed substitute for Claim 10] The assembly of claim 16, wherein the first end of the first member includes a self-tapping edge for removing bone material.

Claim 26. [Proposed substitute for Claim 11] The assembly of claim 25, wherein the first end of the second member includes a self-tapping edge for removing bone material.

Claim 27. [Proposed substitute for Claim 12] An assembly for bone fusion, comprising:

a first member comprising a first elongated body extending from a first end to a second end along a first longitudinal axis, wherein the first member comprises a shaft portion having an external surface and a head portion having an exterior surface, said first member further comprising a first thread having a first thread height extending radially outward from the external surface of said shaft portion;

a second member comprising a second elongated body extending from a first end to a second end along a second longitudinal axis, wherein the second member comprises a shaft having an external surface, said second member further comprising a first thread having a first thread height extending radially outward from the external surface of said shaft;

a third member comprising a third elongated body extending along a straight line from a first end to a second end along a third longitudinal axis, wherein the third member comprises a first aperture at a terminal end of the first end of the third elongated body, wherein the first aperture is on a portion of a first exterior surface of the third member and on a portion of a second exterior surface of the third member, and a first bore extending along a first bore axis from the first aperture to a second aperture on [[an]] a side exterior surface of the third member, wherein the first bore comprises an interior surface at the first aperture, wherein there are no threads adjacent to the second aperture on the side exterior surface of the third member, and wherein the third longitudinal axis and the first bore axis define a first angle, wherein the third member further comprises a third aperture on the side exterior surface of the third member, and a second bore extending

along a second bore axis from the third aperture to a fourth aperture on ~~[[an]]~~ the side exterior surface of the third member, wherein the third longitudinal axis and the second bore axis define a second angle, wherein the first member couples to the third member by inserting the first end of the first member into the first aperture, through the first bore, and out of the second aperture, wherein the second member couples to the third member by inserting the first end of the second member into the third aperture, through the second bore, and out of the fourth aperture, wherein the second angle is in the range of about 0 degrees to about 90 degrees, and wherein the second bore axis is substantially perpendicular to the third longitudinal axis.

Claim 28. [Proposed substitute for Claim 13] The assembly of claim ~~[[12]]~~ 27, wherein the head portion of the first member resides at least partially within the first bore, and further wherein the first exterior surface of the third member is a top exterior surface of the terminal end, and further wherein the second exterior surface of the third member is the side exterior surface of the third member.

Claim 29. [Proposed substitute for Claim 14] The assembly of claim ~~[[13]]~~ 28, wherein the head portion of the first member is tapered.

Claim 30. [Proposed substitute for Claim 15] The assembly of claim ~~[[12]]~~ 27, wherein the head portion of the first member is tapered.

## CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e)(4), I hereby certify that on June 20, 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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