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Subject: IPR2023-00923 (Meta Platforms, Inc. v. VL Collective IP LLC)
Date: Thursday, June 27, 2024 8:56:57 AM

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Be cautious, particularly with links and attachments.

Dear Honorable Board,

Patent Owner writes to request relief with respect to Petitioners' Reply (Paper 37), filed on Monday, June 17, 2020. Patent Owner's sur-reply is due on July 24, 2024. Paper 36.

Patent Owner requests permission to submit a declaration from a librarian and a supplemental declaration from its expert declarant (Dr. Stubblebine) with its Sur-Reply to address issues raised by Petitioners' expert declarant (Dr. Hall-Ellis) in EX1019. Dr. Hall-Ellis' declaration is supplemental information related to whether the Packet Cable reference (EX1007) is prior art that the Board permitted after Patent Owner's Response. See Paper 28. As such, Patent Owner's Sur-Reply is the only opportunity for Patent Owner to respond to Petitioners' expert evidence and arguments on this issue.

Patent Owner has conferred with Petitioners, and Petitioners have stated that they oppose the requested relief.

Petitioners provide their position as follows:

Petitioners oppose Patent Owner's request to submit a declaration from a librarian and a supplemental declaration from its expert declarant. No new information was included in Petitioners' Reply and further discovery is available to Patent Owner vis-à-vis cross-examination. The CTPG and Rules are clear: "The sur-reply may not be accompanied by new evidence other than deposition transcripts of the cross-examination of any reply witness." 37 CFR Section 42.23. Furthermore, Patent Owner has scheduled a cross-examination date for Dr. Hall-Ellis and, therefore, will have the opportunity to fully discuss her testimony relating to EX1019 in their sur-reply.

IPR2023-00924
Ex. 3003

The parties are available for a conference call with the Board on:

- Friday, June 28 between 10 – 11:30 am or 1 – 5 pm ET
- Monday, July 1 between noon – 2 pm or 3 – 4 pm ET
- Wednesday, July 3 between 10 am – 2 pm ET

Counsel for all parties are copied on this email.

With best regards,

Philip Eklem
(Counsel for Patent Owner)

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