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Subject: RE: Abbott Laboratories, et al. v. Altivera LLC / Gentag - IPR2024-00425 (U.S. Patent No. 7,969,307
Date: Friday, May 17, 2024 9:32:21 AM

Counsel,

From the Board –

We authorize, via this email, Petitioner’s request to file a Reply to Patent Owner’s Preliminary Response and further authorize Patent Owner a Sur-Reply to Petitioner’s Reply. Petitioner is given one week from the date of this authorization to file its Reply. Petitioner’s Reply may only address the issues identified in Petitioner’s request (“to address Patent Owner’s arguments relating to: (i) discretionary denial under 325(d), and (ii) the prior art status of Bandy, the primary reference in Grounds 1 and 2 of the Petition, including its arguments based in part on inventor declarations and information that were not in Abbott’s possession before the Petition was filed.”). Patent Owner is given one week from the date of Petitioner’s Reply to file its Sur-Reply. Patent Owner’s Sur-Reply may only address the issues raised in Petitioner’s Reply.

Petitioner’s Reply and Patent Owner’s Sur-Reply are limited to 7 pages.

Regards,

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

From: Joe.Akalski@lw.com <Joe.Akalski@lw.com>
Sent: Wednesday, May 15, 2024 4:31 PM
To: Trials <Trials@USPTO.GOV>
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IPR2024-00425

Your Honors:

Petitioner Abbott requests authorization to file a Reply to Patent Owner's Preliminary Response in the above-captioned proceeding. Patent Owner does not oppose.

Abbott seeks a 7-page Reply to address Patent Owner's arguments relating to: (i) discretionary denial under 325(d), and (ii) the prior art status of Bandy, the primary reference in Grounds 1 and 2 of the Petition, including its arguments based in part on inventor declarations and information that were not in Abbott's possession before the Petition was filed.

The Parties have also agreed on a 7-Page Sur-Reply for Patent Owner.

The Parties are available for a conference call if the Board deems one to be necessary.

Respectfully submitted,
Joe Akalski
Counsel for Petitioner
Abbott Laboratories and Abbott Diabetes Care Inc.

Joseph Christopher Akalski

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