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Subject: IPR Nos. 2023-00925, -926, -927, -928

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Dear Honorable Patent Trial and Appeal Board,

Petitioner seeks authorization to file a 4-page reply to Patent Owner's Preliminary Response in each of the above-identified IPRs to address certain issues raised by Patent Owner. *See, e.g.*, IPR2023-00925, POPR (Paper 10) at 20-29 (section III.C.3); *see also id.* at 8, 17 (n.7). Petitioner would like to make sure the factual record and discussion of the caselaw is complete with respect to Patent Owner's characterizations of the following issues (exemplary citations to Paper 10 in IPR2023-00925):

- Patent Owner's discussion of *Gentry Gallery, Inc. v. Berkline Corp.*, 134 F.3d 1473 (Fed. Cir. 1998) at pages 20-29;
- Patent Owner's last statement on page 8 ("Petitioner does not cite any cases where the Board..."); and
- Patent Owner's footnote 7 on page 17.

Petitioner does not oppose a sur-reply of equal length limited to the issues raised in Petitioner's replies. Good cause exists for Petitioner's request at least because Petitioner could not have anticipated Patent Owner's arguments that the challenged claims fall within an "exception" of *Gentry Gallery* and certain incomplete or inconsistent statements by Patent Owner such as on pages 8 and 17 of one of the preliminary responses. Petitioner can provide further basis for its request with the Board's permission.

Petitioner proposes the following schedule:

- Petitioner files its reply in each of the above-identified IPRs seven business days from the Board's order
- Patent Owner files its sur-reply in each IPR seven business days from Petitioner's filing

Petitioner conferred with Patent Owner. Patent Owner's position is as follows: Patent Owner does not oppose Petitioner's request for limited briefing regarding the specific issues identified by Petitioner, *i.e.*, whether the challenged claims fall within an "exception" of *Gentry Gallery*, the statement on page 8 ("Petitioner does not cite any cases where the Board..."), and footnote 7.

The parties can make themselves available for a conference call, should the Board find it helpful.

Respectfully submitted,
Quadeer A. Ahmed

Counsel for Petitioner

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Ex. 3001