Horvath, John

From: Trials
Sent: Monday, March 3, 2025 12:37 PM
To: Cass, Russell; Horvath, John; Baer, Garth
Cc: Trials
Subject: FW: IPR2024-01373

Please see below

Thanks
Andrew

From: Stein, Alexander B. <alexander.stein@morganlewis.com>
Sent: Monday, March 3, 2025 1:18 PM
To: Elizabeth O'Brien <elizabetho@cherianllp.com>; Trials <Trials@USPTO.GOV>
Cc: Tom Dunham <tomd@cherianllp.com>; Robert Molitors <RMolitors@cherianllp.com>; OIT-685 Patent-IPR <OIT-685Patent-IPR@morganlewis.com>; mwjohnson@jonesday.com; kbdavis@jonesday.com; msblackman@jonesday.com; jodonnell@jonesday.com; anakamoto@orrick.com; TVPPTABDocket@orrick.com; jcasino@wiggin.com; tlandman@wiggin.com
Subject: RE: IPR2024-01373

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Your Honors,

I am writing on behalf of the Petitioners in this proceeding. We write to formally object to Patent Owner's failure to request a meet and confer to discuss this issue before contacting the Board. To the extent that the Board entertains Patent Owner's improper outreach, Petitioners would oppose the requested briefing as wasteful in view of the *Sotera* stipulations by all Petitioners that are already on file here. If the Board is nonetheless inclined to grant additional pre-institution briefing, Petitioners request an equal-length sur-reply.

Respectfully submitted,

Alex Stein, Reg. No. 71,397
On behalf of all Petitioners

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From: Elizabeth O'Brien <elizabetho@cherianllp.com>
Sent: Friday, February 28, 2025 2:58 PM
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Subject: IPR2024-01373

[EXTERNAL EMAIL]
May it please the Board,

Today, the USPTO rescinded the June 21, 2022, memorandum entitled "Interim Procedure for Discretionary Denials in AIA Post-Grant Proceedings with Parallel District Court Litigation" (Memorandum).

In the Patent Owner Preliminary Response (Paper 8 at 2, note 3), Patent Owner expressly stated that Patent Owner will seek authorization for supplemental briefing if there is an intervening change in law/policy.

With this intervening change, Patent Owner now respectfully requests authorization for supplemental briefing to address discretionary denial in view of parallel district court litigation. Patent Owner is available at the Board's convenience for a conference call if desired.

Counsel for Petitioners is copied on this email.

Thank you,
Elizabeth O'Brien
(Back-up Counsel for Patent Owner)

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