

From: [Trials](#)
To: [Matthew Phillips](#); [Trials](#)
Cc: [Kevin Laurence](#); [Dan Higgs](#); [Derek Meeker](#); [Joseph Hawkins](#); [Chris Kelly](#); [Warren Thomas](#); [Lee Hamilton](#); [Gregory Carlin](#); [Meg Cogburn](#)
Subject: RE: IPR2024-01209, -01210, -01211, and -01212
Date: Thursday, May 15, 2025 10:03:09 AM

Counsel,

We have reviewed the petitions in light of Patent Owner's concerns, but do not find that the added annotations in the graphics are excessive or that the abbreviated citations are problematic. Patent Owner is free to employ the same conventions in further briefing in these cases.

Regards,

Andrew Kellogg,
Deputy Chief Clerk, Trials
Patent Trial and Appeal Board
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From: Matthew Phillips <mphillips@lpiplaw.com>
Sent: Thursday, May 8, 2025 6:18 PM
To: Trials <Trials@USPTO.GOV>
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Subject: IPR2024-01209, -01210, -01211, and -01212

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Dear Board,

I write on behalf of the patent owner, Stratus Medical LLC. Stratus believes that the word counts certified in these petitions are not accurate and that the petitions contain improperly formatted citations that reduce the word count, resulting in overlength petitions, as follows:

IPR2024-01209	IPR2024-01210	IPR2024-01211	IPR2024-01212
Certified word count	13,960		

	13,982
	13,466
	13,986
Uncounted words as added annotations in graphics	481
	654
	463
	358
Word-count reduction due to abbreviated citations (<i>i.e.</i> , Ex-NNNN and ¶NNNN)	642
	689
	602
	680
Overage	1,083
	1,325
	531
	1,024

The parties have met, conferred, and discussed *Axon Enter., Inc. v. Digital Ally, Inc.*, IPR2017-00375, Paper 9 (June 6, 2017) (discussing these issues at 2 n.2) and the Consolidated Trial Practice Guide (Nov. 2019) (discussing these issues at 38-40), but the parties have been unable to resolve this dispute themselves.

Stratus seeks an order in each case reducing the word limit for the petitioner's reply by the respective petition's overage.

The petitioner opposes that relief and believes that its petitions comply with the word limits.

Counsel for the parties are available at the following times next week for a conference call, if the Board desires:

- Monday, May 12: Anytime
- Tuesday, May 13: Before 1:30 PM ET and after 4:00 PM ET
- Wednesday, May 14: Before 11:00 AM ET
- Thursday, May 15: Anytime

Thank you for your attention to this matter.

Matthew C. Phillips

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Lead counsel for patent owner, Stratus