

**From:** Michael Tomsa <[MTomsa@mcandrews-ip.com](mailto:MTomsa@mcandrews-ip.com)>  
**Sent:** Monday, January 22, 2024 5:46 PM  
**To:** Oldach, William H. III <[wholdach@vorys.com](mailto:wholdach@vorys.com)>; Trials <[Trials@USPTO.GOV](mailto:Trials@USPTO.GOV)>  
**Cc:** Bob Surette <[BSURRETTE@mcandrews-ip.com](mailto:BSURRETTE@mcandrews-ip.com)>; Deborah Laughton <[DLAUGHTON@mcandrews-ip.com](mailto:DLAUGHTON@mcandrews-ip.com)>; Michael J. Weil <[MWeil@mcandrews-ip.com](mailto:MWeil@mcandrews-ip.com)>; Miller, Rex W. II <[rwmiller@vorys.com](mailto:rwmiller@vorys.com)>; Stojisavljevic, Michael M. (Mike) <[mmstojisavljevic@vorys.com](mailto:mmstojisavljevic@vorys.com)>; Elliott, Lisa M. <[lmelliott@vorys.com](mailto:lmelliott@vorys.com)>; IPLaw <[iplaw@vorys.com](mailto:iplaw@vorys.com)>; STRYKER-IPR2024-00042 <[STRYKER-IPR2024-00042@mcandrews-ip.com](mailto:STRYKER-IPR2024-00042@mcandrews-ip.com)>  
**Subject:** RE: IPR2024-00042; Request for Leave to File Reply

**CAUTION:** This email has originated from a source outside of USPTO. PLEASE CONSIDER THE SOURCE before responding, clicking on links, or opening attachments.

Trials:

Patent Owner does not oppose the filing of only a dated, signed declaration (i.e., a corrected version of Ex. 1002) that is substantively unchanged from the previously-filed Ex. 1002.

To the extent that Petitioner seeks to also file a written reply (in addition to the corrected declaration), Patent Owner opposes and can generally make its counsel available for a telephone conference to discuss.

Respectfully,

Michael S. Tomsa  
Back-Up Counsel for Patent Owner



**Michael Stanley Tomsa**  
**Board Member**

McAndrews, Held & Malloy, Ltd.  
500 W. Madison St., 34th floor | Chicago, IL 60661  
P: 312-775-8081

[mtomsa@mcandrews-ip.com](mailto:mtomsa@mcandrews-ip.com)  
[bio](#) | [v-card](#) | [website](#)

**CONFIDENTIALITY NOTICE:**

This material is intended for the named recipient and, unless otherwise expressly indicated, is confidential and privileged information. Any dissemination, distribution or copying of this material is prohibited. If you received this message in error, please notify the sender by replying to this message and then deleting it from your system. Your cooperation is appreciated.

**From:** Oldach, William H. III <[wholdach@vorys.com](mailto:wholdach@vorys.com)>  
**Sent:** Monday, January 22, 2024 2:22 PM  
**To:** [trials@uspto.gov](mailto:trials@uspto.gov)  
**Cc:** Bob Surette <[BSURRETTE@mcandrews-ip.com](mailto:BSURRETTE@mcandrews-ip.com)>; Deborah Laughton <[DLAUGHTON@mcandrews-ip.com](mailto:DLAUGHTON@mcandrews-ip.com)>

[ip.com](#)>; Michael Tomsa <[MTomsa@mcandrews-ip.com](mailto:MTomsa@mcandrews-ip.com)>; Michael J. Weil <[MWeil@mcandrews-ip.com](mailto:MWeil@mcandrews-ip.com)>; Miller, Rex W. II <[rwmiller@vorys.com](mailto:rwmiller@vorys.com)>; Stojavljevic, Michael M. (Mike) <[mmstojavljevic@vorys.com](mailto:mmstojavljevic@vorys.com)>; Elliott, Lisa M. <[lmelliott@vorys.com](mailto:lmelliott@vorys.com)>; IPLaw <[iplaw@vorys.com](mailto:iplaw@vorys.com)>  
**Subject:** IPR2024-00042; Request for Leave to File Reply

**CAUTION: External Email From:** [wholdach@vorys.com](mailto:wholdach@vorys.com)

Dear Trial Board: Petitioner respectfully requests leave to file a Reply to the Patent Owner Preliminary Response in the above-captioned proceeding pursuant to 37 C.F.R. §§ 42.23, 42.24(c).

Good cause exists for a reply so that Petitioner can present a corrected, signed copy of the Declaration of Dr. Glen Stevick (Ex. 1002), along with evidence establishing that the declaration was signed by Dr. Stevick prior to the filing of the Petition, and that the omission of the signed signature page from the declaration as originally filed was inadvertent.

Petitioner's counsel is available for a telephone conference to discuss if the Board wishes.

Respectfully,

William H. Oldach III  
Lead Counsel for Petitioner



**William H. Oldach III**

Partner

o: 202.467.8880

[wholdach@vorys.com](mailto:wholdach@vorys.com)

[vorys.com](http://vorys.com)

From the law offices of Vorys, Sater, Seymour and Pease LLP.

This email has been sent for the sole use of the intended recipient(s), and may contain private, confidential or privileged information. If you are not the intended recipient, please advise the sender by reply email and destroy all copies of this email. Any unauthorized review, use, disclosure or distribution is prohibited.

From the law offices of Vorys, Sater, Seymour and Pease LLP.

This email has been sent for the sole use of the intended recipient(s), and may contain private, confidential or privileged information. If you are not the intended recipient, please advise the sender by reply email and destroy all copies of this email. Any unauthorized review, use, disclosure or distribution is prohibited.