

From: [Trials](#)
To: [Picozzi, Ben](#); [Trials](#)
Cc: [Flibbert, Michael](#); [DeRoo, Pier](#); [Dippold, Rachael](#); [Roberts, Jessica](#); [Yang, Yieyie](#); [Grossman, Dov](#)
Subject: RE: IPR2023-01036, IPR2023-01037, and IPR2023-01038: Reply to POPR
Date: Tuesday, October 3, 2023 12:55:11 PM

Counsel,

From the Board –

The parties may file the respective preliminary reply and preliminary sur-reply, as requested, to address Section 325(d) issues. The respective papers will be no more than 5 pages in length, with the preliminary reply due no later than October 6, 2023, and the preliminary sur-reply due no later than October 16, 2023. No new evidence may be submitted with these papers unless separately authorized.

Regards,

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

From: Picozzi, Ben <BPicozzi@wc.com>
Sent: Friday, September 29, 2023 3:07 PM
To: Trials <Trials@USPTO.GOV>
Cc: Flibbert, Michael <michael.flibbert@finnegan.com>; DeRoo, Pier <Pier.DeRoo@finnegan.com>; Dippold, Rachael <Rachael.Dippold@finnegan.com>; Roberts, Jessica <Jessica.Roberts@finnegan.com>; Yang, Yieyie <Yieyie.Yang@finnegan.com>; Grossman, Dov <DGrossman@wc.com>
Subject: IPR2023-01036, IPR2023-01037, and IPR2023-01038: Reply to POPR

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Your Honors,

I write on behalf of the parties to the above-referenced proceedings.

Petitioners respectfully request authorization to file 5-page replies in each of the above-referenced IPRs to address the Section 325(d) discussion in Patent Owner's Preliminary Responses. Petitioners submit that there is good cause to support their request given that Section 325(d) is a discretionary denial issue. Patent Owner consents to Petitioners' request and respectfully requests a 5-page sur-reply in each of the above-referenced IPRs to respond to the Section 325(d) discussion in Petitioners' replies. Petitioners consent to Patent Owner's request.

The parties respectfully propose that Petitioners' replies will be due on October 6 and Patent Owner's sur-replies will be due on October 16.

Should the Board wish to have a call to discuss these matters, the parties are available on October 3 between 12 pm-3 pm and on October 4 between 9 am-3:30 pm.

Regards,
Ben Picozzi
Reg. No. 76,862
Counsel for Petitioners

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