

From: [Argenti, Matthew](#)
To: [Trials](#)
Cc: [Jeffery Becker \(jeff.becker@bakerbotts.com\)](#); [Harrison Rich \(harrison.rich@bakerbotts.com\)](#); [Torczon, Richard \(External\)](#); [Thomas, Tasha](#); [Oaks, Brian](#)
Subject: RE: Request for Preliminary Reply in IPR2023-01217
Date: Friday, November 10, 2023 3:06:07 PM

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Dear Board,

During the meet and confer process, patentee DJI advised petitioner Textron that its email was argumentative and suggested deletions to cure the problems, yet Textron sent the argumentative version anyway in violation of the Board's order. Paper 3, 3 ("The email may not contain substantive argument...."); cf. 37 CFR §42.12(a)(1). If Textron's email is not struck, appropriate sanctions would include treating Textron's email as its reply and providing DJI a 5-page surreply to explain why Textron's request to supplement its petition belatedly is unwarranted and why its citations actually support DJI's construction.

Respectfully,

Matthew A. Argenti

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From: Oaks, Brian <Boaks@mwe.com>
Sent: Friday, November 10, 2023 10:58 AM
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Subject: Request for Preliminary Reply in IPR2023-01217

EXT - boaks@mwe.com

Dear Patent Trial and Appeal Board,

Petitioner Textron Specialized Vehicles Inc. respectfully requests leave to file a 5-page Preliminary Reply to Patent Owner's Preliminary Response in IPR2023-01217. Petitioner seeks a Reply to

IPR2023-01217
Ex. 3001

address an improperly narrow claim construction Patent Owner proposed in its Preliminary Response for the “restriction region” term, which contradicts the specification and would read out a number of disclosed embodiments. *See, e.g.*, EX1001 at 4:8-11; 4:41-44; 7:32-42; 6:25-34; 19:4-17; 23:8-12; 26:3-6; 27:20-21; 27:24-27; 27:66-28:11-16; 29:20-31; 29:53-55; 30:23-24; 32:29-31; and 46:8-44. The briefing would be helpful to the Board to consider whether Patent Owner’s proposed construction is correct, which is an issue Petitioner has not had an opportunity to address.

Petitioner has consulted with Patent Owner concerning the proposed Reply, and Patent Owner has indicated it opposes Petitioner’s request.

To the extent that the Board believes that a telephone conference is necessary, Petitioner and Patent Owner are available on the following days:

- Monday, November 13, between 2:00-5:00 pm Eastern
- Wednesday, November 15, between 3:00-4:30 pm Eastern
- Friday, November 17, between 1:30-5:00 pm Eastern

Best regards,
Brian Oaks
Lead Counsel for Petitioner

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