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Subject: IPR2024-00008
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Counsel,

In its Motion to Strike Patent Owner’s Sur-reply (“Mot.”), Petitioner states that it had not had the opportunity to respond to Patent Owner’s construction of the term “thrust-bearing element . . . supported rotatably in the movable portion” to require that the *entire* thrust-bearing element be in the movable portion. Mot. 5. In lieu of granting Petitioner’s request to strike the portion of Patent Owner’s Sur-reply that contains that construction, the Panel provides Petitioner the opportunity to respond to it. Accordingly, no later than January 17, 2025, Petitioner may submit a Response, not to exceed five pages, that addresses whether “supported rotatably in the movable portion” requires the entire thrust-bearing element to be supported rotatably in the movable portion. In doing so Petitioner may wish to address the relevance to this construction of the teaching at col. 4, lines 7-9 of ‘121 patent that one of the “principle advantages of the distribution element according to the invention” is that “the system additionally lends itself to easy retrofitting, all without removing movable parts and/or operations of disconnecting the sowing disc.” In particular, Petitioner may wish to address whether that advantage would be achieved if a portion of the thrust-bearing element remains in the fixed portion. Patent Owner may submit a response to Petitioner’s response, not to exceed five pages, no later than January 24, 2025. Petitioner may then submit a reply to Patent Owner’s response, not to exceed two pages, no later than January 31, 2025.

Regards,

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

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Ex. 3004