

From: [Trials](#)
To: [Haber, Ben](#); [Trials](#)
Cc: [Fink, Tim](#); [Shaffer, Rob](#); [Zervos, Renia](#); [Kaminski, Jeffri A.](#); [Oliver, Justin J.](#)
Subject: RE: IPR2025-00234, and IPR-00235 - Seeking leave for Preliminary Replies
Date: Friday, March 21, 2025 12:34:58 PM

Counsel,

The Board grants Petitioner's unopposed request to file a five-page preliminary reply to Patent Owner's preliminary response. Petitioner's reply must be limited to responding to the § 325(d) arguments raised in Patent Owner's preliminary response. The Board authorizes Patent Owner to file a five-page preliminary sur-reply. The parties are authorized to file documentary evidence in support of any facts asserted in the preliminary reply or preliminary sur-reply but are not authorized to file additional declarations.

Petitioner's reply must be filed no later than March 28, 2025. Patent Owner's sur-reply must be filed no later than April 4, 2025.

Regards,

Andrew Kellogg,
Deputy Chief Clerk, Trials
Patent Trial and Appeal Board
USPTO
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(571) 272-5366

From: Haber, Ben <bhaber@omm.com>
Sent: Wednesday, March 19, 2025 2:39 PM
To: Trials <Trials@USPTO.GOV>
Cc: Fink, Tim <tfink@omm.com>; Shaffer, Rob <rshaffer@omm.com>; Zervos, Renia <rzervos@omm.com>; Kaminski, Jeffri A. <JAKaminski@Venable.com>; Oliver, Justin J. <joliver@venable.com>
Subject: IPR2025-00234, and IPR-00235 - Seeking leave for Preliminary Replies

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Dear Honorable Board,

Petitioner received Patent Owner's POPRs on March 11 and 12, 2025. Petitioner respectfully seeks leave to file a 5-page preliminary response, and would not oppose Patent Owner being granted leave to file a 5-page preliminary sur-reply in response. Petitioner believes that good cause exists to file these preliminary replies and sur-replies

because the Board would benefit from a brief response to Patent Owner's 325(d) arguments against previously uncited prior art.

Patent Owner does not oppose Petitioner's request for a reply directed to the 325(d) arguments, so long as if Petitioner's request is granted, that Patent Owner is granted leave to file a sur-reply of equal length. The parties are available Tuesday, March 25, 10am-noon; Wednesday, March 26, 10am-noon (all times Eastern) to discuss this request, should a conference call be necessary.

Thank you,
Ben Haber
Counsel for Petitioner