

From: [Trials](#)
To: [Bombach, Miguel](#); [Trials](#); [Alan Whitehurst](#); [Brandon Merrill](#); [Arvind Jairam](#); [Neil Ozarkar](#); [Schnurer, John](#); [John \(Perkins Coie\)](#)
Cc: [Trials](#)
Subject: RE: IPR2024-00550, 00551, 00552, 00553 - MPS v. Greenthread - sur-sur-reply request
Date: Thursday, June 12, 2025 1:52:03 PM

Counsel: The panel has received your emails regarding the parties' dispute about additional briefing. An order will issue in due course.

Regards,

Andrew Kellogg,
Deputy Chief Clerk, Trials
Patent Trial and Appeal Board
USPTO
andrew.kellogg@uspto.gov
(571) 272-5366

From: Bombach, Miguel <miguel.bombach@foley.com>
Sent: Thursday, June 12, 2025 3:03 AM
To: Trials <Trials@USPTO.GOV>; Alan Whitehurst <awhitehurst@McKoolSmith.com>; Brandon Merrill <bmerrill@McKoolSmith.com>; Arvind Jairam <ajairam@McKoolSmith.com>; Neil Ozarkar <nozarkar@McKoolSmith.com>; Schnurer, John <john.schnurer@foley.com>; John (Perkins Coie) <jesterhay@perkinscoie.com>
Cc: Trials <Trials@USPTO.GOV>
Subject: RE: IPR2024-00550, 00551, 00552, 00553 - MPS v. Greenthread - sur-sur-reply request

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Dear Board,

Sending a friendly reminder regarding the below.

Thanks,
Miguel

Miguel Bombach
Partner

Foley & Lardner LLP
11988 El Camino Real, Suite 400, San Diego, CA 92130
Phone 858.847.6757
[View My Bio](#) | [Visit Foley.com](#) | miguel.bombach@foley.com



FOLEY & LARDNER LLP

From: Bombach, Miguel <miguel.bombach@foley.com>

Sent: Friday, May 30, 2025 8:25 PM

To: Trials <Trials@USPTO.GOV>; Alan Whitehurst <awhitehurst@McKoolSmith.com>; Brandon Merrill <bmerrill@McKoolSmith.com>; Arvind Jairam <ajairam@McKoolSmith.com>; Neil Ozarkar <nozarkar@McKoolSmith.com>; Schnurer, John <john.schnurer@foley.com>; John (Perkins Coie) <jesterhay@perkinscoie.com>

Cc: Trials <Trials@USPTO.GOV>

Subject: Re: IPR2024-00550, 00551, 00552, 00553 - MPS v. Greenthread - sur-sur-reply request

Dear Board,

The parties have conferred and there remains dispute on briefing. The parties respective positions are below.

Petitioner: 10 pages per party is appropriate to adequately address the issues presented in the Director's decision. Moreover, there should be simultaneous briefing due two weeks after the Board addresses the parties' disputes contained in this correspondence.

Patent Owner: To the extent the Board grants Petitioner's request for additional briefing, Patent Owner proposes that the Board authorize each party to file a 5-page brief with the following briefing schedule: Petitioner's brief will be due 7 days after Board authorization; and Patent Owner's responsive brief will be due 7 days after the filing of Petitioner's brief. Patent Owner opposes the introduction of any new evidence not already in the record as part of the briefing.

Regards,
Miguel

From: Trials <Trials@USPTO.GOV>

Sent: Saturday, May 24, 2025 2:29 AM

To: Alan Whitehurst <awhitehurst@McKoolSmith.com>; Brandon Merrill <bmerrill@McKoolSmith.com>; Arvind Jairam <ajairam@McKoolSmith.com>; Neil Ozarkar <nozarkar@McKoolSmith.com>; Schnurer, John <john.schnurer@foley.com>; John (Perkins Coie) <jesterhay@perkinscoie.com>; Bombach, Miguel <miguel.bombach@foley.com>

Cc: Trials <Trials@USPTO.GOV>

Subject: RE: IPR2024-00550, 00551, 00552, 00553 - MPS v. Greenthread - sur-sur-reply request

***** EXTERNAL EMAIL MESSAGE *****

Counsel:

The panel received your inquiry concerning an opportunity to brief the issues raised by the Director's April 24, 2025 Decision in related IPRs 2023-001242, -001243, and -001243, which issued after Petitioner's Reply was filed and before Patent Owner's Sur-Reply was filed.

The panel is amenable to further briefing limited to the issues raised in the Director's Decision. The parties are directed to meet and confer with each other and submit to the Board by the end of next week (May 30, 2025) the format and timing for such briefing that the parties envision to sufficiently address the Director's concerns.

Regards,

Andrew Kellogg,
Deputy Chief Clerk, Trials
Patent Trial and Appeal Board
USPTO
andrew.kellogg@uspto.gov
(571) 272-5366

From: Bombach, Miguel <miguel.bombach@foley.com>
Sent: Tuesday, May 20, 2025 2:04 PM
To: Trials <Trials@USPTO.GOV>
Cc: Alan Whitehurst <awhitehurst@McKoolSmith.com>; Brandon Merrill <bmerrill@McKoolSmith.com>; Arvind Jairam <ajairam@McKoolSmith.com>; Neil Ozarkar <nozarkar@McKoolSmith.com>; Schnurer, John <john.schnurer@foley.com>; Esterhay, John (Perkins Coie) <jesterhay@perkinscoie.com>
Subject: RE: IPR2024-00050, 00051, 00052, 00053 - MPS v. Greenthread - sur-sur-reply request

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This would be for the below IPRS (there was a missing number in the e-mail).

- IPR2024-00550
- IPR2024-00551
- IPR2024-00552
- IPR2024-00553

Miguel Bombach

Partner

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FOLEY & LARDNER LLP

From: Trials <Trials@USPTO.GOV>

Sent: Tuesday, May 20, 2025 6:15 AM

To: Bombach, Miguel <miguel.bombach@foley.com>; Trials <Trials@USPTO.GOV>

Cc: Alan Whitehurst <awhitehurst@McKoolSmith.com>; Brandon Merrill <bmerrill@McKoolSmith.com>; Arvind Jairam <ajairam@McKoolSmith.com>; Neil Ozarkar <nozarkar@McKoolSmith.com>; Schnurer, John <john.schnurer@foley.com>; Esterhay, John (Perkins Coie) <jesterhay@perkinscoie.com>

Subject: RE: IPR2024-00050, 00051, 00052, 00053 - MPS v. Greenthread - sur-sur-reply request

***** EXTERNAL EMAIL MESSAGE *****

Counsel,

Please clarify the case numbers that this request pertains to.

Regards,

Andrew Kellogg,
Deputy Chief Clerk, Trials
Patent Trial and Appeal Board
USPTO
andrew.kellogg@uspto.gov
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From: Bombach, Miguel <miguel.bombach@foley.com>

Sent: Monday, May 19, 2025 7:12 PM

To: Trials <Trials@USPTO.GOV>

Cc: Alan Whitehurst <awhitehurst@McKoolSmith.com>; Brandon Merrill <bmerrill@McKoolSmith.com>; Arvind Jairam <ajairam@McKoolSmith.com>; Neil Ozarkar <nozarkar@McKoolSmith.com>; Schnurer, John <john.schnurer@foley.com>; Esterhay, John (Perkins Coie) <jesterhay@perkinscoie.com>

Subject: IPR2024-00050, 00051, 00052, 00053 - MPS v. Greenthread - sur-sur-reply request

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Dear Board,

Petitioner requests a sur-sur-reply in IPR2024-00050, 00051, 00052, 00053. The parties conferred and Patent Owner opposes the request.

Petitioner's Position: Petitioner requests a short sur-sur-reply to address issues raised in Patent Owner's sur-reply that were not responsive to Petitioner's reply. Specifically, Patent Owner's sur-reply characterized and applied the director review decision (which post-dated Petitioner's reply) to argue that the institution's analysis was legal error. (See generally Paper 45 at pg. 1 (introduction summarizing argument using director review decision).) Sur-sur-reply is further warranted in light of the Board's caution to Patent Owner, where the Board stated that "Petitioner would likely be given the opportunity to file another brief addressing the same issues raised by the Director's decision, which issued after Petitioner's Reply was filed." (Paper 43 at pg. 3.)

Patent Owner's Position: Patent Owner opposes Petitioner's request for a sur-sur-reply in each of the above-captioned proceedings. The arguments presented in Patent Owner's Sur-Replies concerning the petitions' timeliness is properly responsive to arguments advanced in Petitioner's Replies. Petitioner devoted an entire section in each Reply to argue that the petitions are not time-barred. *E.g.*, IPR2024-00550, Paper 36 at 25-28. Furthermore, Patent Owner's Sur-Replies makes three passing mentions of the Director Review decision, two of which, as Petitioner noted, are in the briefs' introductions. Patent Owner's argument that "Petitioner has come forth with zero evidence that its Petition is timely, despite being afforded numerous opportunities to do so" is not a new issue to this proceeding, and Patent Owner believes that the Board can decide the matter on the existing papers and evidence of record. To the extent the Board is inclined to grant Petitioner's request for an additional paper, Patent Owner requests a responsive paper of equal length.

The parties can make themselves available for a conference at [12-5 PM Eastern, Thursday] if necessary.

Regards,
Miguel

Miguel Bombach
Partner

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