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Subject: IPR2024-00327, -00372, -00374 - Petitioner's Requests to Reply to Patent Owner's Preliminary Responses

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Honorable Board,

Petitioner respectfully requests leave to file pre-institution replies to Patent Owner's Preliminary Responses in each of the subject proceedings. The proposed content of the replies and bases for good cause are briefly addressed below.

1. **IPR2024-00327** – Petitioner requests a 5-page reply to address issues related to Patent Owner's construction of the phrase "reconstructing video image coding data from the basic video image coding data and the supplementary video image coding data" raised in the POPR. The reply would explain how the analysis in the Petition and the cited prior art satisfy the proposed construction and would address errors in the POPR's characterizations of "basic" and "supplementary" video image coding data in the '303 patent. Good cause exists for briefing on this issue because the construction advanced in the POPR only arose in the litigation after the Petition was filed and, thus, could not have been addressed in the Petition. The Board recently authorized pre-institution briefing in a related case between the parties under similar circumstances. See IPR2024-00062, Pap. 8 at 2-5 (PTAB April 19, 2024).
2. **IPR2024-00372** – Petitioner requests a 2-page reply to respond to Patent Owner's characterizations of the Martins, He, and Segall references in relation to its arguments for claim elements [2.4], [2.5.ii], and [2.6]. Good cause exists because Patent Owner's characterizations are inconsistent with portions of the references that were cited in the Petition, but not addressed in the POPR, and it was unforeseeable that Patent Owner would overlook the cited disclosure. Limited briefing on these issues will also be helpful in resolving the parties' dispute and would aid the Board in its deliberations on institution.
3. **IPR2024-00374** – Petitioner requests a 7-page reply to address issues related to constructions of the terms "border motion vector data" and "satisfies Poisson's equation" and discretionary denial under § 325(d) raised in the POPR.

Regarding “border motion vector data,” Petitioner specifically requests briefing to explain how the analysis in the Petition and the cited prior art satisfy the construction of this term advanced in the POPR. Good cause exists for briefing on this issue because the construction advanced in the POPR only arose in the litigation after the Petition was filed and, thus, could not have been addressed in the Petition. The Board recently authorized pre-institution briefing in a related case between the parties under similar circumstances. *See* IPR2024-00062, Pap. 8 at 2-5 (PTAB April 19, 2024).

Regarding “satisfies Poisson’s equation,” Petitioner requests briefing to explain how Patent Owner’s construction of this term is inconsistent with embodiments in the ’025 patent not addressed in the POPR and to address related mischaracterizations of the ’025 patent’s disclosure underpinning Patent Owner’s interpretations. Good cause exists for briefing on this issue because Patent Owner’s characterizations of the ’025 patent’s disclosure was unforeseeable when the Petition was filed.

Regarding discretionary denial under § 325(d), Petitioner specifically requests briefing to explain how the POPR’s arguments on this issue fail to address the Petition’s two leading references (Mualla and Shirani), neither of which, nor any substantially similar teachings, were considered by the Examiner during prosecution. Good cause exists for briefing on this issue because Patent Owner’s characterization of the Petition as presenting “the same or substantially the same prior art or arguments” in this scenario was unforeseeable when the Petition was filed.

Petitioner does not oppose sur-replies for Patent Owner of equal length to the replies, if authorized.

The parties have conferred by email and Patent Owner indicates that it opposes the requests. Should the Board desire a conference call, the parties are mutually available Monday 5/20 between 9am-12pm EDT and after 3 pm EDT, and Tuesday 5/21 between 2-4:30 pm EDT.

Respectfully submitted,
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