
From: Trials <Trials@USPTO.GOV>
Sent: Friday, March 28, 2025 2:53 PM
To: McKeown, Scott A.; Trials
Cc: Nall, Jennifer; Rush, MacAulay; PTAB Scott McKeown; PTAB Gerald Hrycyszyn; PTAB Victor Cheung; DLA-Amazon-NLGiken; robert.buergi@dlapiper.com; Wolfe, Joseph; Hannah, Jessica
Subject: RE: IPR2025-00250

Counsel,

Thank you for the call. As discussed, the Interim Processes for PTAB Workload Management Memorandum, grants a one month extension for all cases where the deadline for the POPR has not yet passed but the time for filing discretionary briefing has elapsed. As such you have until April 26, 2025 to file your brief. We expect that the paper type will be available in P-TACTS no later than April 11th.

Best,
Erica

Erica Swift

Chief Clerk of the Board
Patent Trial and Appeal Board
U.S. Patent and Trademark Office
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**UNITED STATES
PATENT AND TRADEMARK OFFICE** ®

From: McKeown, Scott A. <Scott.McKeown@WolfGreenfield.com>
Sent: Friday, March 28, 2025 2:32 PM
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Subject: IPR2025-00250

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Trials,

Under the *Interim Processes for PTAB Workload Management Memorandum* (“Memorandum”) issued on March 26, 2025, the decision whether to institute review in this proceeding will be bifurcated between (i) discretionary considerations and (ii) merits and other non-discretionary statutory decisions. The Memorandum provides that, within two months of the entry of the Notice of Filing Date Accorded, a patent owner may file a brief explaining any bases for discretionary denial. A petitioner may file an opposition brief no later than one month after the patent owner files its brief.

The processes described in the Memorandum apply to any *inter partes* review or post-grant review proceeding where the: (1) deadline for the patent owner to file a preliminary response has not yet passed; or (2) deadline for the patent owner to file a preliminary response has not yet passed and the time for filing discretionary briefing has elapsed. (i.e., the case here).

PO attempted to file its discretionary brief today in the above case but was informed by the PTAB paralegal staff (Andrew Kellog) that the appropriate filing codes are not yet available in P-TACTS, and that the agency was issuing notices today in cases eligible for the Interim Procedure to automatically extend the filing deadline one-month. However, Mr. Kellog also informed PO that this IPR appears to have been mistakenly omitted from the automated list of extensions being issued and suggested PO contact the panel to remedy the discrepancy.

Accordingly, PO respectfully requests that the time for filing the discretionary brief be extended one-month per office policy to allow for the appropriate P-TACTS filing codes to be developed.



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