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To: [Sarwar, Turhan F.; Trials](#)
Cc: [PTAB Rich Giunta](#); [PTAB Jie Xiang](#); [Conley, Bryan S.](#); [Corbett, Gregory F.](#); [PTAB Turhan Sarwar](#); lionel.lavenue@finnegan.com; kara.specht@finnegan.com; cory.bell@finnegan.com; umber.aggarwal@finnegan.com; deanna.smiley@finnegan.com; shannon.yi@finnegan.com; luke.macdonald@finnegan.com; carlos.duarte-guevara@finnegan.com; [Innoscence-Infineon-IPR](#)
Subject: RE: IPR2025-00010 | Innoscence America, Inc. v. Infineon Technologies Austria AG | PO's Request for Additional Briefing After Rescinded Interim Procedure
Date: Thursday, March 6, 2025 11:35:31 AM
Attachments: [image001.png](#)

Counsel:

Patent Owner is authorized to file a 10-page brief, due no later Thursday, March 20, to address only the issue of discretionary denial based on the parallel ITC proceeding discussed below. Petitioner is authorized to file a 10-page reply brief, due no later than Thursday, April 3, to address Patent Owner's brief.

Regards,

Andrew Kellogg,
Deputy Chief Clerk, Trials
Patent Trial and Appeal Board
USPTO
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From: Sarwar, Turhan F. <Turhan.Sarwar@WolfGreenfield.com>
Sent: Wednesday, March 5, 2025 4:06 PM
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Honorable Board,

Patent Owner seeks authorization for additional briefing in view of the February 28, 2025, announcement from the Office rescinding the June 21, 2022 "Interim Procedure for Discretionary Denials in AIA Post-Grant Proceedings with Parallel District Court Litigation" ("Interim Procedure").

Patent Owner timely filed its Preliminary Response on February 20, 2025, eight days before the Office rescinded the Interim Procedure. Patent Owner did not ask the Board to discretionarily deny institution

under the Board's precedential *Fintiv* decision based on a parallel ITC proceeding because the Interim Procedure indicated that the Board would "not discretionarily deny petitions based on applying *Fintiv* to a parallel ITC proceeding." Interim Procedure, 5-7. Given that the rescission of the Interim Procedure changed the Board's policy after Patent Owner filed its Preliminary Response, Patent Owner seeks supplemental briefing to explain why institution should be discretionarily denied in the above-captioned matter based on applying *Fintiv* to a parallel ITC proceeding (Inv. No. 337-TA-1414), consistent with Board cases prior to the now-rescinded Interim Procedure.

Patent Owner seeks authorization to file a 10-page paper limited to addressing discretionary denial based on the parallel ITC proceeding and does not oppose Petitioner being granted a reply of equal length. The parties have met and conferred, and Petitioner said that it will not oppose the request if Patent Owner agrees to the following schedule (to the extent the Board grants the request for additional briefing):

Event	Due Date
Patent Owner's Additional Brief	Two weeks from the date of the Board's authorization
Petitioner's Responsive Brief	Two weeks from the Patent Owner's filing of additional briefing

Patent Owner is amenable to Petitioner's proposed briefing schedule, but is also amenable to a shorter briefing schedule if the Board prefers.

Best Regards,
Turhan Sarwar



Turhan F. Sarwar

he/him/his

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