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Cc: [Joseph Mercadante](#); [Victor Padro](#); [IPR39843-0167IP1](#); [PTAB Inbound](#); [AXF-PTAB](#); [Nicholas Stephens](#); [Kim Leung](#); [Peter Lambrianakos](#); [Vincent Rubino](#); [Fred Fabricant](#); [PTAB](#)
Subject: IPR2024-00062 – Petitioner’s Request for Briefing
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Your Honors,

Petitioner requests a five page pre-institution reply to Patent Owner’s Preliminary Response and a five page sur-reply for Patent Owner. The Preliminary Response advances constructions of the terms “emphasis processing,” “emphasis level,” and “at least one factor among.” Petitioner requests briefing to explain how the analysis in the petition and the cited prior art satisfies the constructions of “emphasis processing” and “emphasis level” advanced in the Preliminary Response. Petitioner also requests briefing to explain why the proposed construction of “at least one factor among” is incorrect and inconsistent with examples in the ’128 patent. Good cause exists for briefing because the constructions arose after filing of the petition and, thus, could not have been addressed in the petition.

Patent Owner opposes Petitioner’s request for briefing.

The parties are available for a conference call with the Board on Tuesday, March 26 from 2-4 PM Eastern.

Respectfully submitted,
Jeremy Monaldo

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