From: **Trials** Trials@USPTO.GOV
Subject: RE: IPR2024-00522, IPR2024-00523, and IPR2024-00524
Date: July 3, 2024 at 11:06 AM
To: Chris Schmidt chris.schmidt@eriseip.com, Trials Trials@USPTO.GOV
Cc: Adam Seitz adam.seitz@eriseip.com, Adam Sandwell adam.sandwell@eriseip.com, Chalynda Giles chalynda.giles@eriseip.com, Taylor Parker taylor.parker@eriseip.com, bruce@fr.com, griswold@fr.com, hoover@fr.com, langley@fr.com, colvin@fr.com

Counsel,

The Board believes it would be helpful to grant the requested briefing since there appears to be some dispute about what notice was provided to Petitioner in the related litigation. Petitioner is authorized to submit a 5-page reply, in each referenced case, no later than July 15, 2024. Patent Owner may submit a 5-page sur-reply, in each referenced case, no later than July 25, 2024.

Regards,

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

From: Chris Schmidt <chris.schmidt@eriseip.com>
Sent: Tuesday, July 2, 2024 5:19 PM
To: Trials <Trials@USPTO.GOV>
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Subject: IPR2024-00522, IPR2024-00523, and IPR2024-00524

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To the Board:

I write on behalf Petitioner Ravin Crossbows, LLC regarding IPR2024-00522, -00523, and -00524. Patent Owner's ("PO") Preliminary Response ("POPR") asks the Board to deny on the basis that the references cited in the petition are not prior art.

Ravin seeks a short, 5-page reply for each of these Petitions to address PO's attempted swear behind arguments. Petitioner would like to address the lack of evidence in the POPR establishing that each limitation of the challenged claims is found in PO's alleged evidence supporting its reduction to practice. Petitioner also would like to address PO's reliance on inventor testimony for corroboration in light of the Federal Circuit's precedent to the contrary. *See Mahurkar v. C.R. Bard, Inc.*, 79 F.3d 1572, 1577 (Fed. Cir. 1996).

Good cause exists to grant this Reply because Petitioner could not have anticipated these arguments in its petition. First, PO has taken an inconsistent position from the litigation in its POPR for the '017 patent (IPR2024-00523). In the related litigation, PO's interrogatory responses did not indicate it was attempting to rely on an earlier reduction to practice. This POPR is the first time PO has made such an argument for the '017 Patent. Second, for IPR2024-00522 and -00524, while PO's interrogatory responses suggested it may attempt to establish an earlier priority date, PO's interrogatory responses did not submit the

evidence now before the Board in the form of Mr. McPherson's declaration (Ex. 2006) and PO specifically noted it was still "seeking confirmation regarding the first date of such prototype bows." Indeed, only one of the two magazine articles was referenced in the litigation. Thus, the POPRs are the first time PO has put forth its full argument and evidence and Ravin could not have addressed this evidence in its Petition.

Petitioner has conferred with PO. PO objects to this request and provides the following statement:

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MCP opposes Ravin's request for a reply. There is no good cause for the reply, because, as detailed in the POPR, the reduction to practice dates and article on the Mission Menace were provided to Ravin the related litigation prior to Ravin having filed its petitions. If Ravin is granted a reply, MCP requests a sur-reply of commensurate length.
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Respectfully,
Chris Schmidt
Counsel for Petitioner Ravin Crossbows, LLC