

Chad Wallis

From: Eagle Robinson
Sent: Friday, March 29, 2024 4:22 PM
To: Trials
Cc: elizabetho@cherianllp.com; Tom Dunham; Chad Wallis; Daniel Leventhal; Eagle Robinson; Angie Blazek
Subject: IPR2024-00126 / Request for Preliminary Reply

Dear Board –

In the referenced IPR, Petitioner respectfully requests authorization to file a 5-page preliminary reply. Upon reviewing the POPR filed March 19, Petitioner promptly contacted PO on March 25. The parties have conferred by email, and PO opposes this request.

Petitioner requests authorization to address (1) the reissue application addressed in the POPR that PO filed after the Petition was filed, and (2) the overlap of arguments with the final written decision (FWD) in IPR2022-00687 that became final/non-appealable after the Petition was filed, which Petitioner believes implicates collateral estoppel.

Petitioner believes there is good cause for the preliminary reply at least because the reissue application was filed and the FWD became final/non-appealable after the Petition had been filed.

If granted, Petitioner does not oppose PO filing a sur-reply of equal length.

PO refrains from making arguments via email.

If a conference call is desired, the parties are available during the following windows:

- April 2: 10-11 am, 1-4 pm EDT
- April 3: 10-11 am, 1-6 pm EDT
- April 4: 3-4 pm EDT

Respectfully,

Eagle Robinson
Reg. No. 61,361
Lead Counsel for Petitioner