

From: [Trials](#)
To: [Kevin Laurence](#); [Byer, Ben](#); [Hunt, Sam](#); [Rosenthal, Greg](#); [Seth Black](#); [Matthew Phillips](#); [Derek Meeker](#)
Cc: [Trials](#)
Subject: RE: IPR2024-00183, -00185, -00186, -01156
Date: Friday, February 14, 2025 11:13:45 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)

Counsel,

In light of the parties' emails of February 13 and 14, we understand that Patent Owner seeks a call to discuss extending the April 7 due date (Due Date 1) for filing the Patent Owner Response by 3 weeks to allow the parties to finalize their settlement agreement. Petitioner, however, notes that the parties may agree to revise Due Dates 1-3 without consulting the Board, but argues that it has not been presented with any compelling reason to do so. Given that the settlement negotiations appear to be underway, the parties are actively discussing any change in schedules, and that Due Date 1 is more than seven weeks away, Patent Owner's request for a call is premature. We encourage the parties' to reach agreement on any change to the trial schedule without input from the Board. Should agreement not be reached within two weeks, Patent Owner may contact the Board by email to arrange a call. Such email must be accompanied by a proposed schedule changing Due Date 1 and any other Due Date except Due Date 8. Petitioner is welcome to submit a counter proposal.

Regards,

Andrew Kellogg,
Deputy Chief Clerk, Trials
Patent Trial and Appeal Board
USPTO
andrew.kellogg@uspto.gov
(571) 272-5366

From: Kevin Laurence <klaurence@lpiplaw.com>
Sent: Friday, February 14, 2025 8:11 AM
To: Trials <Trials@USPTO.GOV>
Cc: Byer, Ben <BenByer@dwt.com>; Hunt, Sam <SamHunt@dwt.com>; Rosenthal, Greg <GregRosenthal@dwt.com>; Seth Black <seth@blkip.com>; Matthew Phillips <mphillips@lpiplaw.com>; Derek Meeker <dmeeker@lpiplaw.com>
Subject: Re: IPR2024-00183, -00185, -00186, -01156

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Dear Board:

We exchanged numerous email messages with IEH's counsel regarding their interest in adjusting the schedule. In my last message to them on this topic, I stated:

The Board allows parties to revise DD1–DD3 as the parties deem necessary. There is no need to schedule a call with the Board and there is no deadline for scheduling such a call.

Of course, the Office has repeatedly explained that the parties may revise the early due dates without consulting with the Board. Consolidated Trial Practice Guide, Nov. 2019 Edition at 94, 102, 103; Trial Practice Guide, August 2018 Update, 83 Fed. Reg. 39989, 28 (Aug. 13, 2018); and Trial Practice Guide, 77 Fed. Reg. 48756, 48765 (Aug. 14, 2012).

DD1 is presently scheduled on April 7. IEH has not presented National Beef with a compelling reason to extend DD1 by three weeks from April 7 and impose on our time allotted to prepare for DD2. We also expect settlement to be finalized soon. However, if the cases are not settled, then National Beef would prefer to maintain the schedule as provided by the Board in the Scheduling Order.

Lastly, IEH's counsel did not consult with us about our availability for the conference call times that they listed. I teach GW's course on post-grant proceedings in the afternoon on Tuesday, so I am not available that day, but I am available this afternoon and Wednesday. However, I do not see a need to schedule a conference call and expect this issue to be moot soon anyway.

Best regards, Kevin

Kevin B. Laurence, Partner
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From: "Hunt, Sam" <SamHunt@dwt.com>
Date: Thursday, February 13, 2025 at 4:04 PM
To: "Trials@USPTO.GOV" <Trials@USPTO.GOV>
Cc: Kevin Laurence <klaurence@lpiplaw.com>, "Byer, Ben" <BenByer@dwt.com>, "Rosenthal, Greg" <GregRosenthal@dwt.com>, Seth Black <seth@blkip.com>, Matthew Phillips <mphillips@lpiplaw.com>, Derek Meeker <dmeeker@lpiplaw.com>
Subject: IPR2024-00183, -00185, -00186, -01156

Dear Board,

The parties have reached an agreement in principle to resolve this matter, which includes dismissing the IPRs, and are in the process of drafting the written agreement. IEH requests a conference to address extending DUE DATE 1 by three weeks (to April 7) to allow the parties time to finalize their settlement agreement. After the parties reached the agreement, Patent Owner requested Petitioner's position on whether it would oppose this request, but it has neither responded nor provided its availability for a conference. Patent Owner is available for a conference at the following times:

Tomorrow: 2:30-5 pm EST

Tuesday: 1-5 pm EST

Wednesday: 1-5 pm EST

Respectfully,



Sam Hunt

Associate | Davis Wright Tremaine LLP

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