

From: [Paul Fraulo](#)
To: [Trials](#)
Cc: [Alex Teglash](#); [Thomas H. Stanton](#); [Serge Krimnus](#); [Litigation Paralegals](#); dbennett@coatsandbennett.com; dkalish@coatsandbennett.com
Subject: Re: ETN CAPITAL, LLC d/b/a BEECH LANE v. FBA Operating Co. - IPR2024-01445 – Authorization to File Motion Request
Date: Wednesday, May 28, 2025 11:32:51 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)

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

Deputy Chief Clerk Kellogg,

Counsel has met and conferred as the Board instructed. However, the parties have been unable to reach an agreement as ETN has refused to agree to any extension of any kind. Therefore, **we request a hearing with the Board to set a revised schedule providing FBA with 60 days additional time for Due Date 1**, or some lesser amount of time that the Board deems proper.

Ahead of the hearing, FBA requests the Board's leave to submit evidence in support of their request for an extension demonstrating that the parties were on the eve of settlement as of last week. As will be explained at the requested hearing, the recent turn of events is demonstrative of bad faith negotiations pursued by ETN's principal and intended to prejudice FBA and their ability to timely prepare and file the Patent Owner's Response.

Regards,

Paul Fraulo



☐ 646.971.0685 ☐ 347.389.0626 ☐ www.bochner.law

☐ paul@bochner.law

☐ 1040 Avenue of the Americas, 15th Fl. New York, NY 10018

From: Trials <Trials@USPTO.GOV>
Sent: Tuesday, May 27, 2025 13:03
To: Alex Teglash <ateglash@bochner.law>; Trials <Trials@USPTO.GOV>
Cc: Thomas H. Stanton <TStanton@bochner.law>; Serge Krimnus <serge@bochner.law>; Paul Fraulo <paul@bochner.law>; Litigation Paralegals <litparalegals@bochner.law>;
dbennett@coatsandbennett.com <dbennett@coatsandbennett.com>;
dkalish@coatsandbennett.com <dkalish@coatsandbennett.com>
Subject: RE: ETN CAPITAL, LLC d/b/a BEECH LANE v. FBA Operating Co. - IPR2024-01445 – Authorization to File Motion Request

Caution: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Counsel,

Under the circumstances here, we deny Patent Owner's request for authorization to file a motion to change Due Date 1 of the Scheduling Order. Because Patent Owner first sought authorization to file the motion on Due Date 1 itself (May 23, 2025), permitting briefing on this opposed motion represents an unauthorized, de facto extension of Due Date 1.

Pursuant to 37 C.F.R. § 42.5(a), we hereby extend Due Date 1 to June 3, 2025. We also extend Due Date 2 to August 25, 2025. No other dates in the Scheduling Order are extended at this time. Entry of this email into the record as an exhibit constitutes the panel's order on these extended due dates.

The Board advises the parties to work together in good faith to stipulate to any further scheduling order changes as permitted by the Scheduling Order. See Paper 15, 8–9. Should the parties be unable to agree, in advance of any impending Due Date, the parties should request a conference call with the Board as set forth in the Scheduling Order. *Id.* at 2.

Ex parte communications are prohibited. Opposing counsel shall be copied on all future emails to the Board.

Regards,

Andrew Kellogg,
Deputy Chief Clerk, Trials
Patent Trial and Appeal Board
USPTO
andrew.kellogg@uspto.gov
(571) 272-5366

From: Alex Teglash <ateglash@bochner.law>

Sent: Friday, May 23, 2025 7:40 PM

To: Trials <Trials@USPTO.GOV>

Cc: Thomas H. Stanton <TStanton@bochner.law>; Serge Krimnus <serge@bochner.law>; Paul Fraulo <paul@bochner.law>; Litigation Paralegals <litparalegals@bochner.law>

Subject: ETN CAPITAL, LLC d/b/a BEECH LANE v. FBA Operating Co. - IPR2024-01445 – Authorization to File Motion Request

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

Good Afternoon,

Counsel for Patent Owner respectfully requests authorization to file the attached motion:
Patent Owner's Motion to Change Due Date 1 of the Scheduling Order.

On May 15, 2025, Patent Owner and Petitioner reached a settlement agreement in principle, but this agreement has not yet been finalized. With this motion, Patent Owner requests to change Due Date 1 of the Scheduling Order to provide the parties the necessary, additional time to finalize their agreement.

Petitioner does not consent to the time extension requested in the Motion.

Thank you for your time and consideration,

Alex Teglash
Paralegal

BOCHNER
PLLC

☎ [646.971.0685](tel:646.971.0685) 🌐 www.bochner.law

✉ ateglash@bochner.law

📍 [1040 Avenue of the Americas, 15th Fl. New York, NY 10018](#)

****Please note, our new email addresses, firm name, and mailing address! Please be sure to update accordingly.***