

From: [Douglas, Christopher](#)
To: [Trials](#)
Cc: [IPR50095-0176IP1](#); [Apple Alivecor ND CAL](#)
Subject: IPR2023-01434 - Petitioner seeking authorization for a reply
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Dear Board,

On September 27, 2023, Petitioner filed the present Petition challenging claims 1-11, 16, 18, 20-23, 25-34, 41, and 43-45 of the patent-at-issue based on three grounds. Patent Owner filed its Patent Owner's Preliminary Response ("POPR") on January 5, 2024, and argued that the Petition should be denied based on constructions of "display a detailed view of a sub-category of wellness data" and "a selectable data sharing option." While claim construction was ongoing in the district court case when the case was stayed on December 29, 2023, these terms were not identified as needing construction.

Petitioner AliveCor respectfully requests authorization to file a reply to Patent Owner's Preliminary Response (POPR) filed on January 5, 2024, in the above-referenced proceeding. The good cause basis of Petitioner's request is to address the unforeseeable new claim construction of "display a detailed view of a sub-category of wellness data" and "a selectable data sharing option," in view of at least Figure 36 of the patent at issue and its corresponding description in the specification. In addition, Petitioner seeks to address including how the claims are anticipated and/or rendered obvious by the cited prior art even under Apple's proposed construction of the claims. Petitioner respectfully requests a Reply that is 5 pages and that the paper be due 14 days after authorization is provided for the Reply.

On January 11, 2023, Petitioner requested Patent Owner's position on Petitioner's requests. Patent Owner indicated that it "opposes Petitioner's request for additional briefing, because Petitioner could have anticipated (and should have addressed in the Petition) the plain meaning requirements of the "detailed view" feature raised in Patent Owner's Preliminary Response."

Petitioner does not oppose Patent Owner's request for a sur-reply of equal length and for a response period of equal length to any Reply authorized for Petitioner.

Should the Board believe that a call would be helpful to discuss these issues, the Parties are available on January 19, 2024 from 10 am – 4pm ET and January 22 from 3pm – 4pm ET.

Best,

Chris

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