

From: Thomas Kohler <TKohler@drm.com>

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To: Trials <Trials@USPTO.GOV>

Cc: Parker, Aaron <Aaron.Parker@finnegan.com>; Berlenbach, Anthony <Anthony.Berlenbach@finnegan.com>; Parker, Audrey <Audrey.Parker@finnegan.com>; Shawn T. Gordon <SGordon@drm.com>; Taylor E. Hallowell <THallowell@drm.com>; HeadIPR <HeadIPR@drm.com>; Head-VSD-IPR <Head-VSD-IPR@finnegan.com>

Subject: Head Sport GmbH v. Vermont Safety Developments LLC, IPR2024-01099 – Conference Call Request [DRM-DRM.FID1309330]

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Counsel for the Patent Owner request a conference call with the Board for the purpose of requesting authorization to file a motion to strike the petition in the above-referenced proceeding based on violations of 37 C.F.R. § 42.24(a)(i) and (d) and 37 CFR § 42.6(a)(3) regarding the word count limitation/certification and incorporation by reference. In particular, the basis for the proposed motion is (1) Petitioner has certified 13,998 words, (2) Petitioner's use of abnormal spacing in citations caused an undercount of the number of words by the word processor, and (3) Petitioner's incorporation by reference of the claim terms and claim constructions renders the Petition unreadable as a standalone document and further reduces word count.

Patent Owner believes these violations will cause it to suffer undue prejudice, and brings the issue to the attention of the Board now as advised in the Patent Trial and Appeal Board Consolidated Trial Practice Guide, Section II.A.3, p. 40 (November 2019).

Counsel for Patent Owner has conferred with counsel for Petitioner via videoconference on July 23, 2024 and no agreement was reached. Counsel for Petitioner contends:

"Petitioner disagrees with Patent Owner's position. Petitioner complied with 37 C.F.R. § 42.24 and 37 CFR § 42.6. Regardless, none of Patent Owner's allegations are grounds for a motion to strike. See Patent Trial and Appeal Board Consolidated Trial Practice Guide at 80 (November 2019) ("[S]triking the entirety or a portion of a party's brief is an exceptional remedy that the Board expects will be granted rarely.").

Counsel for both parties are available at the following dates and times for a conference call with the Board:

- Wednesday, July 24, 2024 from 1:00– 4:00 p.m. ET
- Thursday, July 25, 2024 from 2:00 – 3:00 p.m. ET.

Respectfully,

Thomas D. Kohler, Reg. No. 32,797

Lead Counsel for Patent Owner

Thomas D. Kohler | Director | Intellectual Property Law Group

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Admitted in NY, CT, CA & USPTO; not admitted in VT.

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