

From: [Andrew Sherman](#)
To: [Yung-Hoon \(Sam\) Ha](#); [Trials](#)
Cc: [Laura Avena](#); [Taeg Sang \(Tim\) Cho](#); [Alex Chan](#); [Jason Shapiro](#); [Mariam Clayton](#); [DLF- Lit Paras](#); [Joel Glazer](#); [Peter Mazur](#); [Sung-Samsung-DLF Intl](#); [Andrew Sherman](#)
Subject: Re: IPR2024-00533, IPR2024-00534, IPR2024-00535 - Request for leave to file Replies to POPRs
Date: Friday, July 12, 2024 8:07:33 AM

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Dear Honorable Board,

Patent Owner requests a conference call to explain its position, the substance of which is not addressed fully by Petitioner's email.

Patent Owner is available for a conference during the following times indicated by Petitioner:

July 16: 10am-2pm ET

July 17: 10am-5pm ET

Respectfully,

Andrew Sherman

Counsel for Patent Owner

From: Yung-Hoon (Sam) Ha <YHa@desmaraisllp.com>
Date: Thursday, July 11, 2024 at 9:05 PM
To: trials@uspto.gov <trials@uspto.gov>
Cc: Laura Avena <LAvena@desmaraisllp.com>, Taeg Sang (Tim) Cho <TCho@desmaraisllp.com>, Alex Chan <achan@devlinlawfirm.com>, Jason Shapiro <jshapiro@devlinlawfirm.com>, Mariam Clayton <mclayton@devlinlawfirm.com>, DLF- Lit Paras <dlflitparas@devlinlawfirm.com>, Joel Glazer <jglazer@devlinlawfirm.com>, Peter Mazur <PMazur@devlinlawfirm.com>, Sung-Samsung-DLF Intl <Sung-Samsung-DLF Intl@devlinlawfirm.com>
Subject: IPR2024-00533, IPR2024-00534, IPR2024-00535 - Request for leave to file Replies to POPRs

Dear Honorable Board,

Petitioner requests leave to file replies to the Patent Owner's Preliminary Responses (POPRs) in the following IPRs: IPR2024-00533 ('270 Patent), IPR2024-00534 ('862 Patent), and IPR2024-00535 ('802 Patent).

For each of IPR2024-00533 and IPR2024-00535, Petitioner requests authorization to submit a **five-page Reply to the POPRs** to:

1. address the likelihood of a stay, including authorization from the Board to submit a copy

of Sung's Sur-Reply in Opposition of Motion to Stay filed on June 24, 2024 in the parallel district court litigation that includes certain concessions made by Dr. Sung regarding the stay at the end of Markman briefing;

2. address Patent Owner's statement regarding the purported significant expenses that were incurred so that Petitioner can provide certain omitted facts that would provide the Board with a more complete picture; and
3. provide Petitioner's willingness to submit a Sotera stipulation should the district court deny our motion to stay for summary judgment of invalidity in the parallel district court (which has been fully briefed) or upon institution of the IPRs, whichever occurs earlier.

For IPR2024-00534, Petitioner requests authorization to provide **seven-page Reply to the POPR** to address the issues noted above for IPR2024-00533 and IPR2024-00535, and to request address the inconsistent positions Patent Owner is taking regarding Sung'026 (U.S. Patent Publication No. 2007/0060026 filed as U.S. Patent Application No. 11/223,786) between the POPRs filed in IPR2024-00533 and IPR2024-00535.

Patent Owner's counsel has indicated they oppose the request with respect to IPR2024-00533, but has not responded to our various emails (beginning on July 8) for a meet and confer regarding IPR2024-00534 and IPR2024-00535.

Should the Board request a conference call to discuss the requests, Petitioners are available at the following times.

- July 15: 2pm-5pm ET
- July 16: 10am-2pm ET
- July 17: 10am-5pm ET

Yung-Hoon Ha
Lead Counsel for Petitioner

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