From: Trials
To: Thomas Eschweiler; Trials; Trials
Cc: Robert Wolter; Amber Davis; Nathan Smith; Docketing; patents@savvyiplaw.com
Subject: RE: DBR Finance, Inc. v. Rugged Cross Hunting Blinds, LLC - Case No: IPR2024-00291
Date: Thursday, March 21, 2024 1:01:16 PM
Attachments: image001.png

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

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