

From: [Trials](#)
To: [Weber, Brock S.](#); [BriggsH@gtlaw.com](#); [ryersonj@gtlaw.com](#); [kchen@gtlaw.com](#); [Pérez, Robert C.](#); [Schade, Jaclyn A.](#); [Kao, Christopher](#); [Tsai, David J.](#); [Qu, Surui](#)
Cc: [Trials](#)
Bcc: [Baltatzis, Andreas](#); [Fenick, Sharon](#); [Ullagaddi, Monica](#)
Subject: RE: Thermaltake v. Lian Li, IPR2024-01230: Request for Reply to POPR
Date: Monday, December 30, 2024 4:06:00 PM
Attachments: [image001.png](#)
[image002.png](#)

Counsel,

Thank you for speaking with Judges Baltatzis and Ullagaddi in a telephone conference on December 30, 2024. The full three-judge panel has taken your comments under advisement.

The panel denies Petitioner's request for authorization to file a Preliminary Reply to Patent Owner's Preliminary Response arguments for discretionary denial under *Advanced Bionics*. The current record is adequate to address this issue.

We will file this email (and the below email containing Petitioner's request) as Ex. 3001 in this proceeding.

Regards,

Tina Lee
Supervisory Paralegal Specialist
Patent Trial and Appeal Board

From: Weber, Brock S. <brock.weber@pillsburylaw.com>
Sent: Thursday, December 19, 2024 12:39 PM
To: Trials <Trials@USPTO.GOV>
Cc: BriggsH@gtlaw.com; ryersonj@gtlaw.com; kchen@gtlaw.com; Pérez, Robert C. <robert.perez@pillsburylaw.com>; Schade, Jaclyn A. <jaclyn.schade@pillsburylaw.com>; Kao, Christopher <christopher.kao@pillsburylaw.com>; Tsai, David J. <david.tsai@pillsburylaw.com>; Qu, Surui <surui.qu@pillsburylaw.com>
Subject: Thermaltake v. Lian Li, IPR2024-01230: Request for Reply to POPR

CAUTION: This email has originated from a source outside of USPTO. **PLEASE CONSIDER THE SOURCE** before responding, clicking on links, or opening attachments.

Dear Board:

Petitioner respectfully requests authorization to file a five-page reply to the Patent Owner's Preliminary Response ("POPR"), pursuant to 37 C.F.R. § 42.108(c), in the subject IPR proceeding. Petitioner seeks authorization to file a reply to address Patent Owner's arguments in the POPR (at 1-11) for discretionary denial under *Advanced Bionics*. Petitioner requests leave to address Patent Owner's arguments under *Advanced Bionics* because: (a) Patent Owner relied upon events occurring after Petitioner filed the Petition, which could not have been addressed therein; (b) the POPR mischaracterizes the Petition's position under *Advanced Bionics*; and (c) the POPR fails to recognize

that, if any relief is warranted due to the existence of a co-pending *ex parte* reexamination on the subject patent, it would be to stay the reexamination, not to deny institution of the Petition in this matter (*see, e.g., Kyocera Corp. v. Softview LLC*, IPR2013-00004, Paper No. 11 at 2 (PTAB Dec. 21, 2012)).

Petitioner proposes that its reply be due within seven business days of any authorization from the Board and that the Patent Owner be authorized to file a five-page sur-reply within seven business days of the filing of the reply.

Petitioner conferred with counsel for Patent Owner (copied on this email) regarding this request and understands that the following is Patent Owner's position: "Patent Owner oppose the request because (a) Petitioner already had the opportunity to brief, and did brief, *Advanced Bionics* (Pet. at 91-93), and (b) the Petition included 13,998 words, so additional briefing on this subject serves to circumvent the word count requirement of Rule 42.24 and the one-year statute of limitations under 35 U.S.C. § 315(b)."

If a conference with the Board would be helpful, the parties are available at the below dates and times (all times Eastern):

- Dec. 30: 11 AM to 4 PM
- Dec. 31: 11 AM to Noon
- Jan. 2: After 1 PM
- Jan. 3: 11 AM to 5 PM

Sincerely,
Brock S. Weber
Counsel for Petitioner

Brock S. Weber | Partner

Pillsbury Winthrop Shaw Pittman LLP

Four Embarcadero Center, 22nd Floor | San Francisco, CA 94111-5998

t +1.415.983.1059

brock.weber@pillsburylaw.com | [website bio](#)

AUSTIN BEIJING HONG KONG HOUSTON LONDON LOS ANGELES
MIAMI NASHVILLE NEW YORK NORTHERN VIRGINIA PALM BEACH
SACRAMENTO SAN DIEGO **SAN FRANCISCO** SHANGHAI
SILICON VALLEY TAIPEI TOKYO WASHINGTON, DC



The contents of this message, together with any attachments, are intended only for the use of the individual or entity to which they are addressed and may contain information that is legally privileged, confidential and exempt from disclosure. If you are not the intended recipient, you are

hereby notified that any dissemination, distribution, or copying of this message, or any attachment, is strictly prohibited. If you have received this message in error, please notify the original sender or the Pillsbury Winthrop Shaw Pittman Service Desk at Tel: 800-477-0770, Option 1, immediately by telephone and delete this message, along with any attachments, from your computer. Nothing in this message may be construed as a digital or electronic signature of any employee of Pillsbury Winthrop Shaw Pittman. Thank you.