

From: [Trials](#)
To: [Jim Glass](#); [Trials](#)
Cc: [abullwinkel@hpcllp.com](#); [mheim@hpcllp.com](#); [climbacher@hpcllp.com](#); [wcollier@hpcllp.com](#); [QE Monarch v Juniper](#); [Todd Briggs](#); [Nima Hefazi](#); [Kevin Johnson](#)
Subject: RE: IPR2024-00561
Date: Thursday, February 15, 2024 12:01:40 PM

Counsel,

From the Board -

Petitioner is authorized to file a certified version of Exhibit 1035 and an amended Petition with expert declaration within 5 business days. The original petition (Paper 1), expert declaration (EX1003), and translation (EX1035) shall remain as part of the record. No conference with the panel is necessary.

Regards,

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

From: Jim Glass <jimglass@quinnemanuel.com>
Sent: Thursday, February 15, 2024 10:43 AM
To: Trials <Trials@USPTO.GOV>
Cc: abullwinkel@hpcllp.com; mheim@hpcllp.com; climbacher@hpcllp.com; wcollier@hpcllp.com; QE Monarch v Juniper <qemonarchvjuniper@quinnemanuel.com>; Todd Briggs <toddbriggs@quinnemanuel.com>; Nima Hefazi <nimahefazi@quinnemanuel.com>; Kevin Johnson <kevinjohnson@quinnemanuel.com>
Subject: RE: IPR2024-00561

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Dear Honorable Board,

Petitioner has reached out to Patent Owner and the parties have conferred.

Patent Owner has indicated it does not oppose Petitioner filing a certified version of Exhibit 1035 and an amended Petition with expert declaration in the above proceedings. Patent Owner has requested that the original petition (Paper 1), expert declaration (EX1003), and translation (EX1035) remain as part of the record. Petitioner does not oppose this request.

With Your Honor's approval Petitioner will file the amended petition and exhibits with new paper and exhibit numbers.

Should the Board require a conference, the parties will revert with availability.

Respectfully,
James Glass

James M. Glass |Chair, Post-Grant Patent Practice| **Quinn Emanuel Urquhart & Sullivan, LLP** | 51 Madison Avenue, 22nd Floor, New York, NY 10010 | Office: +1.212.849.7142| [Web Bio](#)

From: Trials <Trials@USPTO.GOV>

Sent: Wednesday, February 14, 2024 3:17 PM

To: Jim Glass <jimglass@quinnemanuel.com>; Trials <Trials@USPTO.GOV>

Cc: abullwinkel@hpcllp.com; mheim@hpcllp.com; climbacher@hpcllp.com; wcollier@hpcllp.com;

QE Monarch v Juniper <gemonarchvjuniper@quinnemanuel.com>; Todd Briggs

<toddbriggs@quinnemanuel.com>; Nima Hefazi <nimahefazi@quinnemanuel.com>; Kevin Johnson

<kevinjohnson@quinnemanuel.com>

Subject: RE: IPR2024-00561

[EXTERNAL EMAIL from trials@uspto.gov]

Counsel,

From the Board –

The parties are instructed to meet and confer regarding the issues raised in Petitioner's email. Patent Owner is requested to respond whether it has any opposition to Petitioner 1) filing a certified version of Exhibit 1035 and an amended Petition with expert declaration, or (2) dismissing the original Petition and re-filing a new petition.

Regards,

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

From: Jim Glass <jimglass@quinnemanuel.com>

Sent: Monday, February 12, 2024 11:48 AM

To: Trials <Trials@USPTO.GOV>

Cc: abullwinkel@hpcllp.com; mheim@hpcllp.com; climbacher@hpcllp.com; wcollier@hpcllp.com; QE Monarch v Juniper <gemonarchvjuniper@quinnemanuel.com>

Subject: IPR2024-00561

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Dear Honorable Board,

I am counsel for Petitioner in the above proceedings.

On February 8, 2024, Petitioner filed the IPR petition in the above proceeding with a translation of a prior art Japanese patent (Exhibit 1035). Petitioner has yet to serve the Petition and has not been accorded a notice of filing date. The 35 U SC § 315(b) time bar on this Petition has not yet passed, and is not until May 26, 2024.

Petitioner inadvertently filed a version of Exhibit 1035 with the Petition that did not include an affidavit certifying the translation. Petitioner realized this error after the Petition was filed, and contacted the helpdesk on Friday, February 9 to seek guidance on how to correct this error. The helpdesk advised Petitioner to contact *Trials* to seek permission to either file a corrected version of exhibit 1035 or to refile the petition.

Petitioner has obtained a certified version of exhibit 1035. This translation is substantively identical to the previous, non-certified translation of exhibit 1035, but does have some grammatical, non-substantive differences, which would require some minor changes to citations in the Petition.

Accordingly, Petitioner seeks authorization to correct this error by either (1) filing a certified version of Exhibit 1035 and an amended Petition and expert declaration (EX1003) that conforms the citations in the Petition and expert declaration to the certified translation (Petitioner will also provide a redline to confirm that the changes to the Petition and declaration are non-substantive). Once filed, Petitioner will serve the Petition and file a certificate of service. Or, should the Board prefer, (2) Petitioner will seek authorization to dismiss the original Petition and to re-file a new petition to conform the citations in the Petition to the certified translation.

Counsel for Patent Owner is copied on this request.

Respectfully,
James Glass
Lead Counsel for Petitioner

James M. Glass |Chair, Post-Grant Patent Practice| **Quinn Emanuel Urquhart & Sullivan, LLP** | 51 Madison Avenue, 22nd Floor, New York, NY 10010 | Office: +1.212.849.7142| [Web Bio](#)