

From: [Trials](#)
To: [Corey Johanningmeier](#); [Lauppe, Patrick W.](#); [Trials](#)
Cc: [Brenda Entzminger](#); [Michael Zachary](#); [AGNC Nintendo](#); [Brigham, Matthew](#); [Mace, Andrew](#); [Chen, Dena](#); [Weinstein, Mark](#); [Smith, Stephen](#); [z/Nintendo-American GNC](#)
Subject: RE: Nintendo v. AGNC, IPR2024-00667, -00668 – request for authorization to file preliminary replies
Date: Thursday, June 27, 2024 12:42:25 PM
Attachments: [image001.png](#)

Counsel,

Having reviewed the record, at this time, it is not clear the panel would benefit from a Petitioner Reply or Patent Owner Sur-reply. Petitioner's request to file a Reply to the Patent Owner Preliminary Response is denied.

Regards,
Eric W. Hawthorne
Supervisory Paralegal Specialist
Patent Trial and Appeal Board

From: Corey Johanningmeier <cjohanningmeier@bdiplaw.com>
Sent: Monday, June 24, 2024 8:09 PM
To: Lauppe, Patrick W. <plauppe@cooley.com>; Trials <Trials@USPTO.GOV>
Cc: Brenda Entzminger <bentzminger@bdiplaw.com>; Michael Zachary <mzachary@bdiplaw.com>; AGNC_Nintendo <BDIP_AGNC_Nintendo@bdiplaw.com>; Brigham, Matthew <mbrigham@cooley.com>; Mace, Andrew <amace@cooley.com>; Chen, Dena <dchen@cooley.com>; Weinstein, Mark <mweinstein@cooley.com>; Smith, Stephen <stephen.smith@cooley.com>; z/Nintendo-American GNC <zNintendoAmericanGNC@cooley.com>
Subject: RE: Nintendo v. AGNC, IPR2024-00667, -00668 – request for authorization to file preliminary replies

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Honorable Board,

Nintendo's submission below neglected to include their offer, and American GNC's request, that if a reply is allowed, an equal-length sur-reply also be permitted.

Thank you,

Corey Johanningmeier, counsel (pro hac vice) for Patent Owner.



Corey Johanningmeier

Partner

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IPR2024-00667, -00668
Ex. 3001

From: Lauppe, Patrick W. <plauppe@cooley.com>

Sent: Monday, June 24, 2024 5:04 PM

To: trials@uspto.gov

Cc: Corey Johanningmeier <cjohanningmeier@bdiplaw.com>; Brenda Entzminger <bentzminger@bdiplaw.com>; Michael Zachary <mzachary@bdiplaw.com>; AGNC_Nintendo <BDIP_AGNC_Nintendo@bdiplaw.com>; Brigham, Matthew <mbrigham@cooley.com>; Mace, Andrew <amace@cooley.com>; Chen, Dena <dchen@cooley.com>; Weinstein, Mark <mweinstein@cooley.com>; Smith, Stephen <stephen.smith@cooley.com>; z/Nintendo-American GNC <zNintendoAmericanGNC@cooley.com>

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[EXTERNAL]

Honorable Board:

Petitioners in the above proceedings (IPR2024-00667, -00668) respectfully request authorization to file preliminary replies of no more than 5 pages for the opportunity to respond to Patent Owner's arguments that the petitions are time-barred under § 315(b) because, according to Patent Owner, a real party in interest was sued on the challenged patents in 2020. (See -00667 POPR at 21-24; -00668 POPR at 18-22.) The parties have conferred and Patent Owner opposes the request. Petitioner has not included the parties' respective arguments because the Board has repeatedly admonished parties not to include argument in email communications to the Board. *See, e.g.*, IPR2015-01505, Paper 15 at 2 ("avoid including substantive discussions in e-mail communications"); IPR2021-01224, Paper 11 at 2 ("The email may not contain substantive argument"). The parties are available on 6/27 between 1pm and 3pm ET and 6/28 after 3pm ET if the Panel requests a conference call.

Respectfully submitted on behalf of Matthew J. Brigham, counsel for Petitioners,

Patrick Lauppe

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