

From: [Trials](#)
To: [Tammy J. Terry](#); [Trials](#); [Jarratt, Scott](#)
Cc: [Caroline Fox IPR](#); [Scott Jarratt IPR](#); [Brooke Cohen IPR](#); [Drott, Andrew](#); [Cooke, Tiffany](#); [OBWB-IWS-DOWNING](#)
Subject: RE: IPR2024-00256 // IPR2024-00300 - Request for Board Call to Discuss Leave to File Reply to POPRs
Date: Thursday, April 11, 2024 11:36:04 AM

Counsel,

A conference call is scheduled at **3pm ET on Monday, April 15th**.

The dial-in number is: [REDACTED] and the passcode is: [REDACTED]

Regards,

Esther Goldschlager
Supervisory Paralegal Specialist
Patent Trial & Appeal Board
U.S. Patent & Trademark Office

From: Tammy J. Terry <Terry@obwb.com>
Sent: Wednesday, April 10, 2024 3:00 PM
To: Trials <Trials@USPTO.GOV>; Jarratt, Scott <Scott.Jarratt@haynesboone.com>
Cc: Caroline Fox IPR <Caroline.Fox.ipr@haynesboone.com>; Scott Jarratt IPR <Scott.Jarratt.IPR@haynesboone.com>; Brooke Cohen IPR <Brooke.Cohen.ipr@haynesboone.com>; Drott, Andrew <Andrew.Drott@haynesboone.com>; Cooke, Tiffany <Tiffany.Cooke@haynesboone.com>; OBWB-IWS-DOWNING <OBWB-IWS-Downing@obwb.com>
Subject: RE: IPR2024-00256 // IPR2024-00300 - Request for Board Call to Discuss Leave to File Reply to POPRs

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Dear Board,

The parties have conferred and agree that 3pm ET on Monday, April 15, is a time both sides are available for a conference call with the Board to discuss whether Petitioner has good cause to file pre-institution replies in IPR2024-00256 and IPR2024-00300.

Respectfully,

Tammy Terry
Lead Counsel for Petitioner

Tammy J. Terry | Partner | Head of Litigation
Osha Bergman Watanabe & Burton LLP
713-228-8600 | www.obwb.com | Terry@obwb.com

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***Please note that our email addresses at OBWB just changed to [name]@obwb.com instead of*

[name]@obwbip.com. Although we will continue to receive email to our old addresses, we ask that you please direct future correspondence to our new email addresses to ensure that there are no interruptions or delays in communication.

From: Trials <Trials@USPTO.GOV>

Sent: Wednesday, April 10, 2024 9:24 AM

To: Trials <Trials@USPTO.GOV>; Jarratt, Scott <Scott.Jarratt@haynesboone.com>

Cc: Caroline Fox IPR <Caroline.Fox.ipr@haynesboone.com>; Scott Jarratt IPR <Scott.Jarratt.IPR@haynesboone.com>; Brooke Cohen IPR <Brooke.Cohen.ipr@haynesboone.com>; Drott, Andrew <Andrew.Drott@haynesboone.com>; Cooke, Tiffany <Tiffany.Cooke@haynesboone.com>; OBWB-IWS-DOWNING <OBWB-IWS-Downing@obwb.com>; Tammy J. Terry <Terry@obwb.com>

Subject: RE: IPR2024-00256 // IPR2024-00300 - Request for Board Call to Discuss Leave to File Reply to POPRs

Counsel,

Correction is as follows:

The panel requests that the parties confer and provide a time for a conference call on Monday, April 15, between 11 am and 4 pm ET, to discuss whether Petitioner has good cause to file pre-institution replies in IPR2024-00256 and IPR2024-00300.

Regards,

Esther Goldschlager
Supervisory Paralegal Specialist
Patent Trial & Appeal Board
U.S. Patent & Trademark Office

From: Trials <Trials@USPTO.GOV>

Sent: Wednesday, April 10, 2024 8:25 AM

To: Jarratt, Scott <Scott.Jarratt@haynesboone.com>; Trials <Trials@USPTO.GOV>

Cc: Caroline Fox IPR <Caroline.Fox.ipr@haynesboone.com>; Scott Jarratt IPR <Scott.Jarratt.IPR@haynesboone.com>; Brooke Cohen IPR <Brooke.Cohen.ipr@haynesboone.com>; Drott, Andrew <Andrew.Drott@haynesboone.com>; Cooke, Tiffany <Tiffany.Cooke@haynesboone.com>; OBWB-IWS-DOWNING <OBWB-IWS-Downing@obwb.com>; Tammy J. Terry <Terry@obwb.com>

Subject: RE: IPR2024-00256 // IPR2024-00300 - Request for Board Call to Discuss Leave to File Reply to POPRs

Counsel,

The panel requests that the parties confer and provide a time for a conference call on Monday, April 18, between 11 am and 4 pm ET, to discuss whether Petitioner has good cause to file pre-institution replies in IPR2024-00256 and IPR2024-00300.

Regards,

Esther Goldschlager
Supervisory Paralegal Specialist
Patent Trial & Appeal Board
U.S. Patent & Trademark Office

From: Jarratt, Scott <Scott.Jarratt@haynesboone.com>
Sent: Tuesday, March 19, 2024 4:07 PM
To: Trials <Trials@USPTO.GOV>
Cc: Caroline Fox IPR <Caroline.Fox.ipr@haynesboone.com>; Scott Jarratt IPR <Scott.Jarratt.IPR@haynesboone.com>; Brooke Cohen IPR <Brooke.Cohen.ipr@haynesboone.com>; Drott, Andrew <Andrew.Drott@haynesboone.com>; Cooke, Tiffany <Tiffany.Cooke@haynesboone.com>; OBWB-IWS-DOWNING <OBWB-IWS-Downing@obwb.com>; Tammy J. Terry <Terry@obwb.com>
Subject: RE: IPR2024-00256 // IPR2024-00300 - Request for Board Call to Discuss Leave to File Reply to POPRs

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Dear Honorable Board,

While Petitioner conferred with Patent Owner prior to sending the below email, Petitioner failed to include Patent Owner's statement opposing Petitioner's request:

Patent Owner opposes Petitioner's request for preliminary replies. Petitioner did not make the threshold showing that Krupa is prior art under 102(a)(2) in the petitions—and is prohibited under *Drinkware* from making that showing in a later reply, as noted in the preliminary responses. A reply addressing Krupa is therefore unnecessary.

Thank you,
Scott Jarratt
Lead Counsel for Patent Owner

HAYNES BOONE

Scott Jarratt | Partner
scott.jarratt@haynesboone.com | (t) +1 972.739.8663

From: Tammy J. Terry <Terry@obwb.com>
Sent: Tuesday, March 19, 2024 2:45 PM
To: Trials <Trials@USPTO.GOV>
Cc: Caroline Fox IPR <Caroline.Fox.ipr@haynesboone.com>; Scott Jarratt IPR <Scott.Jarratt.IPR@haynesboone.com>; Brooke Cohen IPR <Brooke.Cohen.ipr@haynesboone.com>; Drott, Andrew <Andrew.Drott@haynesboone.com>; Cooke, Tiffany

<Tiffany.Cooke@haynesboone.com>; OBWB-IWS-DOWNING <OBWB-IWS-Downing@obwb.com>

Subject: IPR2024-00256 // IPR2024-00300 - Request for Board Call to Discuss Leave to File Reply to POPRs

EXTERNAL: Sent from outside Haynes and Boone, LLP

Dear Board:

Petitioner respectfully requests a call with the Board to discuss whether the Board would grant Petitioner authorization to seek leave to file pre-institution replies in IPR2024-00256 and IPR2024-00300 to address issues that could not have been reasonably foreseen in the Patent Owner preliminary responses, namely certain issues relating to Krupa (Ex. 1003) as prior art and Exs. 2001-2005. Petitioner will present substantive arguments relating to good cause either during a call or in a written request if authorization to submit such a written request is granted.

Patent Owner opposes Petitioner's request.

The parties have met and conferred and have the following availability for such a call:

Date	Time
Wed., March 20, 2024	3:00pm-4:00pm ET
Mon., March 25, 2024	11:00am-2:00pm ET and 4:00-5:00 pm ET
Tues., March 26, 2024	11:00am-5:00pm ET
Wed., March 27, 2024	11:00am-5:00pm ET

Respectfully,

Tammy Terry
Lead Counsel for Petitioner

Tammy J. Terry | Partner | Head of Litigation
Osha Bergman Watanabe & Burton LLP
713-228-8600 | www.obwb.com | Terry@obwb.com

This communication may contain confidential or privileged information.

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