From:	Trials
To:	Philip J. Eklem; Trials
Cc:	Christine E. Lehman; Jaime Cardenas-Navia; RJ_VideoLabs-Facebook; #Meta_VideoLabs; jbush@fenwick.com; todd.baker@kirkland.com; ellisen.turner@kirkland.com; jonathan.brit@kirkland.com
Subject:	RE: IPR2023-00923 (682 Patent) and IPR2023-00924 (980 Patent)
Date:	Monday, March 18, 2024 1:20:23 PM

CAUTION: EXTERNAL SENDER

Counsel,

From the Board –

Patent Owner's request to file a sur-reply regarding the motions to submit supplemental information in IPR2023-00923 and IPR2023-00924 is denied.

Regards,

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

From: Philip J. Eklem <peklem@reichmanjorgensen.com>
Sent: Friday, March 15, 2024 9:11 AM
To: Trials <Trials@USPTO.GOV>
Cc: Christine E. Lehman <clehman@reichmanjorgensen.com>; Jaime Cardenas-Navia <jcardenas-navia@reichmanjorgensen.com>; RJ_VideoLabs-Facebook <RJ_VideoLabs-Facebook@reichmanjorgensen.com>; #Meta_VideoLabs <Meta_VideoLabs@kirkland.com>; jbush@fenwick.com; todd.baker@kirkland.com; ellisen.turner@kirkland.com; jonathan.brit@kirkland.com
Subject: IPR2023-00923 (682 Patent) and IPR2023-00924 (980 Patent)

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Dear Honorable Board,

Patent Owner respectfully requests leave to file a sur-reply in response to Petitioners' Reply in support of their motion to submit supplemental information in each of IPR2023-00923 (Paper 27) and IPR2023-00924 (Paper 27). Patent Owner's sur-reply would be limited to 3 pages and would address issues which Patent Owner did not have the opportunity to address in its oppositions, including:

IPR2023-00923: (1) Petitioners' explanation of how they intend to rely on the supplemental information, (2) Petitioners arguments distinguishing *Duration Media LLC v. Rich Media Club LLC*, IPR2023-00953, Paper 21 (PTAB Oct. 12, 2023), and (3) Petitioners' argument relying on *Hulu, LLC v. Sound View Innovations*, LLC, IPR2018-01039, Paper 66 (PTAB Oct. 5, 2021).

- IPR2023-00924: (1) Petitioners' explanation of how the supplemental information supports positions already taken in the Petition, (2) Petitioner's arguments regarding prejudice, and (3) Petitioners' arguments regarding relevance of specific portions of the new evidence.

Patent Owner believes that a sur-reply will provide the Board with a full and fair record on which to make its decision. Petitioners' position is provided below:

> Petitioners' Replies were limited to arguments made and cases cited by Patent Owner in its Oppositions to Petitioners' Motion to Submit Supplemental Information. Petitioners did not raise new issues or arguments. Accordingly, Petitioners oppose Patent Owner's request to file Sur-Replies in both IPR2023-00923 ('682 Patent) and IPR2023-00924 ('980 Patent). Should the Board be inclined to grant Patent Owner's request, any Sur-Reply should be limited to no more than 2 pages.

Should the Board believe a conference call is necessary, please let us know.

Regards,
Philip Eklem

Philip J. Eklem
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