

Subject: RE: Micron v. BeSang, IPR2023-00900 | Patent Owner's Preliminary Response
Date: Thursday, September 14, 2023 at 9:15:07 AM Pacific Daylight Time
From: Trials
To: Kappos, John, Trials
CC: Michelle Armond, Douglas Wilson, Josepher Li, Amy Han, IPR, Zhou, Vincent, Haber, Ben, Fink, Tim, Reinbold, Patric M., #OMM-BESANG-MICRON

Counsel,

From the Board –

Petitioner is authorized to file a preliminary reply addressing the three issues outlined in its email request. The preliminary reply may not introduce new arguments or evidence, apart from the identified “prior art stipulation” and any other post-Petition developments in the parallel litigation.

Patent Owner is authorized to file a preliminary sur-reply addressing Petitioner’s preliminary reply arguments.

Petitioner’s preliminary reply is to be filed on or before September 21 and may be no more than 7 pages in length. Patent Owner’s preliminary sur-reply is to be filed on or before September 28 and may be no more than 7 pages in length.

Regards,

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

From: Kappos, John <jkappos@omm.com>
Sent: Thursday, September 7, 2023 2:10 PM
To: Trials <Trials@USPTO.GOV>
Cc: michelle.armond@armondwilson.com; doug.wilson@armondwilson.com; josepher.li@armondwilson.com; amy.han@armondwilson.com; ipr@armondwilson.com; Zhou, Vincent <vzhou@omm.com>; Haber, Ben <bhaber@omm.com>; Fink, Tim <tfink@omm.com>; Reinbold, Patric M. <preinbold@omm.com>; #OMM-BESANG-MICRON <OMMBESANGMICRON@omm.com>
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Dear Honorable Board,

Petitioner received the POPR in IPR2023-00900 on August 28, 2023. Petitioner seeks leave to file a 7-page preliminary reply to respond to: (1) Patent Owner’s arguments and

characterizations regarding the Fintiv factors (and file a prior art stipulation as an exhibit), (2) Patent Owner's argument that the Petition combines disparate embodiments of a single reference and, (3) Patent Owner's arguments and application of the "pillar" limitation. Petitioner does not oppose a Patent Owner Preliminary Sur-Reply of equal length to any granted Preliminary Reply.

Patent Owner is copied on this request and states it opposes Petitioner's request because Patent Owner contends these issues were reasonably foreseeable and should have been addressed in the Petition. The parties are available Tuesday 8/12 between 11am-12pm or 1-4 pm Eastern, or Wednesday 8/13 between 10am-12pm Eastern for a conference call, should one be necessary. Thanks

O'Melveny

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