

From: [Bombach, Miguel J. \(Perkins Coie\)](#)
To: [Steven Katz](#); [Trials](#)
Cc: Delta-Vicor-IPRs@perkinscoie.com; [Lawrence Kolodney](#); [Ryan O'Connor](#)
Subject: RE: IPR2024-00704: Request for Reply to Preliminary Response
Date: Friday, July 26, 2024 11:36:39 PM

CAUTION: This email has originated from a source outside of USPTO. **PLEASE CONSIDER THE SOURCE** before responding, clicking on links, or opening attachments.

Dear Board,

Patent Owner opposes Petitioner's request in part.

Petitioner has failed to provide good cause for reply as to (1) and (3). For (1), Petitioner presented claim constructions and Patent Owner responded directly to those constructions in its preliminary response. Petitioner had an opportunity to brief the plain and ordinary meaning of these terms in its Petition and knew that it was relevant. Petitioner should not be given a second chance to brief the same terms a second time. For (3), the Board is able to determine if Petitioner presented Ground 2 under the ordinary meaning, i.e., its either in the Petition or it is not. As such, reply for (1) and (3) is unwarranted.

Finally, Patent Owner does not oppose only for (2) and (4) so long as Patent Owner gets a sur-reply of equal length. Further, if the Board disagrees with (1) and (3), Patent Owner requests a sur-reply of equal length.

Regards,
Miguel

Miguel Bombach | Perkins Coie LLP

PARTNER

11452 El Camino Real Ste 300

San Diego, CA 92130-2080

D. +1.858.720.5747

F. +1.858.720.5847

E. MBombach@perkinscoie.com

From: Bombach, Miguel J. (SDO) <MBombach@perkinscoie.com>
Sent: Friday, July 26, 2024 11:13 PM
To: Steven Katz <katz@fr.com>; Trials <Trials@USPTO.GOV>
Cc: *Delta-Vicor-IPRs <Delta-Vicor-IPRs@perkinscoie.com>; Lawrence Kolodney <kolodney@fr.com>; Ryan O'Connor <OConnor@fr.com>
Subject: Re: IPR2024-00704: Request for Reply to Preliminary Response

Dear Board,

Counsel for Patent Owner will provide its position today. An extension to Petitioner's demanded deadline was requested due to travel overseas and client coordination, and Petitioner had sent this e-mail without informing Patent Owner that it would unilaterally send

it today.

Regards,
Miguel

Miguel Bombach | Perkins Coie LLP

PARTNER

11452 El Camino Real Ste 300

San Diego, CA 92130-2080

D. +1.858.720.5747

F. +1.858.720.5847

E. MBombach@perkinscoie.com

From: Steven Katz <katz@fr.com>

Sent: Friday, July 26, 2024 9:45:41 PM

To: Trials <Trials@USPTO.GOV>

Cc: *Delta-Vicor-IPRs <Delta-Vicor-IPRs@perkinscoie.com>; Lawrence Kolodney <kolodney@fr.com>; Ryan O'Connor <OConnor@fr.com>

Subject: IPR2024-00704: Request for Reply to Preliminary Response

Dear Board,

I am lead counsel for Petitioner (Vicor) in the above IPR. Petitioner requests a reply of up to five pages to address the following issues, for which good cause exists as Petitioner could not have foreseen Patent Owner's arguments:

1. Patent Owner's implicit claim constructions presented in response to the Petition's use of Patent Owner's Apparent Constructions for Ground 1.
2. Patent Owner's argument for discretionary denial based on its incorrect statement that Hwang is "cumulative" of art before the Examiner, when in fact, Hwang is not cumulative.
3. Patent Owner's assertion that the Petition failed to apply the ordinary meaning of the claim terms, when in fact, Ground 2 is based on the ordinary meaning of the claim terms.
4. Patent Owner's assertion that it provided "objective evidence of non-obviousness."

Petitioner proposes that its reply be filed within one week of the Board's ruling on this request, and Petitioner would not oppose a sur-reply of equal length to the reply filed one week after Petitioner files its reply.

Petitioner asked Patent Owner (Delta) whether it consented to or opposed this request on Monday afternoon (July 22). Patent Owner stated it would respond by Thursday, but did not.

Petitioner is generally available for a conference call with the Board at any time during the week of July 29 – August 2.

Respectfully,

Steven Katz

Principal ■ Fish & Richardson P.C.

T: 617 521 7803 | katz@fr.com | [Bio](#)

This email message is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized use or disclosure is prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message.

NOTICE: This communication from Perkins Coie LLP may contain privileged or other confidential information. If you have received it in error, please advise the sender by reply email and immediately delete the message and any attachments without copying or disclosing the contents. Thank you.