From: Walter, Derek
To: Trials; Pepe, Christopher
Cc: dholman-ptab@sternekessler.com; pkhanduri-ptab@sternekessler.com; rsterne-ptab@sternekessler.com; glongs-ptab@sternekessler.com
Subject: RE: IPR2023-01298 and -1300
Date: Monday, April 22, 2024 7:47:45 PM

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Dear Board:

Pursuant to the Board's March 22, 2024 Order regarding Conduct of the Proceeding and Suspending Deadlines Due to Bankruptcy Stay, Patent Owner provides the following status update regarding the bankruptcy proceedings.

On February 4, 2024, Patent Owner filed a petition for relief under chapter 11 of the Bankruptcy Code in the United States Bankruptcy Court for the District of Delaware. On March 22, 2024, the Board stayed all deadlines in the above-captioned proceeding until Chapter 11 proceedings in the Bankruptcy Court and any related appeals conclude or until the Board receives notice that the Bankruptcy Court has lifted the stay with respect to this proceeding. On April 17, 2024, Patent Owner announced substantially all of its assets will be acquired by Bruker Corporation ("Bruker"). This transaction is expected to close sometime in May of this year.

Thanks,

Derek

From: Trials <Trials@USPTO.GOV>
Sent: Friday, February 9, 2024 11:18 AM
To: Walter, Derek <Derek.Walter@weil.com>; Trials <Trials@USPTO.GOV>; Pepe, Christopher <Christopher.Pepe@weil.com>
Cc: dholman-ptab@sternekessler.com; pkhanduri-ptab@sternekessler.com; rsterne-ptab@sternekessler.com; glongs-ptab@sternekessler.com
Subject: RE: IPR2023-01298 and -1300

Counsel,

The Panel agrees to suspend the deadline for Patent Owner's Pre-Institution Sur-Reply until after the conference with the Board. If necessary, a new date will be set at or following the conference.

Regards,

Esther Goldschlager

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

From: Walter, Derek <Derek.Walter@weil.com>
Sent: Friday, February 9, 2024 12:48 AM
To: Trials <Trials@USPTO.GOV>; Pepe, Christopher <Christopher.Pepe@weil.com>
Cc: dholman-ptab@sternekessler.com; pkhanduri-ptab@sternekessler.com; rsterne-ptab@sternekessler.com; glongs-ptab@sternekessler.com
Subject: RE: IPR2023-01298 and -1300

CAUTION: This email has originated from a source outside of USPTO. **PLEASE CONSIDER THE SOURCE** before responding, clicking on links, or opening attachments.

Dear Board:

Patent Owner will meet and confer with counsel for Petitioner and report back shortly on times for a conference call regarding the stay of these proceedings in view of Patent Owner's Chapter 11 filing.

In the meantime, Patent Owner requests that the Board confirm that the February 9 deadline for it to file a sur-reply to Petitioner's reply in IPR2023-1300 shall be extended until the parties have an opportunity to meet and confer and participate in a status conference with the Board. Patent Owner believes that the stay applies to this proceeding, and does not wish to be subject to an argument that it has violated the automatic stay or waived its right to rely upon the statutory stay provided for in Section 362 of the Bankruptcy Code by making a substantive filing in this proceeding. By relieving Patent Owner of the February 9 deadline, it will provide the parties with an opportunity to meet and confer about these issues, and report to the Board, without being subjected to any claim that it has violated the stay or, alternatively, missed a deadline imposed by the Board.

Thanks,

Derek

From: Trials <Trials@USPTO.GOV>
Sent: Thursday, February 8, 2024 10:11 AM
To: Walter, Derek <Derek.Walter@weil.com>; Pepe, Christopher <Christopher.Pepe@weil.com>
Cc: dholman-ptab@sternekessler.com; pkhanduri-ptab@sternekessler.com; rsterne-ptab@sternekessler.com; glongs-ptab@sternekessler.com; Trials <Trials@USPTO.GOV>
Subject: IPR2023-01298 and -1300

Counsel,

The panel requests a conference with counsel for the parties regarding the effect of Patent Owner's Chapter 11 filing. Counsel should be prepared to discuss whether the parties agree that the Chapter 11 filing stays IPR2023-01298 and -1300, including whether the Bankruptcy Court of Delaware has

interpreted section 362 of the Bankruptcy Code to specifically apply to IPR2023-01298 and -1300, which do not involve a debt owed by Patent Owner.

Counsel are instructed to confer regarding this issue, and to identify mutually agreeable times for a conference call with the panel.

Regards,

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

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