From:	Trials
To:	Nguyen, Lisa; Trials
Cc:	ktuttle@spencerfane.com; KElliott@spencerfane.com; hrafatijo@spencerfane.com; erobinson@spencerfane.com; pdunn@spencerfane.com; bstrand@spencerfane.com; Wang, Grace:LT (NY); Lancaster, Eric; Tennant, David:LT (DC); Billharz, Alan:LT (DC); Hubbard, David:LT (SY)
Subject:	RE: Meta v. Eight kHz, IPR2023-01003, -01004, -01005
Date:	Wednesday, October 25, 2023 10:39:24 AM

Caution: non-A&O email

Counsel:

From the Board –

Petitioner is authorized to file a five-page reply in the three cases, limited to only the issues of the district court's schedule and *Sotera* stipulation, by November 1, 2023. Patent Owner is authorized to file a five-page sur-reply in the three cases, limited to responding to Petitioner's arguments in the reply, by November 8, 2023.

Regards,

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

From: Lisa.Nguyen@AllenOvery.com <Lisa.Nguyen@AllenOvery.com>
Sent: Wednesday, October 25, 2023 8:18 AM
To: Trials <Trials@USPTO.GOV>
Cc: ktuttle@spencerfane.com; KElliott@spencerfane.com; hrafatijo@spencerfane.com; erobinson@spencerfane.com; pdunn@spencerfane.com; bstrand@spencerfane.com; Grace.Wang@allenovery.com; Eric.Lancaster@AllenOvery.com; David.Tennant@AllenOvery.com; Alan.Billharz@allenovery.com; David.Hubbard@AllenOvery.com
Subject: Meta v. Eight kHz, IPR2023-01003, -01004, -01005

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Dear Board,

Petitioner respectfully seeks authorization to file a 10-page reply to the POPR in each of these proceedings limited to arguments addressing the *Fintiv* factors ("Requested Relief"). Petitioner believes there is good cause for the Requested Relief because circumstances relating to the *Fintiv* factors have changed since the petition in each of these proceedings were filed, including the submission of a *Sotera* stipulation.

Patent Owner opposes the Requested Relief, and provides the following statement: Patent Owner Eight

kHz, LLC opposes Meta's request to address the Fintiv factors in IPR2023-01003, -01004, and -01005. Eight kHz believes good cause does not exist to address the Fintiv factors. If the Board grants Meta's request, Eight kHz requests a sur-reply for the same number of pages afforded Meta for their reply.

Should the Board desire a conference call to discuss this request, the parties are available at the following times:

- Thu (10/26): 10AM-11AM ET
- Fri (10/27): 1-5PM ET

Thank you.

Lisa Nguyen
Lead Counsel for Petitioner
Meta Platforms, Inc.

Lisa K. Nguyen
Allen & Overy LLP

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