

From: [Trials](#)
To: [Cavanaugh, David](#); [Trials](#)
Cc: [Selwyn, Mark](#); [Hobgood, John](#); [Kina, Jorge](#); [Xu, Nora N.](#); [Kim, John](#); [Smolenski, Gilbert T.](#); [Stiller, Robert B.](#); [Nemtzw, Alex](#); [Selwyn, Mark](#); [WH Maxeon IPR Service](#); [Lubow, Abigail](#); [Hampton, Bobby](#); [eklein@velaw.com](#); [jswigart@velaw.com](#); [ccessna@velaw.com](#); [CCAMARCE@sternekessler.com](#); [Simran Parmar](#); [MaxeonVETeam@velaw.com](#); [Jennifer Chagnon](#); [PTAB Account](#); [Jason Fitzsimmons](#)
Subject: RE: IPR2024-01198, -01199, -01203: Request for Reply to Patent Owner's Preliminary Responses
Date: Thursday, December 12, 2024 1:36:10 PM

EXTERNAL SENDER

Counsel,

From the Board –

The parties are authorized to submit a Petitioner's Reply and Patent Owner's Sur-reply in the above-captioned cases. The Reply is limited to five pages and is due no later than December 23, 2024. The Sur-reply is similarly limited to five pages and is due no later than January 6, 2025.

Regards,

Esther Goldschlager
Supervisory Paralegal Specialist
Patent Trial & Appeal Board
U.S. Patent & Trademark Office

From: Cavanaugh, David <David.Cavanaugh@wilmerhale.com>
Sent: Wednesday, December 11, 2024 3:00 PM
To: Trials <Trials@USPTO.GOV>
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Subject: IPR2024-01198, -01199, -01203: Request for Reply to Patent Owner's Preliminary Responses

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Re: IPR2024-01198, -01199, -01203: Request for Reply to Patent Owner's Preliminary Responses

Dear Honorable Board,

Petitioner Hanwha Solutions Corporation ("HSC") writes with respect to IPR2024-01198, IPR2024-01199, and IPR2024-01203. On November 27, 2024, Patent Owner Maxeon filed Patent Owner Preliminary Responses (POPRs) to HSC's Petitions in the referenced proceedings. The POPRs argued that HSC's Petitions should be discretionarily denied under the *Fintiv* factors. HSC respectfully requests authorization to file a Reply to Maxeon's POPRs in each referenced proceeding to address the issues of discretionary denial, including the *Fintiv* factors.

Good cause exists to authorize a Reply to each POPR. The panel can benefit from additional briefing on the issue of discretionary denial, including *Fintiv*. In these cases, additional good cause exists because new information not available to HSC when the IPRs were filed is now available. Specifically, as stated in the Petition the district court had not yet entered a scheduling order in the parallel district court case when HSC filed the Petitions and thus the information was not available to HSC when the Petitions were filed.

Petitioner respectfully requests a five-page Reply for each POPR, which would be due ten days after authorization from the Panel.

The parties have met and conferred, and Maxeon opposes the request. Maxeon's position is, as stated in its POPRs, that Petitioner could have addressed the *Fintiv* factors beyond the few sentences included in its Petitions, even before entry of a scheduling order in the district court case, but chose to use its allotted word count to address other issues. Maxeon has indicated that it is available Thursday, December 19, 11am-2pm & 4-5pm ET, Friday, December 20, 11:30am-1:30pm & 4-5pm ET for a call with the panel, if needed.

Petitioner is available those times and generally any time at the convenience of the panel.

Respectfully,

Dave Cavanaugh
Counsel for Petitioner

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