

Diana Bradley

From: Trials <Trials@USPTO.GOV>
Sent: Friday, February 7, 2025 4:27 AM
To: Jeremy Monaldo; BoxEDGEL255; Ted Cannon; Ben Anger; Linda Dunn; IPR58484-0001IP1; PTAB Inbound
Cc: Trials
Subject: RE: Request for Pre-Institution Reply – IPR2024-01491 (U.S. Pat. No. 11,865,287)

[This email originated outside of F&R.]

Counsel,

Additional briefing may be helpful to the Board in reaching a decision in this proceeding. On that basis, the Board authorizes Petitioner to file a seven-page reply to the Preliminary Response by February 14, 2025 limited to addressing issues raised in the Preliminary Response in connection with discretionary denial under 35 U.S.C. § 325(d) and objective indicia of nonobviousness. Patent Owner is authorized to file a seven-page sur-reply to any reply by February 21, 2025. No conference call is necessary at this time.

Regards,

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

From: Jeremy Monaldo <Monaldo@fr.com>
Sent: Thursday, February 6, 2025 12:21 PM
To: Trials <Trials@USPTO.GOV>
Cc: BoxEDGEL255 <BoxEDGEL255@knobbe.com>; Ted Cannon <Ted.Cannon@knobbe.com>; Ben Anger <Ben.Anger@knobbe.com>; Linda Dunn <Linda.Dunn@knobbe.com>; IPR58484-0001IP1 <IPR58484-0001IP1@fr.com>; PTAB Inbound <PTABInbound@fr.com>
Subject: Request for Pre-Institution Reply – IPR2024-01491 (U.S. Pat. No. 11,865,287)

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

Your Honors,

Petitioner requests a conference call to seek authorization to submit a pre-institution reply in the above-referenced IPR proceeding – IPR2024-01491, relating to U.S. Pat. No. 11,865,287. The parties have conferred about the scope of pre-institution briefing Petitioner desires. Below is a summary of issues to be addressed on the conference call:

1. 325(d) – Petitioner desires to respond to Patent Owner’s argument that the Petition should be discretionarily denied under 325(d). Patent Owner opposes a pre-institution reply on this issue.
2. Objective Indicia – Petitioner desires to respond to Patent Owner’s argument that objective indicia of non-obviousness support the patentability of the claims. Patent Owner opposes Petitioner’s desired scope of briefing but would not oppose a more limited pre-institution reply on this issue.
3. Petitioner proposes a 10-page reply due one week after authorization and would not oppose an equal length sur-reply from Patent Owner due one week after Petitioner’s reply is filed. Patent Owner proposes a 5-page reply and 5-page sur-reply on the same schedule proposed by Petitioner.

The parties will be prepared to provide the bases for their positions on the conference call. The parties are available for a conference call on Friday, February 7 between 12-2 PM or Monday, February 10, between 12-4 PM, Eastern time.

Respectfully submitted,
Jeremy Monaldo

Jeremy Monaldo
Principal ■ Fish & Richardson P.C.

T: +1 (202) 626-7717
Monaldo@fr.com | [Bio](#) | [LinkedIn](#) | [fr.com](#)
Washington, DC

This email message is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized use or disclosure is prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message.

