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To: [Kaiser, Jessica \(Perkins Coie\)](#); [Trials](#)
Cc: [AspenIPR](#); [TKnox@perkinscoie.com](#); [Gao, Yuanfeng \(Perkins Coie\)](#); [Anderson, Kevin](#); [Richeson, Glenn](#); [Scott W. Hejny](#); [nmathews@mckoolsmith.com](#); [Rose, Kate \(Perkins Coie\)](#); [kaiser-ptab@perkinscoie.com](#); [Heard, Preston](#); [Marino, Fabio](#); [Iams, Travis](#); [Levitan, Steve](#)
Subject: RE: IPR2025-00008: Request for Authorization for Preliminary Reply
Date: Tuesday, March 11, 2025 1:24:47 PM

Counsel,

The panel has considered Petitioner's request and concluded that no further briefing is necessary in this matter. Accordingly, Petitioner's request for authorization to file a preliminary reply is denied.

Regards,

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

From: Kaiser, Jessica (Perkins Coie) <JKaiser@perkinscoie.com>
Sent: Friday, March 7, 2025 11:56 AM
To: Trials <Trials@USPTO.GOV>
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Subject: IPR2025-00008: Request for Authorization for Preliminary Reply

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Dear Honorable Board,

Petitioners respectfully request authorization to file a preliminary reply in IPR2025-00008 to address Patent Owner's arguments regarding *Fintiv* (Patent Owner's Preliminary Response (Paper 9) at 38-49). Good cause exists for a preliminary reply because, for example, the USPTO rescinded the June 2022 *Fintiv* guidance memo on February 28, 2025, and Petitioners could not have anticipated this action at the time the Petition was filed. Petitioners request a conference call to discuss this issue.

Petitioners request a 5-page preliminary reply and to file it within one week of receiving authorization. Petitioners do not oppose Patent Owner being authorized to file a preliminary sur-reply of equal length within one week of the filing of the preliminary reply and limited to the issues discussed in the preliminary reply.

Petitioners have conferred with Patent Owner, and Patent Owner opposes the requested relief. Patent Owner does not oppose a preliminary reply and sur-reply directed solely to the impact, if any, of the February 28, 2025 rescission of the June 2022 *Fintiv* guidance memo on the applicability of the factors, but opposes Petitioners' broader request to address Patent Owner's arguments regarding the *Fintiv* factors presented in the Preliminary Response.

The parties are available at the following dates and times for a conference call:

Monday, March 10 from 12-2 ET

Wednesday, March 12 from 1-2 ET

Thursday, March 13 from 3-4 ET

Friday, March 14 from 12-1 ET

Sincerely,

Jessica Kaiser
PARTNER

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