From:	Trials
To:	Jim Glass; abullwinkel@hpcllp.com; mheim@hpcllp.com; climbacher@hpcllp.com; wcollier@hpcllp.com; QE Monarch v Juniper
Cc:	Trials
Subject:	RE: IPR2024-00175
Date:	Wednesday, January 8, 2025 4:15:09 PM

Counsel,

The agreed approach outlined below is authorized.

Regards,

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

From: Jim Glass <jimglass@quinnemanuel.com>
Sent: Wednesday, January 8, 2025 2:33 PM
To: Trials <Trials@USPTO.GOV>
Cc: abullwinkel@hpcllp.com; mheim@hpcllp.com; climbacher@hpcllp.com; wcollier@hpcllp.com; QE Monarch v Juniper <qemonarchvjuniper@quinnemanuel.com>
Subject: IPR2024-00175

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Dear Honorable Board,

I am lead counsel for Petitioner in the above IPR (IPR2024-00175 regarding U.S. Patent No. 8,693,369). I write on behalf of both Patent Owner and Petitioner to notify the Board of the following: On December 3, 2024, Patent Owner submitted its sur-reply as Paper 21 and attached an expert declaration as Exhibit 2015. Petitioner submitted an objection to Patent Owner's expert declaration on December 10, 2024 as Paper 22, noting that the "expert declaration violates 37 C.F.R. § 42.23(b), which states that a sur-reply 'may not be accompanied by new evidence other than deposition transcripts of the cross-examination of any reply witness.'" On December 18, 2024, Patent Owner e-mailed Petitioner regarding its intent to seek the Board's permission to file a motion to strike regarding alleged new arguments in Petitioner's reply.

The parties have met and conferred and come to the following agreement that eliminates the need for the Board's intervention on these issues: Petitioner will not oppose Patent Owner's motion for the Board to accept the sur-reply declaration. In return, Patent Owner agrees to a five-page brief for Petitioner to address the points made in Patent Owner's sur-reply declaration. Additionally, Patent

Owner will not pursue a motion to strike portions of Petitioner's reply, and Patent Owner will not raise any "new argument" issues at oral argument that are not already briefed in Patent Owner's sur-reply—although Patent Owner does not waive its right to assert that arguments made by Petitioner at the hearing or in its 5-page brief are impermissible to the extent they go beyond the scope of the petition, reply, and declaration.

Please let us know if this agreement is acceptable to the Board or if the Board has any questions. To the extent the Board wishes to hold a hearing on this request, the parties will revert with their availability.

Best,
Jim Glass

James M. Glass |Chair, Post-Grant Patent Practice| **Quinn Emanuel Urquhart & Sullivan, LLP** | 295 5th Ave., New York, NY, 10016 | Office: +1.212.849.7142| Web Bio