

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

THE PETITIONER
Cisco Systems, Inc.,

v.

THE PATENT OWNER
UMBRA Technologies Ltd.

U.S. Patent No. 11,146,632
Issue Date: October 12, 2021

Inter Partes Review No.: IPR2024-00344

PATENT OWNER'S SUR-REPLY TO PETITION FOR
INTER PARTES REVIEW OF U.S. PATENT NO. 11,146,632

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I. INTRODUCTION

Patent Owner UMBRA Technologies Ltd. (“Patent Owner”) hereby responds to certain portions of Petitioner Cisco Systems, Inc.’s (“Petitioner”) Reply (Paper 25, the “Reply”) in support of its Petition for *Inter Partes* Review (Paper 1, the “Petition”) seeking to find the Challenged Claims of U.S. Patent No. 11,146,632 (Ex. 1001, the “’632 patent”) invalid. Petitioner’s Reply fails to adequately rebut the issues raised in Patent Owner’s Response (Paper 24, the “Response”). Patent Owner, therefore, respectfully asks that the Board **reject** the Petition’s assertions that the Challenged Claims are unpatentable.

II. PETITIONER’S REPLY DOES NOT RESOLVE THE PETITION’S FATAL FLAWS

Petitioner’s position, as explicitly stated in the Reply, is that “***the Petition does not assert that the ’685 Provisional Application is itself prior art.***” (Reply, Paper 25, at 5.)¹ This is precisely the problem that Petitioner cannot overcome and that the Reply fails to rebut: ***the ’685 provisional application is not prior art to the ’632 patent under 35 USC § 102.*** Its earliest date of public availability is simply too late.

Ironically, the reasons for the delay in the public availability of the ’685 provisional are attributable to Petitioner’s own subsidiary and predecessor-in-filing, Springpath, Inc. (“Applicant”). Applicant, prior to it being acquired by

¹ Unless otherwise stated, all emphasis in this Sur-Reply is added.

Petitioner in 2017, filed the '685 provisional on December 19, 2012. On December 19, 2013, Applicant filed a non-provisional application no. 14/135,489, claiming the benefit of the '685 provisional but cancelling the majority of its disclosures. (Ex. 2013 at 11; *cf.* Ex. 1004) Non-provisional application no. 14/135,489 eventually issued as the '421 patent. (Ex. 1005.) With it's a non-provisional filing, Applicant included a request for non-publication of the application. (Ex. 2013, at 11.) The non-publication request prevented publication of application no. 14/135,489. Publication would have otherwise occurred as required under 35 U.S.C. § 122(b), the statute mandating formal publication of all non-provisional applications within 18 months of the earliest filing date from which a benefit is sought. But for the non-publication request, application no. 14/135,489 would have published on June 19, 2014, which would have made the '685 provisional accessible to the public on this date.

Moreover, Applicant cancelled (*i.e.*, deleted) all but the first two figures and the vast majority of the paragraphs of the '685 provisional when filing the non-provisional application, and swapped in a distinctly different disclosure. Attached hereto as Ex. 2014 is a markup of the '685 provisional showing strikethrough of all cancelled paragraphs and highlighting those portions of the '685 provisional that the Petition relies upon to support its theory of anticipation for an element of the claims at issue, without citing a corresponding disclosure in the '421 patent. (Ex. 2014; *cf.* Ex. 2013; *see also*, Paper 1.) These cancellations means that the

disclosures of the '685 provisional (on which the Petition relies to allege anticipation) are not “described” in or otherwise “commonly disclosed” with a corresponding disclosure in the '421 patent. (See Ex. 1005.)

Petitioner argues that because the Agarwala non-provisional application incorporates by reference the '685 provisional, even the cancelled, never-published matter may be relied upon as prior art under 35 U.S.C. § 102(a)(2). (Reply, Paper 25, at 4-7.) This flawed position relies on a misinterpretation of the law of incorporation by reference, an incomplete footnote discussion of M.P.E.P. § 2127(I) (re: abandoned applications, including provisionals) and no discussion of M.P.E.P. § 901.01 (re: canceled matter in U.S. patent files), and a steadfast avoidance of the fact that the '685 Provisional Application and '421 Patent describe different inventions.

A. Petitioner Misinterprets the Law of Incorporation by Reference

To support its theory of anticipation in view of a generic incorporation by reference to cancelled matter, Petitioner's Reply cites to single sentence in the MPEP regarding abandoned applications (Paper 25, at 5). As explained in detail below, Petitioner's reliance is misguided. Meanwhile, the Reply ignores the Federal Circuit's seminal case on incorporation by reference—which was discussed in Patent Owner's Response (Paper 24, at 8)—*Advanced Display Sys. v. Kent State Univ.*, 212 F.3d 1272, 1283 (Fed. Cir. 2000). *Advanced Display* requires more than a generic statement regarding incorporation of a document in

order for the material of that document to be incorporated by reference. *Id.* at 1282. Rather, the statement “must identify with detailed particularity what specific material it incorporates and clearly indicate where that material is found in the various documents.” *Id.* at 1282. Where the material sought to be incorporated has not been so identified, the material is not actually incorporated. *Id.* at 1283 (citing with approval *In re Lund*, 376 F.2d 982 (CCPA 1967)).

As discussed in Patent Owner’s Response, ***incorporation by reference is not sufficient to incorporate all disclosures of an unpublished provisional patent application into a subsequent non-provisional application for purposes of 35 USC § 102(a)(2).*** (Response, Paper 24, at 8.) This point of law has been explicitly addressed by the Board, including in *Samsung* PTAB-IPR2014-740, cited in Patent Owner’s Response. (Response, Paper 24, at 9 (citing *Samsung Electronics Co., Ltd., et al., v. Black Hills Media, LLC*, IPR2014-00740, Paper 7, at 23 (P.T.A.B. Nov. 4, 2014)).)

In a first decision, denying institution as to certain claims, the Board in *Samsung* made clear the rationale for its denial. It relied on the principle articulated in *Ex parte Yamaguchi* that a patent claiming the benefit of provisional application qualifies as prior art as of the provisional filing date “***for all commonly disclosed subject matter.***” *Samsung*, at 23 (granting in part and denying in part, review based on asserted grounds of invalidity) (citing *Ex parte Yamaguchi*, No. 2007-4412, 88 USPQ2d 1606, 1612 (B.P.A.I. August 29, 2008)). Here, Petitioner

now relies on large swaths of the provisional’s subject matter that are **not** commonly disclosed, were not identified or discussed in the non-provisional application, and did not become publicly available prior to the filing date of the ‘632 Patent.

In a subsequent decision, denying rehearing on this same point, the same Board (in *Samsung II*) made clear that merely ‘incorporating by reference’ does not suffice to render subject matter ‘commonly disclosed’ so that it may become § 102(e) prior art:

... we are **not persuaded** *Ex parte Yamaguchi* established a bright-line rule by which a **provisional application** itself **becomes § 102(e) prior art when incorporated by reference** into a patent. In *Ex parte Yamaguchi*, the Board affirmed anticipation and obviousness rejections that were based on a patent, U.S. Patent No. 6,596,618 B1, as § 102(e) art. *Ex parte Yamaguchi*, 88 U.S.P.Q.2d at 1607, 1609, 1613–1615. **Although the Board contemplated that some provisional applications may become published eventually, such as through a conversion process to a non-provisional patent application, the Board did not conclude this always to be the case or that a provisional application necessarily becomes § 102(e) art under such circumstances.** See *id.* at 1611. Thus, the Petition, as filed, failed to explain sufficiently how *Lau* itself constitutes a patent or printed publication required under 35 U.S.C. § 311(b) for an unpatentability challenge in an inter partes review. See 37 C.F.R. §§ 42.22(a)(2). Accordingly, we are not persuaded that we abused our discretion on this basis.

Samsung Electronics Co., Ltd., et al., v. Black Hills Media, LLC, IPR2014-00740, Paper 20, at 4-5 (P.T.A.B. Feb. 23, 2015) (*Samsung II*) (denying rehearing; citing *Ex parte Yamaguchi*). Petitioner’s Reply fails to rebut—or even mention—*Samsung* or *Samsung II*.

That the Board in *Samsung* based its decision on pre-AIA law does not change the applicability of its conclusions. Just as pre-AIA § 102(e) states that an invention is unpatentable if the invention is “described in” a patent (or a patent application published under 35 U.S.C. § 122(b)), § 102(a)(2) similarly states that an invention is unpatentable if the invention is “described in” a U.S. patent (or in an application for patent published under 35 U.S.C. § 122(b)). Compare 35 U.S.C. § 102(a)(2) with Pre-AIA 35 U.S.C. § 102(e). Again, here, Petitioner seeks to rely on information from the ’685 provisional that does not appear in the issued Agarwala ’421 patent, nor the Agarwala non-provisional application (which was never published prior to patent issuance).

The Board in *Ex parte Yamaguchi*, No. 2007-4412, 88 USPQ2d 1606, 1612 (B.P.A.I. August 29, 2008)), provides a useful analysis of the rationale for the legal principle codified as § 102(a)(2) (then § 102(e)). There, the Board discussed *Alexander Milburn Co. v. Davis-Bournonville Co.*, 270 U.S. 390, the U.S. Supreme Court decision credited as the impetus for § 102(e), now re-codified by the AIA as § 102(a)(2). Codification of what became known as the *Milburn* rule is discussed in *In re Klesper*, 397 F.2d 882, 885 (CCPA 1968), giving useful context to the rule as follows:

It is also well settled that where a patent purports on its face to be a ‘continuation-in-part’ of a prior application, the continuation-in-part application is entitled to the filing date of the parent application ***as to all subject matter carried over into it from the parent application,***

whether for purposes of obtaining a patent or subsequently utilizing the patent disclosure as evidence to defeat another's right to a patent.

In re Klesper, 397 F.2d 882, 885 (C.C.P.A. 1968) (internal citations omitted). *In re Klesper* further notes that the analysis requires answering whether “the patent fully meets the . . . claims.” *Id.* at 886. Here, there is no disputing that the ’685 disclosures now relied upon by Petitioner were not “**carried over**” to the non-provisional application (issuing as the ’421 patent) and, because of this, the ’421 patent itself does not “**fully meet**” the challenged claims.

Moreover, in *Ex parte Yamaguchi* the Board quoted the justification provided in *Milburn*, which resolved a dispute over whether Whitford’s asserted patent—filed before Clifford’s patent issued (i.e., became public)—was anticipated by Clifford because of Clifford’s earlier filing date. In particular, *Ex parte Yamaguchi* noted:

The Court held that Whitford was not the first inventor in view of Clifford's disclosure. In reaching this decision, the Court noted that “Clifford had done all that he could to make his description public. He had taken steps that would make it public as soon as the Patent Office did its work, although, of course, amendments might be required of him before the end could be reached.” [*Milburn*] at 401.

This rationale forms the basis for § 102(e), and is based on the notion that by filing a patent application with the USPTO, applicants have done all they can do to publicize their invention disclosure.

Ex parte Yamaguchi, at 1610.

Here, in stark contrast, Applicant, the predecessor to and subsidiary of Petitioner (Cisco)—the current owner of the ’421 patent—did all it could to

prevent or delay public access to the '685 provisional on which it now attempts to rely. It removed the drawings and descriptive material it now seeks to rely upon as prior art when filing the non-provisional application that became the '421 patent. (See, Ex. 2014 (showing strikethrough of cancelled content).) And it requested non-publication of the non-provisional application issuing as the '421 patent, to hide the canceled provisional disclosure from the public unless and until it could obtain a patent on something else. (See Ex. 2013 at 11.)

Similar to *Yamaguchi*, in *Sequenom*, the Board explained its reliance on *In re Giacomini*, where “the Federal Circuit held that a patent applied in a rejection under § 102(e)(2) was prior art as of the filing date of its corresponding provisional application ***for commonly disclosed subject matter.***” *Sequenom, Inc. v. The Board of Trustees of the Leland Stanford Junior University*. IPR2014-00337, Paper 11, at 3-4 (P.T.A.B. July 16, 2014) (explaining *In re Giacomini*, 612 F.3d 1380, 1384–85 (Fed. Cir. 2010)). Continuing, the *Sequenom* Board noted,

. . . unlike the situation presently before us, the references at issue in *Yamaguchi* and *Giacomini* were patents, one of the two types of documents that qualify as prior art under § 102(e). In contrast, as discussed above, a provisional application does not qualify as prior art under either § 102(e)(1) or § 102(e)(2). In sum, because Lo I is neither a patent nor an application for patent published under 35 U.S.C. § 122(b), we conclude that Lo I does not qualify under 35 U.S.C. § 102(e) as prior art

Id.

Petitioner's reliance on incorporating a provisional application by reference into a non-provisional application leaves out all the unhelpful (to them) parts of the law that push its effective date too late. The issue is one of cancellation and non-publication, where the material relied upon for anticipation is not "commonly disclosed" between the provisional and the published prior art patent (or published application). When the non-provisional application omits disclosures from the provisional application, it cannot be "commonly disclosed." In that case, the information from the provisional application that was left out of the non-provisional ***is never published in either a published application or an issued patent.*** Cf. 35 U.S.C. § 102(a)(2).

Petitioner is therefore, once again, incorrect in its continued insistence that "incorporation by reference" is sufficient to incorporate all disclosures of the '685 provisional application into the '421 patent. As in *Samsung*, here, the Petition "failed to explain sufficiently how [the '685 provisional application] itself constitutes" prior art. *Samsung*, IPR2014-00740, Paper 20, at 4-5. Petitioner's admission that "the Petition does not assert that the '685 Provisional Application is itself prior art" only emphasizes that Petitioner has failed to meet its burden of proof to show that the '685 provisional application is prior art to the '632 patent. (Reply at 5.)

The citations in Petitioner's Reply do not change this analysis. Petitioner's citation to the M.P.E.P. (8th Ed) §2163.07(b) is entitled to no weight. Setting aside

Petitioner’s failure to analyze the M.P.E.P.’s “essential material” exception for incorporation by reference and its omission of the first sentence of §2163.07(b), which states that incorporation may be used to avoid “repeating **some** information,” Petitioner cannot reasonably assert that non-binding guidance—because that is all that the M.P.E.P. provides—on “incorporation by reference” overcomes the aforementioned law. In fact, the *Samsung* Board would have had no reason to mention the requirement of ‘common disclosure’ as between a provisional and a published application or patent relied upon as § 102(a)(2) prior art if the rejected ‘incorporation by reference’ theory sufficed to satisfy ‘common disclosure’.

Petitioner’s caselaw fares no better. In *Ultradent*, the Federal Circuit addressed whether a long-since published prior art patent, Rosenthal, was incorporated by reference into a second prior art patent, Munro. *See Ultradent Prods. v. Life-Like Cosmetics, Inc.*, 127 F.3d 1065, 1069 (Fed. Cir. 1997). The fact pattern of *Ultradent* is therefore significantly different from the present case, as the canceled matter of the ’685 provisional was (without question) neither published nor publicly available prior to the critical date at issue.

Petitioner’s reliance on *Apple v Koss* is misplaced. (Reply, Paper 25, at 4 (citing *Apple Inc. v. Koss Corporation*, IPR2021- 00255, Paper 54 (Final Written Decision) (May 31, 2022))) The two provisional applications at issue in *Apple v Koss* became publicly available *more than eleven years before* the challenged

patent was filed. Understandably, the patent owner in that case had no basis for (and did not even raise) an incorporation by reference argument. Thus, the Board performed no analysis and made no holding regarding the priority date of the provisional applications in that case. *See Apple v. Koss*, Paper 54 at 28 (“Patent Owner does not address Petitioner’s arguments . . . other than to challenge the combination of Brown and Scherzer . . .”). Further, while *Apple* discusses the application dates and filing dates of the provisional and non-provisional applications asserted as prior art, the Board provides no facts whatsoever regarding the publication dates of either provisional application asserted in that case. *Apple v. Koss* therefore has no bearing on this case.

Petitioner’s Reply cites to another *Apple* case, *Apple v. Ericsson*, to wrongly assert the inapplicability of *Dynamic Drinkware*, even though the prior art at issue was not a pre-AIA reference. (Reply, Paper 25, at 15 (citing *Apple Inc. v. Telefonaktiebolaget LM Ericsson*, IPR2022-00341, Paper 10, at 14–22 (PTAB Sept. 14, 2022)).) *Apple v. Ericsson* does, however, make a notable statement on the issue of ‘common disclosure’ within a patent family. Specifically, in *Apple v. Ericsson*, the Board noted that the Patent Owner did not dispute the existence of “**correspondence between the disclosures**” in the earlier and later familial references at issue. IPR2022-00341, Paper 10, at 21; *see also, Forescout Techs., Inc., v. Fortinet, Inc.*, IPR2021-01328, Paper 12 at 9 (PTAB Jan. 27, 2022) (Board explained that “the subject matter disclosed in [reference] Thomas is only available

as prior art to the [challenged] patent *to the extent it also is described in the earlier-filed Thomas Provisional.*”). Here, it is undisputed that ’685 provisional and ’421 patent *lack* “correspondence” for the key disclosures at issue.

B. Petitioner Fails to Address M.P.E.P. Guidance on Cancellation

Patent Owner’s Response cites M.P.E.P. § 901.01 and § 2127(II)(A) for the legal proposition that matter cancelled from an application cannot be relied upon as an invalidating reference as of the filing date of the application under 35 U.S.C. § 102(a)(2). (Response, Paper 24, at 7-8.) Petitioner’s Reply does not address either of these M.P.E.P. subsections. Instead, the Reply mentions § 2127(I), which addresses “abandoned applications”.

But the result will not change even if considering the ’685 provisional to be an abandoned application—which (as explained below) it is not, despite Petitioner’s implication. (Reply, Paper 25, at 5.) The Patent Office recognizes that orphaned material in abandoned, unpublished applications is not available for use as prior art until such applications become publicly available:

Where an unpublished abandoned application is **identified or whose benefit is claimed** in a U.S. patent [or other patent publications], the file contents of the unpublished abandoned application may be made available to the public. **Subject matter** from abandoned applications which is available to the public under 37 CFR 1.14 may be used as prior art against a pending U.S. application under pre-AIA 35 U.S.C. 102(a) or 102(b) or 35 U.S.C. 102(a)(1) **as of the date the subject matter became publicly available.**

M.P.E.P. § 901.02 (emphasis added).

However, it is not M.P.E.P. § 901.02 that best applies here, but rather the aforementioned M.P.E.P. § 901.01, which bluntly states:

Canceled matter in the application file of a U.S. patent or U.S. application publication is not a proper reference as of the filing date under 35 U.S.C. 102(a)(2) or pre-AIA 35 U.S.C. 102(e). See *Ex parte Stalego*, 154 USPQ 52, 53 (Bd. App. 1966). However, matter canceled from the application file wrapper of a U.S. patent or U.S. application publication may be used as prior art as of the patent or publication date, respectively, in that it then constitutes prior public knowledge or prior public availability under 35 U.S.C. 102(a)(1) or pre-AIA 35 U.S.C. 102(a). See, *e.g.*, *In re Lund*, 376 F.2d 982, 153 USPQ 625 (CCPA 1967). See also MPEP § 2127 and § 2136.02.

M.P.E.P. § 901.01.

A non-provisional application does not get the benefit of the provisional for cancelled matter. The canceled portions of a provisional application only become prior art when the full file history (including the provisional) of a published application or an issued patent becomes available to the public.

C. Petitioner’s Footnote Discussion of M.P.E.P. § 2127(I) (RE: Abandoned Applications, Including Provisionals) Is Incomplete and Flawed

Petitioner’s Reply (Paper 25, at 5) cites to M.P.E.P. § 2127(I) presumably because it deems the subject matter that was not carried forward into (and thus not commonly disclosed within) the Agarwala non-provisional application to be “abandoned”. However, M.P.E.P. § 2127(I) is directed to abandoned applications, not subject matter that is cancelled (*i.e.*, not carried forward) from a provisional to a non-provisional application. Here, the ’685 provisional was not abandoned.

Rather, non-provisional application no. 14/135,485 (which issued as the '421 patent) claimed the benefit of priority to the '685 provisional on the one-year anniversary of the provisional's filing date. But that non-provisional cancelled the majority of the subject matter contained in the '685 provisional, thus resulting in a published '421 patent that had very little subject matter that was 'commonly disclosed' with the '685 provisional.

By relying on a mention of "incorporation by reference," Petitioner misinterprets M.P.E.P. § 2127(I) as somehow altering the express words of 35 U.S.C. § 102(a)(2), which expressly apply to "a patent" or "an application for patent published or deemed published under 122(b)." The '685 provisional is none of these things. Thus, the cancelled subject matter on which Petitioner seeks to rely cannot be considered prior art under 35 U.S.C. § 102(a)(2). Rather, the canceled matter of the '685 provisional only became prior art under 35 U.S.C. § 102(a)(1) as a printed publication on the date it became publicly accessible from the USPTO. See M.P.E.P. § 901.02. This was the date of issuance of the '421 patent, because this patent issued from an application subject to a non-publication request. Moreover, M.P.E.P. § 2127(I) cites to *In re Lund*, which ties the propriety of a rejection based on material 'incorporated by reference' to disclosures that were "available to the public[.]" 376 F.2d 982, 989-990 (C.C.P.A. 1967). This principle is further evidenced by *Venkat Konda v. Flex Logix Techs., Inc.*, 2022 U.S. App. LEXIS 12248, at *2-*9 (Fed. Cir. May 6, 2022). In *Konda*, the Federal

Circuit hinged its analysis of whether an alleged anticipation based on § 102(b) could rest on a publication that incorporated by reference essential teachings from a provisional application on “whether the provisional application (containing essential relied-on teachings) was public” as of the critical date at issue. Here, there is no disputing that the ’685 provisional was not public as of the critical date at issue.

D. Petitioner Steadfastly Avoids the Fact that the ’685 Provisional and ’421 Patent Describe Different Inventions

As discussed in Patent Owner’s Response, only select portions of the ’685 provisional application were copied over to ’421 patent. (*See* Response at 6; *see also*, Ex. 2014.) The only common figures between the ’685 provisional application and the ’421 patent are Figures 1 and 2. But Petitioner’s anticipation assertions rely heavily on the other figures of the ’685 provisional, such as Figures 3 and 9B, which do not appear in the ’421 patent. (*See* Ex. 2011 at ¶ 43.) Additionally, the majority of the non-boilerplate paragraphs in the ’685 provisional, specifically paragraphs 0037-0046 and 0053-00126, were ***entirely omitted*** from the ’421 patent’s application at filing. (Response at 6.) Notably, the specification of the ’685 provisional contains over 20,000 words, while the specification of the ’421 patent contains less than 10,000 words (many of which are different). There can be no genuine dispute that the eighty-four paragraphs and over 10,000 words removed from the ’685 provisional application were not

publicly available until after its public availability related to the '421 patent issuance on February 28, 2017. As explained above, the boilerplate “incorporation by reference” statement in the '421 patent, regarding the '685 provisional, cannot overcome this fact. *See Samsung*, IPR2014-00740, Paper 20, at 4 (emphasizing that there is no “bright-line rule by which a provisional application itself becomes § 102(e) prior art when incorporated by reference into a patent.”).

III. PETITIONER’S REPLY DOES NOT DISPUTE THAT THE '685 PROVISIONAL APPLICATION OR '421 PATENT—INDEPENDENTLY—DO NOT ANTICIPATE THE CHALLENGED CLAIMS

As in the Petition, Petitioner’s Reply merely asserts that the combination of the '658 provisional application and the '421 patent—*together*—render the Challenged Claims unpatentable. (See Reply at 7-10.) Petitioner does not dispute that neither the '421 patent nor the '685 provisional application independently disclose all elements of the Challenged Claims. (See Response at 12-19.)

As discussed above, the Petition relies on figures and statements in the '685 provisional that are not ‘commonly disclosed’ with the '421 patent. Thus, the '421 patent does not get the benefit of the '685 provisional’s filing date for the uncommon matter. And it is undisputed that the '685 provisional application does not “itself constitutes a patent or printed publication [as] required under 35 U.S.C. § 311(b) for an unpatentability challenge in an inter partes review.” *Samsung*, IPR2014-00740, Paper 20, at 4-5. Because Petitioner fails to identify art that may

be considered prior art to the '632 patent, the Petition fails as to all of the challenged claims.

IV. CONCLUSION

For the reasons discussed above, Petitioner's Reply fails to adequately rebut Patent Owner's Response showing that the Challenged claims should not be found unpatentable. Patent Owner respectfully requests that the Board issue a Final Written Decision accordingly.

Dated: February 28, 2025

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CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing was served on February 28, 2025, in its entirety by filing this document through the Patent Trial and Appeal Case Tracking System (P-TACTS) as well as providing a courtesy copy via e-mail to the following attorneys of record for the Petitioner listed below:

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