

From: [Trials](#)
To: [Mancino, David A.](#); [Trials](#)
Cc: [Grady, Douglas A.](#); [Flynn, Kevin P.](#); [Bruene, Paul](#); [Doyle, Ty](#); [Rick, Michelle](#); [Cantu, Monica L.](#)
Bcc: [Murphy, Cynthia](#)
Subject: RE: Bote v. Steamboat Paddlesports (IPR2024-00889 and IPR2024-00892) - Proposed Motions Seeking Adverse Judgment Against Patent Owner
Date: Thursday, February 20, 2025 1:00:00 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)

Counsel,

Petitioner's requested motions are authorized. No call is necessary.

Regards,

Andrew Kellogg,
Deputy Chief Clerk, Trials
Patent Trial and Appeal Board
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From: Mancino, David A. <dmancino@bakerlaw.com>
Sent: Wednesday, February 19, 2025 1:32 PM
To: Trials <Trials@USPTO.GOV>
Cc: Grady, Douglas A. <dgrady@bakerlaw.com>; Flynn, Kevin P. <kflynn@bakerlaw.com>; Bruene, Paul <pbruene@bakerlaw.com>; Doyle, Ty <tgdoyle@bakerlaw.com>; Rick, Michelle <MRick@bakerlaw.com>; Cantu, Monica L. <mlcantu@bakerlaw.com>
Subject: Bote v. Steamboat Paddlesports (IPR2024-00889 and IPR2024-00892) - Proposed Motions Seeking Adverse Judgment Against Patent Owner

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RE: IPR2024-00889 & IPR2024-00892; Request by Petitioner for Conference Call Seeking Permission to File Motions for Finding that Patent Owner Abandoned the Contest and Constructively Requests Adverse Judgment Under 37 C.F.R. 42.73(b)(4)

Dear Honorable Board,

Petitioner seeks an *ex-parte* conference call to request permission to file Motions for Finding that Patent Owner Abandoned the Contest and Requests Adverse Judgment Under 37 C.F.R. 42.73(b)(4) in IPR2024-00889 and IPR2024-00892.

On January 27, 2025, the Board granted Patent Owner's counsel of record its motion to withdraw from representation of Patent Owner in each of the above proceedings (IPR2024-00889, Doc. No. 16; IPR2024-00892, Doc. No. 17; hereinafter, the "Orders"). On February 4, 2025, because Patent

Owner had not appointed new counsel, Petitioner served the Orders on Patent Owner's registered agent in Colorado to ensure that Patent Owner received actual notice of the Orders (IPR2024-00889, Doc. No. 17 and Exhibit 1023; IPR2024-00892, Doc. No. 18 and Exhibit 1026).

In each Order, the Board gave Patent Owner three options to avoid abandonment of the proceeding, which abandonment would be construed as Patent Owner's request for adverse judgment against itself under 37 CFR 42.73(b)(4): (1) file a response by February 18, 2025, (2) arrange a conference call in accordance with the Scheduling Order, or (3) stipulate a revised due date with Petitioner and file a response by the stipulated due date. The Orders also stated in bold font, "Patent Owner must appoint counsel to proceed with any of these options, which Patent Owner should do without delay."

As of today, February 19, 2025, Patent Owner has not (1) filed its response, which is now overdue. Further, Patent Owner has not (2) reached out to Petitioner or to Petitioner's counsel to arrange a conference call, or (3) sought to stipulate a revised due date for its response. No new counsel has appeared on behalf of Patent Owner. Patent Owner has abandoned the proceedings and has effectively requested adverse judgment under 37 CFR 42.73(b)(4).

Petitioner's Motions will request a finding of abandonment of the respective IPRs, a construction that Patent Owner's abandonment of the IPRs constitutes requests for adverse judgment, a grant of the Petitions in full, and cancellation of all challenged claims.

This email and request have been submitted *ex-parte* because as of today, Patent Owner has not appointed new counsel and has not revised its Mandatory Notices to inform Petitioner whom to copy/serve with such communications.

Best regards,

David Mancino
Lead Counsel for Petitioner
Reg. No. 38,289

David Mancino
Partner

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