

From: [Trials](#)
To: [Jonathan Tuminaro](#); [Trials](#)
Cc: [David Hecht](#); [Michael Specht](#); [David Haars](#); [Jennifer Chagnon](#); [James Zak](#); [PTAB Account](#)
Subject: RE: IPR2024-00529, -00530, and -00531 // Request for Leave to File Reply to POPRs
Date: Monday, July 1, 2024 11:53:27 AM
Attachments: [image001.png](#)
[image002.png](#)

Counsel,

From the Board –

In each of IPR2024-00529 and IPR2024-00530, Petitioner is authorized to file a 10-page reply and accompanying 10-page expert declaration by July 12, 2024. Patent Owner is authorized to file a 10-page sur-reply and accompanying 10-page expert declaration by July 26, 2024.

Additionally, in each of IPR2024-00528 and IPR2024-00612, Petitioner is authorized to file a 10-page reply and accompanying 10-page expert declaration by July 12, 2024. Patent Owner is authorized to file a 10-page sur-reply and accompanying 10-page expert declaration by July 26, 2024.

Petitioner is not authorized to file a reply in IPR2024-00531.

Petitioner is authorized to file a *Sotera* stipulation in each of IPR2024-00528, IPR2024-00529, IPR2024-00530, IPR2024-00531, and IPR2024-00612.

Regards,

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

From: Jonathan Tuminaro <JTUMINAR@sternekessler.com>
Sent: Thursday, June 20, 2024 9:31 AM
To: Trials <Trials@USPTO.GOV>
Cc: David Hecht <dhecht@hechtpartners.com>; Jonathan Tuminaro <JTUMINAR@sternekessler.com>; Michael Specht <MSPECHT@sternekessler.com>; David Haars <DHaars@sternekessler.com>; Jennifer Chagnon <JChagnon@sternekessler.com>; James Zak <jzak@hechtpartners.com>; PTAB Account <PTAB@sternekessler.com>
Subject: IPR2024-00529, -00530, and -00531 // Request for Leave to File Reply to POPRs

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

Honorable Board:

In accordance with 37 C.F.R. 42.108(c), Petitioner requests leave to file a reply to Patent Owner's

Preliminary Responses in the above-captioned IPRs. Petitioner requests a 10-page reply and accompanying 10-page expert declaration, due within 10 business days, if authorized. The reply would respond to the following issues, which were unforeseeable and/or raise new claim-construction issues:

- ☐ ☐ ☐ Patent Owner's contentions in IPR2024-00529 ('454 patent) that the prior art does not teach the "situational network," "event node server," and "event node" claim elements based on new claim constructions. These contentions are based on documents filed in district court **after** the IPR petition was filed. *See, e.g.*, IPR2024-00529, POPR, 12, 15 (relying on EX2001, which was filed in district court on April 26, 2024).
- ☐ ☐ ☐ Patent Owner's contentions in IPR2024-00530 ('345 patent) that the prior art does not teach the "situational network," "roll call query," and "situational authority" claim elements based on new claim constructions. These contentions are based on documents filed in district court **after** the IPR petition was filed. *See, e.g.*, IPR2024-00530, POPR, 19, 20, 22 (relying on EX2001, which was filed in district court on April 26, 2024).

To address the *Fintiv* issues raised by Patent Owner, Petitioner provides a *Sotera* stipulation in IPR2024-00529, -00530, and -00531. Upon receiving authorization to submit a reply, Petitioner will confirm the *Sotera* stipulation in the reply.

Patent Owner has indicated that it opposes Petitioner's request. Should the Board desire a conference call, Petitioner is available at the following times:

Thursday, June 20: 1:30 pm to 4:00 pm ET

Friday, June 21: 10:00 am to noon ET or 1:30 pm to 4:00 pm ET

The parties can also be available at another time convenient for the Board.

Regards,
Jonathan
Counsel for Petitioner



Jonathan Tuminaro, Ph.D.
Director
Sterne, Kessler, Goldstein & Fox P.L.L.C.
1101 K Street, NW, 10th Floor, Washington, DC 20005

Email: jtuminar@sternekessler.com
Direct: 202.772.8967
Administrative Assistant: Earnesteen Ginn-White
Main: 202.371.2600 **Direct:** 202.772.8574

Notice: The information in this electronic transmission (including any attachments) may contain confidential or legally privileged information and is intended solely for the individual(s) or entity(ies) named above. If you are not an intended recipient or an authorized agent, you are hereby notified that reading, distributing, or otherwise disseminating or copying, or taking any action based on the contents of this transmission is strictly prohibited. Any unauthorized interception of this

transmission is illegal under the law. If you have received this transmission in error, please immediately notify the sender by return email and then destroy all copies of the transmission.