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Subject: RE: Microsoft v. LiTL, IPR2024--00458 - Request for Authorization for Preliminary Reply
Date: Wednesday, June 12, 2024 10:42:17 AM

Counsel,

The panel believes further briefing would be helpful to the panel in resolving these issues. The panel, thus, authorizes Petitioner to file a ten page preliminary reply regarding relevance of the '715 Patent proceedings to instant IPR2024-00458. Petitioner's reply is due ten days after the date of this authorization and should attach this authorization e-mail as an Exhibit. Patent Owner may file a responsive ten page sur-reply. The sur-reply is due ten days after the date of Petitioner's reply.

Regards,

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

From: Kaiser, Jessica (Perkins Coie) <JKaiser@perkinscoie.com>
Sent: Friday, June 7, 2024 3:18 PM
To: Trials <Trials@USPTO.GOV>
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Subject: Microsoft v. LiTL, IPR2024--00458 - Request for Authorization for Preliminary Reply

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Dear Honorable Board,

Petitioners respectfully request authorization to file a preliminary reply limited to Patent Owner's discussion of prior Office proceedings involving the '818 Patent's parent (U.S. 9,880,715 ("715 Patent")) (POPR 11-23). Good cause exists for a preliminary reply because, for example, Petitioners could not have anticipated 1) Patent Owner would raise arguments related to proceedings involving the '715 Patent, which was challenged by a different entity using different asserted art, and 2) Patent Owner's characterization of the art in previous challenges to the '715 Patent and this proceeding. To avoid including unnecessary argument in this email to the Board, Petitioners do not

detail here the specific unanticipated arguments related to proceedings involving the '715 Patent or Patent Owner's characterization of the art, but Petitioners can discuss further on a conference call if the Board deems additional detail necessary to determine whether to authorize a preliminary reply.

Petitioners seek 10 pages for its preliminary reply and to file it within two weeks of receiving authorization. Petitioners do not oppose Patent Owner being authorized to file a preliminary sur-reply of equal length to be filed within two weeks of the preliminary reply being filed and limited to the issues raised in the preliminary reply.

Petitioners have conferred with Patent Owner, and Patent Owner opposes Petitioners' request. Petitioners' assertion that good cause exists because Petitioners could not have anticipated that Patent Owner would raise arguments related to proceedings involving the '715 Patent fails because the Petition itself devoted several pages (Petition, 7-11) to addressing these very same proceedings. Petitioners also fail to identify any "characterizations of the art" that were unanticipated and fail to justify any reason why the Board should order twenty pages of additional briefing (10 from each side) to address prior art that is not used in the grounds in this IPR.

If the Board wishes to have a conference call, the parties can confer and propose times of mutual availability.

Thanks,

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