From:	Trials
To:	Robert Wolter; Trials; Thomas Eschweiler
Cc:	Amber Davis; Nathan Smith; Docketing; Patents
Subject:	RE: DBR Finance, Inc. v. Rugged Cross Hunting Blinds, LLC - Case No: IPR2024-00291
Date:	Friday, March 22, 2024 8:04:00 AM
Attachments:	image002.png

Counsel,

From the panel –

Our authorization allows Petitioner to address discretionary-denial issues under both 35 U.S.C. § 314(a) and 35 U.S.C. §325(d).

Regards,

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

From: Robert Wolter <rwolter@Savvyiplaw.com>
Sent: Thursday, March 21, 2024 1:47 PM
To: Trials <Trials@USPTO.GOV>; Thomas Eschweiler <teschweiler@epiplaw.com>
Cc: Amber Davis <adavis@Savvyiplaw.com>; Nathan Smith <njsmith@epiplaw.com>; Docketing <docketing@epiplaw.com>; Patents <patents@Savvyiplaw.com>
Subject: RE: DBR Finance, Inc. v. Rugged Cross Hunting Blinds, LLC - Case No: IPR2024-00291

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Dear Board,

The Patent Owner respectfully requests clarification regarding the authorization of Petitioner to file a reply. More specifically, Petitioner's request is based on the belief that a response to the POPR "will help clarify potential confusion caused by incomplete evaluation and apparent misstatements regarding the parallel district court proceedings." The Board's authorization states that, "Petitioner may file a five-page Preliminary Reply addressing discretionary-denial issues." Please confirm that Petitioner's reply shall be limited to addressing Patent Owner's arguments as it applies to the application of *Fintiv* and the related parallel litigation and/or discretionary denials under Section 314(a).

Best regards,

Robert L. Wolter

Partner | Registered Patent Attorney
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From: Trials <Trials@USPTO.GOV>
Sent: Thursday, March 21, 2024 1:01 PM
To: Thomas Eschweiler <teschweiler@epiplaw.com>; Trials <Trials@USPTO.GOV>; Trials <Trials@USPTO.GOV>
Cc: Robert Wolter <rwolter@Savvyiplaw.com>; Amber Davis <adavis@Savvyiplaw.com>; Nathan Smith <njsmith@epiplaw.com>; Docketing <docketing@epiplaw.com>; Patents <patents@Savvyiplaw.com>
Subject: RE: DBR Finance, Inc. v. Rugged Cross Hunting Blinds, LLC - Case No: IPR2024-00291

Counsel,

From the Board –

Petitioner's request is authorized. Petitioner may file a five-page Preliminary Reply addressing discretionary-denial issues, due no later than March 29, 2024. Patent Owner may file a responsive five-page Preliminary Sur-Reply, due no later than April 5, 2024.

Regards,

Esther Goldschlager

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

From: Thomas Eschweiler <teschweiler@epiplaw.com>
Sent: Thursday, March 21, 2024 11:39 AM
To: Trials <Trials@USPTO.GOV>; Trials <Trials@USPTO.GOV>
Cc: Robert Wolter <rwolter@Savvyiplaw.com>; Amber Davis <adavis@Savvyiplaw.com>; Nathan Smith <njsmith@epiplaw.com>; Docketing <docketing@epiplaw.com>; patents@savvyiplaw.com
Subject: DBR Finance, Inc. v. Rugged Cross Hunting Blinds, LLC - Case No: IPR2024-00291

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Dear Board:

Petitioner respectfully requests permission to file a Reply to Patent Owner's Preliminary Response under 37 C.F.R. 42.108(c) in IPR2024-00291. Specifically, Petitioner seeks to reply to the Patent Owner's arguments requesting discretionary denial under 35 U.S.C. 314(a) and 325(d). Petitioner also wishes to highlight the Patent Owner's failure to acknowledge and comply with the guidance set forth in the USPTO Memorandum, dated June 21, 2022, entitled, "Interim Procedure for Discretionary Denials in the AIA Post-Grant Proceedings with Parallel District Court Litigation."

Petitioner believes that granting the request to file a response to the POPR will help clarify potential confusion caused by incomplete evaluation and apparent misstatements regarding the parallel district court proceedings, and thus aid the Board in evaluating whether to institute the IPR in the present case.

We are available for a conference call, at the Board's request, to address this issue.

Respectfully,

Thomas G. Eschweiler
_____
Eschweiler & Potashnik, LLC
195 S. Main St., Suite 400
Akron, Ohio 44308
Mobile: (440) 864-1202
Email: TEschweiler@epiplaw.com



Eschweiler &
Potashnik LLC

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