

From: Trials
Sent: Monday, January 29, 2024 8:09 AM
To: Patrick Kuehl; Trials; spatel@marshallip.com
Cc: mweiner@marshallip.com; Timothy Balts
Subject: RE: IPR2023-01450 and -01451

Counsel,

From the Board –

Under the circumstances identified by counsel, we grant Petitioner's request to move the reply deadline by one week. Petitioner's reply is now due on February 9 and Patent Owner's Sur-reply is due on February 16. No further extensions will be permitted.

In the future, please confer with opposing counsel prior to making requests of the panel and advise the panel of each party's position on the request.

Regards,

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

From: Patrick Kuehl <patrick.kuehl@rimonlaw.com>
Sent: Friday, January 26, 2024 12:31 PM
To: Trials <Trials@USPTO.GOV>; spatel@marshallip.com
Cc: mweiner@marshallip.com; Timothy Balts <timothy.balts@rimonlaw.com>
Subject: RE: IPR2023-01450 and -01451

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Hi Esther,
Petitioner plans on submitting a reply. Is there any way we can have an additional seven days? One of the attorneys for the Petitioner is dealing with a serious medical issue of his wife and spent the day yesterday in the hospital and has additional time constraints in the near future dealing with the same issues. Thank you.
Patrick Kuehl
Counsel for Petitioner

From: Trials <Trials@USPTO.GOV>
Sent: Monday, January 22, 2024 11:58 AM
To: Patrick Kuehl <patrick.kuehl@rimonlaw.com>; spatel@marshallip.com
Cc: mweiner@marshallip.com; Timothy Balts <Timothy.Balts@rimonlaw.com>; Trials <Trials@USPTO.GOV>
Subject: IPR2023-01450 and -01451

Counsel,

The Board believes that additional briefing on the potentially dispositive issue of 325(d) may be helpful in reaching a fair decision on institution in IPR2023-01450 and IPR2023-01451. Accordingly, Petitioner is authorized to file a Preliminary Reply, limited to addressing the 325(d) arguments raised by Patent Owner, not exceeding 10 pages in length, and filed no later than 2/2/24. If Petitioner files a Preliminary Reply, Patent Owner is authorized to file a Preliminary Sur-Reply, limited to addressing the issues addressed in the Preliminary Reply, not exceeding 5 pages in length, and filed no later than 2/9. No new evidence may accompany any Sur-reply filed pursuant to this authorization.

Regards,

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