

From: [Trials](#)
To: [Scott Brown](#); [Trials](#)
Cc: [Casey, Kevin R.](#); [Shapiro, Ashley](#); [Matt Walters](#); [Ben Dykman](#)
Subject: RE: IPR 2024-00008 re: U.S. Patent No. 8,770,121
Date: Monday, November 25, 2024 1:08:26 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

Counsel,

From the Board –

Petitioner can address the allegedly impermissible evidence in a motion to exclude (Due Date 5). Petitioner may also file a motion to strike, not to exceed five pages, to strike the portions of Patent Owner's Sur-Reply that allegedly contain new arguments. Patent Owner may file an opposition to Petitioner's motion to strike, not to exceed five pages. Per Petitioner's request, due dates for the motion to strike and opposition will align with the deadlines for motions to exclude set forth in the Scheduling Order; i.e., Petitioner's motion to strike will be due on Due Date 5, and Patent Owner's opposition will be due on Due Date 6.

Regards,

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

From: Scott Brown <sbrown@hoveywilliams.com>
Sent: Friday, November 22, 2024 3:01 PM
To: Trials <Trials@USPTO.GOV>
Cc: Casey, Kevin R. <KCasey@STRADLEY.COM>; Shapiro, Ashley <Ashapiro@stradley.com>; Matt Walters <mwalters@hoveywilliams.com>; Ben Dykman <bdykman@hoveywilliams.com>
Subject: IPR 2024-00008 re: U.S. Patent No. 8,770,121

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Dear Board,

I am lead counsel for Petitioner Precision Planting in the above-referenced matter. Yesterday Patent Owner filed its sur-reply and associated evidence. Petitioner has filed objections to that evidence earlier today. Petitioner contends that evidence is impermissible under the rules because it does not constitute cross-examination of a reply witness. Petitioner further contends that Patent Owner's sur-reply contains new arguments.

Consequently, Petitioner seeks authorization of the Board to file a motion to strike that evidence and portions of Maschio's sur-reply. Petitioner has sought to confer with counsel for Patent Owner, but

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given the shortness of time and relief requested is submitting this email before having heard back from Patent Owner's counsel.

Oral argument is presently set for December 12, 2024 in this matter. Accordingly, Petitioner proposes that if the motion to strike is authorized, the parties brief the motion to strike following the deadlines for motions to exclude.

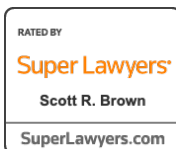
Counsel for petitioner can make itself available for a teleconference at any time if the Board requires a teleconference to discuss this issue.

Respectfully submitted,

Scott R. Brown

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