

From: [Trials](#)
To: [McKeown, Scott A.](#); [Trials](#)
Cc: [Erin Sommers](#); [PTAB Oona Johnstone](#); [Steenburg, Charles](#); [Ge, Jean](#); [William Esper](#); [Kathleen Daley](#)
Subject: RE: IPR2024-01014
Date: Monday, June 23, 2025 1:55:18 PM
Attachments: [image001.png](#)

Counsel,

The parties are reminded that (1) an email to the Board should not contain arguments; and (2) a non-emergent matter should be raised with the Board in a timely manner.

Petitioner's request to extend Due Date 2 from 6/27 to 7/11 is granted. The parties are instructed to meet and confer and jointly propose any changes to the other due dates as a result of the extension of Due Date 2.

Regards,

Andrew Kellogg,
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Patent Trial and Appeal Board
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From: McKeown, Scott A. <Scott.McKeown@WolfGreenfield.com>
Sent: Wednesday, June 18, 2025 4:01 PM
To: Trials <Trials@USPTO.GOV>
Cc: Erin Sommers <Erin.Sommers@finnegan.com>; PTAB Oona Johnstone <OJohnstone-PTAB@WolfGreenfield.com>; Steenburg, Charles <Charles.Steenburg@WolfGreenfield.com>; Ge, Jean <Jean.Ge@wolfgreenfield.com>; William Esper <William.Esper@finnegan.com>; Kathleen Daley <kathleen.daley@finnegan.com>
Subject: IPR2024-01014

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Honorable Board,

Petitioner requests an email Order setting Petitioner's Due Date 2 from 6/27 to **7/11**. While Petitioner acknowledges the parties are free to stipulate to this change themselves, and regrets the need for this unusual email, PO has refused the requested extension and offers only a one-week extension to the holiday week of July 4th. Petitioner has explained to PO that this shorter extension to a holiday week will not resolve the issue. The requested extension is to accommodate the wedding and honeymoon of the counsel that has drafted the petition, and PO response to date. While the wedding date was of course known, such milestone family events have a way of becoming bigger time management issues as the date approaches. This is Petitioner's only requested extension to PO. Petitioner on the other hand has agreed to extend PO's time twice (Paper 19, Paper 23). The first extension was requested by PO to accommodate its unavailability to depose Petitioner's expert on the provided dates, and the second was requested without explanation within a week of its first-extended

due date. Petitioner nevertheless agreed to a second extension within an hour of receiving the request. This is in stark contrast to the four days of emails attempting to resolve the current dispute.

PO's alleged prejudice was initially explained as less time to depose witnesses and for motion practice. Petitioner in response explained that it was not filing testimonial evidence with its response, and therefore, there would be no further depositions. Petitioner also indicated it would work with PO (as it has throughout this proceeding) to move any motion due dates as appropriate (although such motions are purely speculative at this time). PO responded today that this "does not alleviate the actual and potential unknown prejudice to Patent Owner." Petitioner does not find the PO's position reasonable, or fair given the significant accommodations offered to PO to date. For these reasons, Petitioner requests an email Order as noted above with the understanding that, of course, any necessary motion date extension will be accommodated as needed.

Petitioner does not believe a teleconference is needed to resolve this issue but will remain available at the Board's convenience.

Patent Owner opposes Petitioner's requested extension until July 11 for Due Date 2 (with an attendant proposed shift in Due Date 3 until August 6) and disagrees with Petitioner's multiple inaccuracies and omissions from the parties' communications in the paragraphs above. For example, Patent Owner explained that in addition to the prejudice caused by an overlapping period for substantive briefing and potential motion practice necessitated by Petitioner's reply and motions to exclude, Petitioner's request also significantly reduces the time between the conclusion of substantive briefing and oral argument. To compromise and alleviate some of the prejudice, Patent Owner offered a 10-day extension until July 7 for Due Date 2 (with an attendant shift of Due Date 3 until August 4). In the interest of complying with Board practice and avoiding presenting arguments here (e.g., *Hewlett-Packard Co. v. U.S. Philips Corp.*, IPR2015-01505, Paper 15 at 2), counsel for Patent Owner is available at the Board's convenience to provide additional support for its position that Petitioner has not established good cause for its requested relief.



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