From:	Trials
To:	Paquette, Ian G.; Trials
Cc:	Gasparo, Frank M.; DishvMindGeek; Williams, Eliot D.; Guy, Hop; Dhanani, Ali; Carter, Thomas
Subject:	RE: Request for Leave to file Replies and Sur-Replies to Patent Owner"s Preliminary Responses in Aylo v. DISH IPR2024-00512, -00513, -00518, and -00519
Date:	Friday, June 14, 2024 4:40:37 PM

Caution: External Email

Counsel,

From the Board –

Patent Owner's Preliminary Sur-reply will be due 7 days after Petitioner files the Preliminary Reply.

Regards,

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

From: Paquette, Ian G. <IGPaquette@Venable.com>
Sent: Thursday, June 13, 2024 4:55 PM
To: Trials <Trials@USPTO.GOV>
Cc: Gasparo, Frank M. <FMGasparo@Venable.com>; DishvMindGeek <DishvMindGeek@BakerBotts.com>; Williams, Eliot D. <Eliot.Williams@BakerBotts.com>; Guy, Hop <hop.guy@BakerBotts.com>; Dhanani, Ali <ali.dhanani@bakerbotts.com>; Carter, Thomas <thomas.carter@bakerbotts.com>
Subject: RE: Request for Leave to file Replies and Sur-Replies to Patent Owner's Preliminary Responses in Aylo v. DISH IPR2024-00512, -00513, -00518, and -00519

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Dear PTAB Board,

Thank you for the authorization. For clarification, the parties requested that Petitioner's reply "be due anytime within 7 days of the Board's approval" and that "Patent Owner's sur-reply be due anytime within 7 days of when Petitioner files its POPR replies."

If Aylo files on Monday, June 17, for example, would Patent Owner's responses be due within 7 days of when Aylo files, or two weeks from the date of the Board's email below?

Regards,

Ian G. Paquette, Esq. | Venable LLP
t 212.218.2324 | f 212.307.5598 | m 301.752.8254
151 W. 42nd Street, 49th Floor, New York, NY 10036

IGPaquette@Venable.com | www.Venable.com

From: Trials <Trials@USPTO.GOV>
Sent: Thursday, June 13, 2024 2:20 PM
To: Paquette, Ian G. <IGPaquette@Venable.com>; Trials <Trials@USPTO.GOV>
Cc: Gasparo, Frank M. <FMGasparo@Venable.com>; DishvMindGeek <DishvMindGeek@BakerBotts.com>; Williams, Eliot D. <Eliot.Williams@BakerBotts.com>; Guy, Hop <hop.guy@BakerBotts.com>; Dhanani, Ali <ali.dhanani@bakerbotts.com>; Carter, Thomas <thomas.carter@bakerbotts.com>
Subject: RE: Request for Leave to file Replies and Sur-Replies to Patent Owner's Preliminary Responses in Aylo v. DISH IPR2024-00512, -00513, -00518, and -00519

Caution: External Email

Counsel,

The panel authorizes the requested briefing in the subject cases. The Preliminary Reply and Sur-reply, each of no more than 6 pages, are due one week and two weeks, respectively, from the date of this email.

Regards,

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

From: Paquette, Ian G. <IGPaquette@Venable.com>
Sent: Thursday, June 13, 2024 9:33 AM
To: Trials <Trials@USPTO.GOV>
Cc: Gasparo, Frank M. <FMGasparo@Venable.com>; DishvMindGeek <DishvMindGeek@BakerBotts.com>; Williams, Eliot D. <Eliot.Williams@BakerBotts.com>; Guy, Hop <hop.guy@BakerBotts.com>; Dhanani, Ali <ali.dhanani@bakerbotts.com>; Carter, Thomas <thomas.carter@bakerbotts.com>
Subject: Request for Leave to file Replies and Sur-Replies to Patent Owner's Preliminary Responses in Aylo v. DISH IPR2024-00512, -00513, -00518, and -00519

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Dear PTAB Board,

The Board previously granted the parties' requests in IPR2024-00514, -00515, -00516, and -00517 for Petitioner to file a 6-page POPR reply and for Patent Owner to file a 6-page sur-reply on certain topics (listed in the below correspondence with the Board). The parties jointly request the same 6-page reply and sur-reply covering the same topics in IPR2024-00512, -00513, -00518, and -00519, which are directed to Patent Owner's related patents and involve the same Leaning reference.

The parties propose that Petitioner's POPR replies in IPR2024-00512, -00513, -00518, and -00519 be due anytime within 7 days of the Board's approval of this request and that Patent Owner's sur-reply be due anytime within 7 days of when Petitioner files its POPR replies.

The parties thank the Board for its consideration. The parties do not believe a conference call is necessary but, if the Board requests one, the parties will confer and provide their availability.

Regards,

Ian G. Paquette, Esq. | Venable LLP
t 212.218.2324 | f 212.307.5598 | m 301.752.8254
151 W. 42nd Street, 49th Floor, New York, NY 10036

IGPaquette@Venable.com | www.Venable.com

From: Trials <Trials@USPTO.GOV>
Sent: Friday, May 24, 2024 9:16 AM
To: Trials <Trials@USPTO.GOV>; Paquette, Ian G. <IGPaquette@Venable.com>
Cc: Gasparo, Frank M. <FMGasparo@Venable.com>; DishvMindGeek <DishvMindGeek@BakerBotts.com>; Williams, Eliot D. <Eliot.Williams@BakerBotts.com>; Guy, Hop <hop.guy@BakerBotts.com>; Dhanani, Ali <ali.dhanani@bakerbotts.com>; Carter, Thomas <thomas.carter@bakerbotts.com>
Subject: RE: Petitioner's Request for Leave to file Replies to Patent Owner's Preliminary Responses in Aylo v. DISH IPR2024-00514, -00515, -00516, and -00517

Caution: External Email

Counsel,

From the Board –

Please disregard the due date times of the prior email. The Preliminary Reply and Sur-reply, each of no more than 6 pages, are due two weeks and four weeks, respectively, from the date of this email.

Regards,

Esther Goldschlager
Supervisory Paralegal Specialist
Patent Trial & Appeal Board

U.S. Patent & Trademark Office

From: Trials <Trials@USPTO.GOV>
Sent: Friday, May 24, 2024 8:22 AM
To: Paquette, Ian G. <IGPaquette@Venable.com>; Trials <Trials@USPTO.GOV>
Cc: Gasparo, Frank M. <FMGasparo@Venable.com>; DishvMindGeek <DishvMindGeek@BakerBotts.com>; Williams, Eliot D. <Eliot.Williams@BakerBotts.com>; Guy, Hop <hop.guy@BakerBotts.com>; Dhanani, Ali <ali.dhanani@bakerbotts.com>; Carter, Thomas <thomas.carter@bakerbotts.com>
Subject: RE: Petitioner's Request for Leave to file Replies to Patent Owner's Preliminary Responses in Aylo v. DISH IPR2024-00514, -00515, -00516, and -00517

Counsel,

The panel authorizes the requested briefing in the subject cases. The Preliminary Reply and Sur-reply, each of no more than 6 pages, are due one week and two weeks, respectively, from the date of this email.

Regards,

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

From: Paquette, Ian G. <IGPaquette@Venable.com>
Sent: Thursday, May 23, 2024 11:01 AM
To: Trials <Trials@USPTO.GOV>
Cc: Gasparo, Frank M. <FMGasparo@Venable.com>; DishvMindGeek <DishvMindGeek@BakerBotts.com>; Williams, Eliot D. <Eliot.Williams@BakerBotts.com>; Guy, Hop <hop.guy@BakerBotts.com>; Dhanani, Ali <ali.dhanani@bakerbotts.com>; Carter, Thomas <thomas.carter@bakerbotts.com>
Subject: Petitioner's Request for Leave to file Replies to Patent Owner's Preliminary Responses in Aylo v. DISH IPR2024-00514, -00515, -00516, and -00517

CAUTION: This email has originated from a source outside of USPTO. **PLEASE CONSIDER THE SOURCE** before responding, clicking on links, or opening attachments.

Dear PTAB Board,

Petitioner in IPR2024-00514, -00515, -00516, and -00517 respectfully requests authorization in each IPR to file a Preliminary Reply of no more than 6 pages not inclusive of exhibits to respond to Patent Owner's arguments in its preliminary response. The parties met and conferred, and Patent Owner does ***not*** oppose this request as long as it can file an equal-length sur-reply.

A Preliminary Reply is warranted because Patent Owner did not address any of the merits of the IPR petitions, but instead dedicated its entire allotted word count arguing for discretionary denial. Thus, Patent Owner raised arguments that Petitioner believes it could not reasonably have had space to address or could not be expected to have anticipated and preemptively addressed in its petition. The parties have agreed that Petitioner's Preliminary Reply will be limited to the following:

- Responding to Patent Owner's arguments regarding lack of examiner error based on events that happened after the petitions were filed, such as the notice of allowance of the just issued 18/069,450 Application (U.S. Pat. No. 11,991,234);
- Responding to Patent Owner's arguments regarding the timing that Petitioner filed the Ogdon-based petitions and to explain the relevance of a preliminary injunction motion Patent Owner had filed against Petitioner in district court;
- Proposing a schedule for the Leaning-based petitions in the event they are instituted, including proposals to align the schedule of the Leaning-based petitioners with the schedule of the Ogdon-based petitions.

The parties thank the Board for its consideration. If a conference call is needed, the parties will confer and provide their availability.

Respectfully submitted,

Ian Paquette
Counsel for Petitioner Aylo Freesites, Ltd

Ian G. Paquette, Esq. | Venable LLP
t 212.218.2324 | f 212.307.5598 | m 301.752.8254
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