
From: Steven.Peters@lw.com <Steven.Peters@lw.com>
Sent: Monday, December 16, 2024 1:06 PM
To: Trials <Trials@USPTO.GOV>; MEadan@PearlCohen.com
Cc: Charles.Sanders@lw.com; Kevin.Wheeler@lw.com; Cecilia.Peniza@lw.com; wmueller@leydig.com; lhua@leydig.com; pfilbin@leydig.com; bchatham@leydig.com; dairan@leydig.com; endymed@PearlCohen.com
Subject: RE: Request for conference call re scheduling in IPR2024-00842, IPR2024-00843, IPR2024-00844 and IPR2024-00845

Your Honors,

Patent Owner Serendia respectfully requests reconsideration of the below decision, which was made without providing Serendia an opportunity to be heard on this important issue. Notably, Petitioner EndyMed sent its email to the Board without receiving Patent Owner's position.

EndyMed requested that the Board prioritize EndyMed's own motions over those of Petitioner Jeisys and Patent Owner Serendia. Doing so is not in the interests of a just, speedy, and inexpensive resolution.

First, the Board's decision to rule on the joinder motions before the Jeisys termination motions will necessarily and significantly delay the Jeisys and Serendia motions to terminate at least because the Board must decide the merits of the EndyMed petitions before the joinder motions. The POPRs in the EndyMed cases—one of which has not even been filed yet—raise new issues and evidence not yet considered by the Board in the Jeisys cases. Institution of EndyMed's petitions and joinder of EndyMed are not mere formalities in this instance. This fact alone distinguishes the cases cited in EndyMed's email. Serendia should receive full and fair consideration of these POPR arguments at institution.

Second, the Board should not have to expend additional resources to accommodate Petitioner's sudden urgency after it delayed filing its petition more than 15 months after it was accused of infringement. The Board has denied similar requests (after a hearing) in similar circumstances. *See, e.g., Qualcomm Inc. v. Cobblestone Wireless, LLC*, IPR2024-01336, Paper 11 at 3 (Dec. 11, 2024) (attached) (describing denial after conference call); *Amazon.com Inc. v. AlmondNet, Inc.*, IPR2023-00228, Paper 10 at 6-7 (June 5, 2023) (Board denied Petitioner's request to delay termination in other case, rendering Petitioner's joinder motion moot); *Arris v. Mobile Telecommunications Technologies*, No. IPR2016-00766, Paper 12 (May 2, 2016) (denying request to accelerate schedule in joinder proceeding). Delaying termination in the Jeisys cases in favor of Petitioner's joinder motion would significantly and negatively impact the schedules in the joined cases. Institution decisions on EndyMed petitions are not due until after Due Date 2, which already has been extended, in the Jeisys IPRs.

For these reasons, Serendia requests the Board reconsider its decision to prioritize EndyMed's joinder motions and necessarily delay Serendia's and Jeisys's termination motions, made without providing Serendia with an opportunity to be heard.

Respectfully submitted,
Steven Peters
Counsel for Serendia

From: Trials <Trials@USPTO.GOV>

Sent: Monday, December 16, 2024 10:58 AM

To: Milo Eadan <MEadan@PearlCohen.com>; Trials <Trials@USPTO.GOV>

Cc: Sanders, Charles (BN) <Charles.Sanders@lw.com>; Wheeler, Kevin (DC) <Kevin.Wheeler@lw.com>; Peniza, Cecilia (DC) <Cecilia.Peniza@lw.com>; Peters, Steven (DC) <Steven.Peters@lw.com>; wmueller@leydig.com; Leonard Hua <lhua@leydig.com>; pfilbin@leydig.com; bchatham@leydig.com; David Arian <dairan@leydig.com>; EndyMed <endymed@PearlCohen.com>

Subject: RE: Request for conference call re scheduling in IPR2024-00842, IPR2024-00843, IPR2024-00844 and IPR2024-00845

Counsel,

No conference call is necessary. EndyMed's request for an expedited decision on its pending motion for joinder in IPR2024-00842, 843, 844, and 845 is granted. A decision on the joinder motion in those IPRs will issue before any decision on the termination of Jeisys as petitioner in IPR2024-00383, 384, 386, and 463.

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

From: Milo Eadan <MEadan@PearlCohen.com>

Sent: Friday, December 13, 2024 10:59 AM

To: Trials <Trials@USPTO.GOV>

Cc: Charles.Sanders@lw.com; Kevin.Wheeler@lw.com; Cecilia.Peniza@lw.com; Steven.Peters@lw.com; wmueller@leydig.com; Leonard Hua <lhua@leydig.com>; pfilbin@leydig.com; bchatham@leydig.com; David Arian <dairan@leydig.com>; EndyMed <endymed@PearlCohen.com>

Subject: Request for conference call re scheduling in IPR2024-00842, IPR2024-00843, IPR2024-00844 and IPR2024-00845

Petitioner: *EndyMed Medical Ltd. and EndyMed Medical, Inc.*

Patent Owner: *Serendia, LLC*

Case Nos.:

- IPR2024-00842 requesting joinder in instituted IPR2024-00386
- IPR2024-00843 requesting joinder in instituted IPR2024-00383
- IPR2024-00844 requesting joinder in instituted IPR2024-00384
- IPR2024-00845 requesting joinder in instituted IPR2024-00463

Your Honors,

A motion to terminate Jeisys due to settlement has been filed in connection with the related ITC proceeding, and we assume a motion to terminate Jeisys as a party will follow in IPR2024-00383, IPR2024-00384, IPR2024-00386, and IPR2024-00463 that EndyMed seeks to join. EndyMed requests a conference call with the Board and counsel for Jeisys and Serendia to request that the decision on EndyMed's Motion for Joinder of EndyMed's IPRs be expedited in order to join the IPRs before termination of Jeisys. To be clear, although settlement by Jeisys does not affect the outcome of the Motion for Joinder¹, a decision before termination of Jeisys would ensure a smooth transition to EndyMed as petitioner. We reached out to Serendia's counsel and they have not consented to this request.

¹ Director Vidal precedentially vacating the decision denying a motion for joinder (IPR2022-00861, Paper 18 at 7 (precedential)) after the proceeding to be joined had settled (Paper 17 at 5); see also IPR2024-00336 Paper 11 at 13–15, IPR2015-00314 Paper 21, IPR2017-01237 Paper 12, and IPR2015-00568 Paper 12 at 4-5, all granting joinder to IPRs after their original parties settled.

Regards,
Milo

PEARL COHEN

Milo Eadan

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