

From: Vincent Rubino <vrubino@fabricantllp.com>

Sent: Tuesday, October 1, 2024 5:13 PM

To: Gunther, Jarrad M. <JMGunther@duanemorris.com>

Cc: Trials <Trials@USPTO.GOV>; Jacob Ostling <jostling@fabricantllp.com>; Enrique Iturralde <eiturralde@fabricantllp.com>; Peter Lambrianakos <plambrianakos@fabricantllp.com>; Julian Pymonto <jpymonto@fabricantllp.com>; McPherson, Patrick D. <PDMcPherson@duanemorris.com>; Anderson, Kevin <KPAnderson@duanemorris.com>

Subject: Re: IPR2024-00986 - U.S. Patent No. 10,785,764

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Dear Honorable Board,

Patent Owner reached out to Petitioner this morning to inquire as to Petitioner's good cause for essentially seeking a "re-do" of many of Petitioner's arguments. Petitioner did not meaningfully engage with Patent Owner and instead responded with:

"The sufficient good cause is to respond to Patent Owner's unforeseeable arguments."

In view of Petitioner's position, Patent Owner opposes.

Respectfully,

Vincent Rubino
Lead Counsel for Patent Owner.

On Oct 1, 2024, at 5:02 PM, Gunther, Jarrad M. <JMGunther@duanemorris.com> wrote:

Dear Honorable Board,

For the above-referenced case, Petitioners request authorization to file a 10-page preliminary reply to Patent Owner's preliminary response. Petitioners would file their preliminary reply within 10 days of authorization, and Patent Owner would be permitted to a 10-page response that would be due within 10 days from Petitioners' preliminary reply. Petitioners' preliminary reply would be limited to addressing (1) Patent Owner's arguments that Fujishiro is not prior art to the 764 Patent and (2) Patent Owner's mischaracterization of the arguments set forth in the Petition regarding an alleged failure to disclose: (i) the use of two different DCI formats, (ii) two different periods, and (iii) reasons to combine Xu with other references.

Petitioners reached out several times to Patent Owner to meet and confer regarding this request, and Patent Owner did not indicate whether they opposed Petitioners' request.

Should the Board desire a call regarding this request, the parties will confer and offer times of joint availability.

Best regards,

Jarrad M. Gunther
Lead Counsel for Petitioners

<image001.jpg>

www.duanemorris.com

Jarrad M. Gunther
Partner

Duane Morris LLP
30 South 17th Street
Philadelphia, PA 19103-4196

P: +1 215 979 1837
F: +1 215 689 4921

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