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Subject: IPR2023-01315 (Medit Corporation v. 3Shape A/S)

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Dear Honorable Board,

We represent Petitioner Medit Corporation in IPR2023-01315. We respectfully request the Board's authorization under 37 C.F.R. § 42.20(b) to file a motion to strike portions of Patent Owner's Sur-Reply (Paper 16), filed October 24, 2024.

Section II.B of the Sur-Reply raises improper new arguments regarding the Lehmann II reference, and substantially prejudices Petitioner by depriving it of the ability to address these new arguments. Notably, Patent Owner's Response (Paper 10) contained no citation to the Lehmann II reference (Ex. 1011), because it mistakenly analyzed the Lehmann I reference (Ex.1010) throughout. Patent Owner's Sur-Reply attempts to correct this error by providing the analysis of Lehmann II missing from its Response. These arguments in the Sur-Reply regarding the reference are, by definition, new and improper.

Petitioner seeks authorization to file a short motion to strike, not to exceed 10 pages, explaining why this presents an exceptional case in which striking portions of the Sur-Reply is the only remedy appropriate to avoid prejudice to Petitioner. As required in the Consolidated Trial Practice Guide, this request for authorization is being made within one week of Patent Owner's Sur-Reply.

We propose that Patent Owner be granted the same number of pages to file an opposition. Petitioner will be prepared to file its motion as early as November 4, 2024, and we propose that Patent Owner's opposition be due on November 11, 2024.

We have conferred with opposing counsel, who have indicated that Patent Owner opposes Petitioner's request for authorization. Petitioner does not believe a conference call is necessary to grant the requested authorization, but if the Board wishes to hold a conference call, Petitioner's counsel can be available any day this week or next. Counsel for Patent Owner has stated that they are unavailable until after November 4, 2024, because lead counsel is currently in Japan.

Regards,

- Jeff Danley
Backup Counsel for Petitioner Medit Corp.

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Exhibit 3001