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|---|---|
| **From:** | Trials |
| **To:** | Trials; Paquette, Ian G. |
| **Cc:** | Gasparo, Frank M.; DishvMindGeek; Williams, Eliot D.; Guy, Hop; Dhanani, Ali; Carter, Thomas |
| **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 |
| **Date:** | Friday, May 24, 2024 9:16:15 AM |

**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

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**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

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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

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