

From: [Trials](#)
To: [Kaiser, Jessica \(Perkins Coie\)](#); [Trials](#)
Cc: [Rich Wojcio](#); [Al-Salam, Ramsey M. \(Perkins Coie\)](#); [Stark, Stevan R. \(Perkins Coie\)](#); [Rose, Kate \(Perkins Coie\)](#); [Maas, Eric \(Perkins Coie\)](#); [Jon Suder](#); [Glenn Orman](#)
Subject: RE: IPR2024-01416: Request for Authorization for preliminary reply
Date: Tuesday, January 21, 2025 4:39:02 PM

Counsel,

The panel does not need a conference call to elaborate on this issue and declines to authorize further briefing.

Best regards,
Eric W. Hawthorne
Supervisory Paralegal Specialist
Patent Trial and Appeal Board

From: Kaiser, Jessica (Perkins Coie) <JKaiser@perkinscoie.com>
Sent: Monday, January 20, 2025 5:18 PM
To: Trials <Trials@USPTO.GOV>
Cc: Rich Wojcio <wojcio@fsclaw.com>; Al-Salam, Ramsey M. (Perkins Coie) <RAlsalam@perkinscoie.com>; Stark, Stevan R. (Perkins Coie) <SStark@perkinscoie.com>; Rose, Kate (Perkins Coie) <KateRose@perkinscoie.com>; Maas, Eric (Perkins Coie) <EMaas@perkinscoie.com>; Jon Suder <jts@fsclaw.com>; Glenn Orman <orman@fsclaw.com>
Subject: IPR2024-01416: Request for Authorization for preliminary reply

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Dear Honorable Board,

Petitioner respectfully requests authorization to file a preliminary reply in IPR2024-01416 as to the Section 325(d) issues Patent Owner raised in its Preliminary Response. POPR 20-24. Good cause exists for a preliminary reply because Petitioner could not have anticipated Patent Owner's specific arguments and should have a fair opportunity to address them. In particular, Petitioner could not have anticipated Patent Owner's specific argument that the Dummies-Traub combination was considered in the original examination or the reexamination of the patent or, more specifically, that even if Dummies was not expressly considered during the original prosecution, it is redundant of prior art that was considered. To avoid including unnecessary argument in this email to the Board, Petitioner does not detail here the specific unanticipated arguments or their merits, but Petitioner can discuss these arguments further on a conference call if the Board deems additional detail necessary to determine whether to authorize a preliminary reply.

Petitioner requests a 4-page preliminary reply and to file it within two weeks of receiving authorization. Petitioner does not oppose Patent Owner being authorized to file a preliminary sur-reply of equal length within two weeks of the filing of the preliminary reply and limited to the issues discussed in the preliminary reply.

Ex. 3001
IPR2024-01416

Petitioner has conferred with Patent Owner. Patent Owner contends that no good cause exists for supplemental briefing. Patent Owner's arguments on discretionary denial could have been, and were, anticipated by Petitioner. Accordingly, Patent Owner opposes.

If the Board wishes to have a conference call, the parties can confer and propose times of mutual availability.

Sincerely,

Jessica Kaiser
PARTNER

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