

From: [Trials](#)
To: [Peterson, Jacob](#); [Trials](#)
Cc: [Brian Eutermoser](#); [Mikaela Stone](#); [eVision-IPRS](#); [MLB-Luxottica-IPR-960](#)
Subject: RE: IPR2024-01072 - motion to strike improper reply evidence and argument
Date: Wednesday, July 16, 2025 3:44:15 PM
Attachments: [image002.png](#)

Counsel,

The Board authorizes the parties to proceed in accordance with their below proposed schedule and page limits as it pertains to the Motion to Strike briefing cycle.

Regards,

Andrew Kellogg,
Deputy Chief Clerk, Trials
Patent Trial and Appeal Board
USPTO
andrew.kellogg@uspto.gov
(571) 272-5366

From: Peterson, Jacob <jacob.peterson@morganlewis.com>
Sent: Friday, July 11, 2025 6:24 PM
To: Trials <Trials@USPTO.GOV>
Cc: Brian Eutermoser <BEutermoser@KSLAW.com>; Mikaela Stone <Mikaela.Stone@KSLAW.com>; eVision-IPRS <eVision-IPRS@KSLAW.com>; MLB-Luxottica-IPR-960 <MLB-Luxottica-IPR-960@morganlewis.com>
Subject: RE: IPR2024-01072 - motion to strike improper reply evidence and argument

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Dear Members of the Board,

Petitioner and Patent Owner have conferred in light of the Board's grant of Patent Owner's requested motion to strike in IPR2024-01072. The parties respectfully seek the Board's authorization for (1) Petitioner to file a response to the motion, and (2) Patent Owner to file a reply to Petitioner's response. Additionally, the parties request the Board's clarification regarding the applicable deadline(s) and page limit(s) for the filing(s).

The parties have jointly agreed on the following proposed schedule and page limits and

respectfully request the Board's authorization to proceed in accordance with this proposal:

- July 23: Patent Owner's 10-page motion to strike
- August 4: Petitioner's 10-page response
- August 13: Patent Owner's 5-page reply

Should the Board wish to schedule a call to discuss this matter further, the parties would be happy to provide their availabilities.

Counsel for Patent Owner is copied on this email.

Best,
Jacob

Jacob Peterson

Morgan, Lewis & Bockius LLP

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From: Trials <Trials@USPTO.GOV>

Sent: Wednesday, July 9, 2025 9:43 AM

To: Brian Eutermoser <BEutermoser@KSLAW.com>; Trials <Trials@USPTO.GOV>

Cc: Peterson, Jacob <jacob.peterson@morganlewis.com>; Mikaela Stone <Mikaela.Stone@KSLAW.com>; eVision-IPRS <eVision-IPRS@KSLAW.com>; MLB-Luxottica-IPR-355 <MLB-Luxottica-IPR-355@morganlewis.com>

Subject: RE: IPR2024-01072 - motion to strike improper reply evidence and argument

[EXTERNAL EMAIL]

Counsel,

The Board authorizes Patent Owner to file its requested motion to strike.

Regards,

Andrew Kellogg,
Deputy Chief Clerk, Trials
Patent Trial and Appeal Board
USPTO
andrew.kellogg@uspto.gov
(571) 272-5366

From: Brian Eutermoser <BEutermoser@KSLAW.com>

Sent: Wednesday, July 2, 2025 10:13 PM

To: Trials <Trials@USPTO.GOV>

Cc: Peterson, Jacob <jacob.peterson@morganlewis.com>; Mikaela Stone <Mikaela.Stone@KSLAW.com>; eVision-IPRS <eVision-IPRS@KSLAW.com>; MLB-Luxottica-IPR-355 <MLB-Luxottica-IPR-355@morganlewis.com>

Subject: IPR2024-01072 - motion to strike improper reply evidence and argument

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To the Board:

Patent Owner respectfully seeks leave to file a motion to strike new arguments and evidence improperly included in Petitioner's reply (specifically, Paper 28 at 9-11 (Section IV.3), related to new Exhibit 2025) in violation of at least 35 USC § 312(3)(a). Counsel for the parties have conferred via email, and Petitioner opposes this request. Counsel for the parties can be available for a telephone conference with the Board at the following dates and times:

- Monday (7/7): 2 pm - 5 pm ET
- Tuesday (7/8): noon - 2 pm ET
- Wednesday (7/9): 1 pm - 5 pm ET

Regards,

Brian Eutermoser

Lead counsel for Patent Owner e-Vision Smart Optics, Inc.

Brian Eutermoser

Partner

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