

From: [Trials](#)
To: [Richard Cochrane](#); [Trials](#)
Cc: [midwest@caldwellcc.com](#); [Tobin, David](#); [Oaks, Brian](#); [PacifiCorp-PTAB-ME2C](#); [rsjohnson](#); [Patton, Thomas](#); [Donels, Cara](#); [_MidAmerican](#)
Subject: RE: IPR2025-00274, -278, -280, -281 // Request for Additional Pages in PORs
Date: Monday, December 15, 2025 3:50:55 PM
Attachments: [image001.png](#)

Counsel,

Patent Owner's request for authorization for Patent Owner to include 5,000 additional words (for a total of up to 19,000 words) in its Patent Owner Responses in IPR2025-00274 and IPR2025-00280 is granted. The additional 5,000 words requested by Patent Owner shall be limited to addressing priority date issues, meaning that the remainder of the Patent Owner's response must be 14,000 words or less.

Petitioner is authorized to include an additional 5,000 words in its Reply to the Patent Owner Responses in IPR2025-00274 and IPR2025-00280. The additional 5,000 words for Petitioner's Reply shall be limited to responding to priority date issues, meaning the remainder of Petitioner's Reply must be 5,600 words or less.

Regards,

Andrew Kellogg,
Deputy Chief Clerk, Trials
Patent Trial and Appeal Board
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From: Richard Cochrane <rcochrane@caldwellcc.com>
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Subject: IPR2025-00274, -278, -280, -281 // Request for Additional Pages in PORs

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Dear Board,

Patent Owner respectfully requests the Board's authorization for Patent Owner to include 5,000 additional words (for a total of up to 19,000 words) in its Patent Owner Responses in IPR2025-00274 and IPR2025-00280. In the institution decision, the Board stated:

"Patent Owner's Sur-reply refers to and invites us to consider the priority date arguments raised and evidence presented in IPR2025-00278. In that proceeding, the parties provide extensive argument regarding whether the challenged claims are entitled to priority. And in our Institution Decision, we analyze this priority date issue in depth based on the parties' arguments and evidence presented in that proceeding. We are aware of the potential problems that could arise if we were to ignore or fail to address a priority date issue in this case, when the same potentially dispositive issue has been raised and analyzed in IPR2020-00832 concerning the same patent and the same priority date evidence. Accordingly, the parties are encouraged to try to maintain consistent records as between cases, at least with respect to critical evidence, to help us to avoid the potential for inconsistent results. More broadly, in the event Patent Owner maintains its position that Downs-Broiler is not prior art because the inventors conceived and reduced the claimed method to practice before Downs-Boiler, that parties are encouraged to further develop the record on whether AIA applies."

See Paper 33 at 48-49.

Given the above, Patent Owner intends to include the priority date arguments and evidence from IPR2025-00278 and IPR2025-00281 in its Patent Owner Responses. Accordingly, to fully develop the record on these issues and to "maintain consistent records between cases," Patent Owner respectfully requests an additional 5,000 words to incorporate that argument and evidence into its Patent Owner Responses in IPR2025-00274 and IPR2025-00280.

Given Patent Owner's upcoming deadline to file its Patent Owner responses on Monday, December 15, in the interest of time, Patent Owner respectfully requests that the Board rule on this issue via email. If the Board is not inclined to rule without a motion on this issue, please advise whether Patent Owner has authorization to file a motion for the relief requested above. See 37 CFR § 42.24.

Patent Owner has conferred with Petitioners, who have provided the following position: PacifiCorp does not oppose, provided that: (1) the 5,000 words requested by Patent Owner are used only for the priority date issues, meaning that the remainder of the patent owner response must fit within the 14,000 words; and (2) Petitioners are afforded an extra 5,000 words in their Replies to the Patent Owner Response.

Sincerely,

Richard A. Cochrane
Counsel for Patent Owner

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