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Subject: IPR2024-01507 ('693 Pat.) - Request for Preliminary Reply

Dear Honorable Board,

Petitioner respectfully requests authorization to file a five-page preliminary reply regarding Patent Owner's implicit claim construction of "processing element" and the applicable law. POPR at 19-20, 27-31. Petitioner does not oppose Patent Owner being authorized to file a five-page preliminary sur-reply.

Good cause exists because Petitioner could not have anticipated Patent Owner's flawed claim construction and untrue statements regarding what Petitioner contends satisfies "processing element." Petitioner's expert explained how the '693 patent departs from a common use of "processing element" as a hardware mechanism, instead using the term in a broader sense. Consequently, Petitioner argued that "processing element," properly construed, at least includes data to be processed. It was unforeseeable that Patent Owner would urge an implicit construction limiting "processing element" to necessarily include code and exclude data when the specification includes examples of processing elements being code and/or data.

If the Board deems additional detail necessary to determine whether to authorize a preliminary reply, Petitioner can provide those details in a subsequent e-mail or on a conference call.

Petitioner has conferred with Patent Owner (cc'd). Patent Owner opposes the request because Petitioner proposed the construction of the term in question ("processing element") and Patent Owner responded to the proposed construction in its POPR, which was entirely foreseeable. Any argument responding to Patent Owner's merits arguments should have been set forth in the original Petition and the rules do not permit Petitioners to develop new evidence or arguments in a Preliminary Reply simply because the POPR disagrees with Petitioner's proposed construction. The Board is capable of weighing the parties' arguments without further briefing.

If desired, the parties can provide dates and times for a conference call with the Board.

Regards,

/s/ Chris Ponder
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