

**Subject:** Re: IPR2024-00236 - Prolime et al. v. Sul4r-Plus

**Date:** Wednesday, April 17, 2024 at 11:08:08 AM Eastern Daylight Time

**From:** Jessica Fleetham

**To:** Scruggs, Stephanie

**CC:** Ward III, Henry, Zurlo, Jessica, Steven Susser

Hi Stephanie, thank you for getting back to me.

In accordance with the Board's precedential decision in *Sotera Wireless, Inc. v. Masimo Corp.*, IPR2020-01019, Paper 12

at 18-19 (PTAB Dec. 1, 2020), Prolime agrees that if IPR No. IPR2024-00236 is instituted, it will not pursue any ground that it raised or reasonably could have raised during the IPR in the related district court proceeding, *Sul4r-Plus, LLC v. Prolime Agricultural LLC*, No. 2:22-cv-12798 pending in the Eastern District of Michigan.

Along with the recent scheduling order mentioned below, we intent to bring the above *Sotera* stipulation to the PTAB's attention in our reply.

Please let me know by the 5pm EST today if this changes your position.

Best,  
Jessica

Jessica Fleetham  
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Patent and Contract Litigation  
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**From:** Scruggs, Stephanie <sscruggs@bradley.com>

**Date:** Monday, April 15, 2024 at 12:28 PM

**To:** Jessica Fleetham <Jessica@evialaw.com>

**Cc:** Ward III, Henry <hward@bradley.com>, Zurlo, Jessica <jzurlo@bradley.com>, Steven Susser <steven@evialaw.com>

**Subject:** RE: IPR2024-00236 - Prolime et al. v. Sul4r-Plus

Hi Jessica,

Based on the below representation of the reply scope, we do not oppose and appreciate your indication that you will not oppose should Sul4r-Plus seek leave to file a sur-reply.

Kind regards,  
Stephanie

**Stephanie Scruggs**  
Partner | [Bradley](#)

*Prolime Agricultural LLC v. Sul4r-Plus LLC*

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**From:** Jessica Fleetham <[Jessica@evialaw.com](mailto:Jessica@evialaw.com)>  
**Sent:** Friday, April 12, 2024 12:06 PM  
**To:** Scruggs, Stephanie <[sscruggs@bradley.com](mailto:sscruggs@bradley.com)>  
**Cc:** Ward III, Henry <[hward@bradley.com](mailto:hward@bradley.com)>; Zurlo, Jessica <[jzurlo@bradley.com](mailto:jzurlo@bradley.com)>; Steven Susser <[steven@evialaw.com](mailto:steven@evialaw.com)>  
**Subject:** IPR2024-00236 - Prolime et al. v. Sul4r-Plus

Stephanie,

We intend to seek leave to file a reply of no more than five pages to Patent Owner's Preliminary Response. The reply will bring to the Board's attention the recent scheduling order issued in the co-pending litigation between Sul4r and Prolime, which bears on Sul4r's argument under *Fintiv* in its POPR. We would not oppose Sul4r filing a sur-reply brief of equal length to Petitioners' reply. Please let me know by COB Monday, April 15 if you oppose our request.

Have a nice weekend,  
Jessica

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