

From: [Brian M. Koide](#)
To: [Trials](#)
Cc: [AlertusPTAB](#); acaitken@aitkenlawoffices.com; jfarco@norris-law.com; acaitken@yahoo.com
Subject: RE: IPR2024-00363: Petitioner's Leave to File Reply to Patent Owner Preliminary Response (alertus-0004-x)
Date: Tuesday, April 16, 2024 10:58:42 PM

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Honorable Board:

Please see one modification below (in red) to the list of available dates/times.

Best regards,

Brian M. Koide

Brian M. Koide
Of Counsel
Millen, White, Zelano & Branigan, P.C.
2200 Clarendon Boulevard, Suite 1400
Arlington, Virginia 22201
Tel: (703) 812-5309
Cell: (202) 445-9060
Fax: (703) 243-6410
Website: www.mwzb.com
E-Mail: bkoide@mwzb.com



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From: Brian M. Koide <bkoide@mwzb.com>
Sent: Tuesday, April 16, 2024 5:32 PM
To: [Trials@uspto.gov](#)

IPR2024-00363
Ex. 3001

Cc: AlertusPTAB <AlertusPTAB@mwzb.com>; Andrew Aitken <acaitken@aitkenlawoffices.com>; jfarco@norris-law.com; acaitken@yahoo.com

Subject: IPR2024-00363: Petitioner's Leave to File Reply to Patent Owner Preliminary Response (alertus-0004-x)

Honorable Board:

Petitioner Alertus Technologies, LLC (“Petitioner”) in the above-listed matter seeks the Board’s leave to file a reply (of up to 15 pages) to the Preliminary Patent Owner Response (“POPR”) filed by Patent Owner Desktop Alert, Inc. (“Patent Owner”) for the purposes of addressing claim construction and § 325(d) arguments raised in the POPR.

Petitioner has conferred with Patent Owner, and Patent Owner has indicated that it will not oppose Petitioner’s request for a reply on the condition that, if Patent Owner elects to file a sur-reply, Petitioner will not oppose. Petitioner would not oppose such a request if any sur-reply is subject to the same restrictions (including page length) as the reply.

Petitioner understands that the Board does not wish parties to include argument (including showing good cause for leave to file a reply to a POPR) in email requests. Petitioner will be prepared to argue why good cause exists on any telephone conference with the Board. Should the Board wish to hold such a conference, the parties are available on the following dates and times:

April 17: 9am – 5 pm ET;

April 18: ~~9am – 5 pm ET~~; **9 am – 12:30 pm and 1:30 pm – 5 pm ET**;

April 19: before 1 pm ET;

April 22: before 11 am ET; and

April 23: before 11 am ET.

Best regards,
Brian M. Koide

Brian M. Koide
Of Counsel
Millen, White, Zelano & Branigan, P.C.
2200 Clarendon Boulevard, Suite 1400
Arlington, Virginia 22201
Tel: (703) 812-5309
Cell: (202) 445-9060
Fax: (703) 243-6410
Website: www.mwzb.com
E-Mail: bkoide@mwzb.com



MILLEN, WHITE, ZELANO, & BRANIGAN, P.C.

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