

From: [Trials](#)
To: [Mudd, Jason \(SHB\)](#); [Trials](#)
Cc: [Schafer, Mark D. \(SHB\)](#); [Friesen, Kyle E. \(SHB\)](#); [Weidner, Evan J. \(SHB\)](#); [Argenti, Matthew](#); [Rosato, Michael](#); [Mills, Jad](#); [Derryberry, Wes](#); [Potter, Garrett](#); [McKellips, Sa Nette \(SHB\)](#)
Subject: RE: IPR2023-01449: CSC ServiceWorks, Inc. v. PayRange, Inc. (U.S. Patent No. 11,481,772)
Date: Wednesday, February 7, 2024 12:00:35 PM

Counsel,

From the Board –

Additional briefing would be helpful to the panel. Petitioner is authorized to file a reply to the Preliminary Response, no more than 7 pages and no later than February 16, 2023. The reply is limited to addressing the RPI and *General Plastics* issue mentioned in Petitioner's email. Patent Owner may file a sur-reply, no more than 7 pages and no later than February 26, 2023. No conference call will be held.

Regards,

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

From: Mudd, Jason (SHB) <jmudd@shb.com>
Sent: Wednesday, February 7, 2024 11:00 AM
To: Trials <Trials@USPTO.GOV>
Cc: Schafer, Mark D. (SHB) <MSCHAFER@shb.com>; Friesen, Kyle E. (SHB) <KFRIESEN@shb.com>; Weidner, Evan J. (SHB) <eweidner@shb.com>; Argenti, Matthew <margenti@wsgr.com>; Rosato, Michael <mrosato@wsgr.com>; Mills, Jad <jmills@wsgr.com>; Derryberry, Wes <wderryberry@wsgr.com>; Potter, Garrett <gpotter@wsgr.com>; McKellips, Sa Nette (SHB) <SMCKELLIPS@shb.com>
Subject: IPR2023-01449: CSC ServiceWorks, Inc. v. PayRange, Inc. (U.S. Patent No. 11,481,772)

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Dear Board:

I write on behalf of Petitioner, CSC ServiceWorks, Inc. in connection with the above-referenced IPR to respectfully request leave to file a reply brief to respond to the Patent Owner Preliminary Response (POPR), limited to the issues of whether the petition identified all real-parties-in interest (RPIs) and whether the Board should, in its discretion, deny institution under the *General Plastic* factors. Petitioner respectfully requests 7 pages for the reply brief and requests that Patent Owner be allowed to file a sur-reply brief that is also limited to 7 pages. Petitioner submits that good cause exists for this request because Patent Owner has made certain characterizations regarding newly-

submitted exhibits that had not previously been of record in this proceeding and because new facts have arisen recently, including: i) the fact that a settlement was reached between Patent Owner, PayRange, and KioSoft, the party which PayRange has asserted is an unnamed RPI in this proceeding, and ii) the fact that the Board yesterday, at the request of KioSoft and PayRange, terminated PGR2023-00042, which had been pending against the same '772 patent at issue in this proceeding and which Patent Owner's *General Plastic* argument had been premised on.

Petitioner has conferred with Patent Owner regarding this request, and Patent Owner opposes this request. Patent Owner argues that Petitioner already had the opportunity to submit supplemental briefing regarding RPI in other IPRs pending between Petitioner and Patent Owner, and that Patent Owner cited to this briefing in its POPR in this proceeding. Patent Owner also argues that it already filed an updated mandatory notice in this proceeding yesterday that informed the Board of the settlement with KioSoft and the termination of PGR2023-00042.

Petitioner responds that the RPI inquiry is a case-by-case inquiry dependent on the facts specific to each case, and, as such, the briefing and evidence in submitted in the other IPRs pending between the parties was not directed to the specific issue of whether any unnamed RPIs exist with respect to this particular IPR proceeding. There has also been no argument presented yet with regard to how the KioSoft-PayRange settlement and termination of PGR2023-00042 potentially impact the RPI inquiry or *General Plastic* inquiry at issue in this proceeding.

Should the panel wish to conduct a conference call with the parties to discuss this request, the parties can provide their availabilities at the panel's request.

Best regards,

Jason Mudd
Lead Counsel for Petitioner

Jason R. Mudd
Senior Counsel
Shook, Hardy & Bacon L.L.P.

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