From: Trials <Trials@USPTO.GOV>
Sent: Thursday, October 12, 2023 5:25 AM
To: Osman, Inge (DC); Trials
Cc: Lumish, Douglas (Bay Area); Homrig, Jeff (ATX); Henry, Christopher (BN); Strang, Jonathan (DC); Tzeng, Lin (Bay Area); Li, Kimberly (BN); Safi, Razi (DC); Rosen, Lauren (LA); ktuttle@spencerfane.com; erobinson@spencerfane.com; pdunn@spencerfane.com; KElliott@spencerfane.com; hrafatijo@spencerfane.com
Subject: RE: IPR2023-01019, -01020, -01024: Request to Reply to POPR

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 October 18, 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 October 25, 2023.

Regards,

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

From: Inge.Osman@lw.com <Inge.Osman@lw.com>
Sent: Wednesday, October 11, 2023 4:04 PM
To: Trials <Trials@USPTO.GOV>
Cc: Doug.Lumish@lw.com; Jeff.Homrig@lw.com; Christopher.Henry@lw.com; Jonathan.Strang@lw.com; Linfong.Tzeng@lw.com; Kimberly.Li@lw.com; Razi.Safi@lw.com; Lauren.Rosen@lw.com; ktuttle@spencerfane.com; erobinson@spencerfane.com; pdunn@spencerfane.com; KElliott@spencerfane.com; hrafatijo@spencerfane.com
Subject: IPR2023-01019, -01020, -01024: Request to Reply to POPR

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Dear Honorable Board,

Petitioner Meta respectfully seeks leave to file replies to the POPRs in IPR2023-01019, -01020, and -01024. The replies would be limited to five pages addressing the § 314(a) *Fintiv* discretionary issues raised in Patent Owner's POPRs. In the interest of fairness and ensuring the Board is fully briefed before reaching a decision, Petitioner does not oppose sur-replies by Patent Owner of the same length. Patent Owner opposes.

Petitioner's statement:

> There is good cause for granting Petitioner's request. The District Court schedule has changed substantially since the Petitions were filed and the District Court recently denied a pending motion to transfer, making the schedule uncertain. Further, Petitioner would like to address its forthcoming *Sotera* stipulation and its impact on the *Fintiv* analysis. Petitioner should be given an opportunity to clarify the law and facts as they now stand.

Meta
Exhibit 1144
Meta v. 8KHZ
IPR2023-01019
Ex. 1144-001

Patent Owner's statement:

> Patent Owner Eight kHz, LLC does not oppose Meta seeking leave to file replies to the POPRs in IPR2023-01019, -01020, and -01024, limited to the specific issues of clarifying the District Court's current schedule, and to address a desired Sotera stipulation. Eight kHz requests a sur-reply for the same number of pages afforded Meta for their reply. Good cause does not exist to address all § 314(a) Fintiv discretionary issues/factors. Eight kHz objects to the inclusion of substantive arguments in this communication.

The parties are available for a conference call at the following times:

- Thursday, October 12, 10 am – 2 pm
- Friday, October 13, 10 am – 5 pm

Respectfully,

Inge Osman
Counsel for Petitioner

Inge A. Osman

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