

From: Trials <Trials@USPTO.GOV>

Sent: Monday, December 9, 2024 6:52 AM

To: Arjomand, Mehran <MArjomand@mofo.com>; Ben Anger <Ben.Anger@knobbe.com>; Yap, Alex S. <AYap@mofo.com>; Kramer, Brian M. <BMKramer@mofo.com>; 2Azr <2Azr@knobbe.com>; 2jfj <2jfj@knobbe.com>; 2pnc <2pnc@knobbe.com>; 2Bje <2Bje@knobbe.com>; 2Bba <2Bba@knobbe.com>; BoxSpectrum8 <BoxSpectrum8@knobbe.com>; DNAGSpectrum <DNAGSpectrum@mofo.com>

Cc: Trials <Trials@USPTO.GOV>

Subject: RE: IPR2023-01424

Counsel,

The panel has considered both parties requests. In order to balance the concerns of the parties and the needs of the panel, the panel revises the due dates as follows:

Due Date RMTA1 – Dec. 13th

Due Date 5 – Dec. 20th

Due Date 6 – Dec. 27th

Due Date RMTA2 – Jan. 3rd

Due Date 7 – Jan. 10th

Due Date 8 – Jan. 24th

A new scheduling order will not be issued and one of the parties should file a copy of this email to memorialize the revision to the dues dates as an exhibit. The parties should note that the date of oral argument has not changed.

Regards,

Franchesca I. Alicea Villanueva
Supervisory Paralegal
Patent Trial & Appeal Board
U.S. Patent & Trademark Office

From: Arjomand, Mehran <MArjomand@mofo.com>

Sent: Friday, December 6, 2024 11:30 AM

To: Ben Anger <Ben.Anger@knobbe.com>; Trials <Trials@USPTO.GOV>

Cc: Yap, Alex S. <AYap@mofo.com>; Kramer, Brian M. <BMKramer@mofo.com>; 2Azr <2Azr@knobbe.com>; 2jfj <2jfj@knobbe.com>; 2pnc <2pnc@knobbe.com>; 2Bje <2Bje@knobbe.com>; 2Bba <2Bba@knobbe.com>;

BoxSpectrum8 <BoxSpectrum8@knobbe.com>; DNAGSpectrum <DNAGSpectrum@mofo.com>

Subject: RE: IPR2023-01424

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Honorable Board,

This email is unfortunately necessitated by the conduct of Petitioner's counsel. Petitioner's counsel did not properly meet and confer with counsel for Patent Owner. Counsel for Patent Owner promptly tried to understand the basis for Petitioner's request yesterday. Rather than respond to that request, Petitioner's counsel rushed an email to the Board. Petitioner's counsel did not include a Patent Owner statement, failed to provide dates of availability for a Board call and attached the parties' correspondence—all in contravention of the Scheduling Order (Paper 11) and Board practice. As a result, Patent Owner provides the following brief statement.

There is no basis for Due Date RMTA1 to be changed from December 10 to December 17. The December 17 date was in relation to a sur-reply to the first MTA. The parties understood that a new Scheduling Order would issue if Patent Owner filed a revised MTA. Petitioner's assertion that the "December 17 date had been set" is thus not correct. Nor is Petitioner prejudiced here. It has already had over a month to prepare an opposition to the revised MTA, and the revised Scheduling Order gives Petitioner a total of five weeks. In contrast, Petitioner's proposal to push back the remaining dates prejudices Patent Owner, e.g., Patent Owner would receive Petitioner's sur-reply only 10 days before the hearing. Accordingly, Patent Owner opposes Petitioner's request below. Should the Board wish to have a conference call, Patent Owner's counsel is available next week on Monday and Tuesday from 1-5 pm ET. Petitioner's counsel is copied on this email.

Respectfully,

Mehran Arjomand

MEHRAN ARJOMAND

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From: Ben Anger <Ben.Anger@knobbe.com>

Sent: Thursday, December 5, 2024 10:37 PM

To: Trials <trials@uspto.gov>

Cc: Arjomand, Mehran <MArjomand@mofo.com>; Yap, Alex S. <AYap@mofo.com>; Kramer, Brian M.

<BMKramer@mofo.com>; 2Azr <2Azr@knobbe.com>; 2jff <2jff@knobbe.com>; 2pnc <2pnc@knobbe.com>; 2Bje

<2Bje@knobbe.com>; 2Bba <2Bba@knobbe.com>; BoxSpectrum8 <BoxSpectrum8@knobbe.com>; DNAGSpectrum

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Subject: IPR2023-01424

External Email

Dear Board,

We write regarding the Board's revised scheduling Order issued this morning in the above proceeding. Paper No. 30. In the Order the Board *moved up* the date for Petitioner to respond to Patent Owner's revised Motion to Amend by one week, from December 17 to December 10. The December 17 date had been set in the Board's Order of October 17, 2024 (Paper No. 24). Petitioner respectfully requests that the date for its

response to Patent Owner's revised Motion to Amend be reset to December 17 consistent with the prior order and the follow-on dates adjusted accordingly, i.e. each extended by seven days. We promptly wrote to Patent Owner's counsel this morning indicating our intent to write to the Board today to request this correction and asked if Patent Owner would oppose. Patent Owner has responded but did not indicate whether Patent Owner will oppose. Patent Owner's position is stated in the attached email chain. Given the new date is just a few business days away we now submit this request. Should the Board require a conference call, we will make ourselves available. Patent Owner's counsel is copied on this email.

Best,
Ben

Ben Anger
Partner

858-707-4116 Direct

Knobbe Martens

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