

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NJOY, LLC, and NJOY HOLDINGS, INC.
Petitioner,

v.

JUUL LABS, INC.,
Patent Owner.

IPR2024-00536
Patent 11,606,981 B2

Before KRISTINA M. KALAN, KIMBERLY McGRAW, and
AVELYN ROSS, *Administrative Patent Judges*.

McGRAW, *Administrative Patent Judge*.

ORDER

Granting Petitioner's Request to File a
Reply to Patent Owner's Preliminary Response
37 C.F.R. §§ 42.5, 42.108(c)

On June 4, 2024, Petitioner NJOY LLC and NJOY Holdings sent an email requesting leave to file a five-page reply to Patent Owner's Preliminary Response to address Patent Owner's secondary consideration arguments. Ex. 3001. Petitioner also seeks leave to file two full deposition transcripts and exhibits associated with those depositions to be designated as "PROTECTIVE ORDER MATERIAL — ATTORNEYS' EYES ONLY" pursuant to the proposed stipulated Protective Order (Ex. 2101).

Patent Owner does not oppose Petitioner's request provided that Patent Owner is permitted to submit a five-page sur-reply within one week.

Petitioner's request to file a reply is granted. The reply is due within five business days of this Order and is limited to five pages. Patent Owner is authorized to file a sur-reply of no more than five pages within five business days thereafter.

Authorization from the Board to file exhibits or a motion to seal is not required. Petitioner may file a motion to seal concurrent with the filing of its exhibits. *See Consolidated Practice Trial Guide* (Nov. 2019), 19–22, 37, 75, 91–92, 107, 110–111, 114.

ORDER

It is ORDERED that Petitioner's request for leave to file a reply is *granted*;

FURTHER ORDERED that Patent Owner's request to file a sur-reply is *granted*;

FURTHER ORDERED that the reply shall be filed within 5 business days of this Order, the sur-reply shall be filed within 5 business days thereafter, and neither the reply nor the sur-reply shall exceed five (5) pages.

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