

From: [Trials](#)
To: [Saraswat, Anant K.](#); [Trials](#)
Cc: [PTAB Elisabeth Hunt](#); [PTAB Anant Saraswat](#); joshua.goldberg@finnegan.com; erika.arner@finnegan.com; alexander.boyer@finnegan.com; christina.yang@finnegan.com; joseph.myles@finnegan.com
Subject: RE: IPR2025-00298, -00322
Date: Monday, April 7, 2025 2:32:12 PM
Attachments: [image001.png](#)

Counsel,

Petitioner's request for authorization to file a two-page preliminary reply, limited to discussion of "the Patent Owner's Preliminary Response's discussion of law at pages 10-11 of the -00298 POPR and pages 11-12 of the -00322 POPR," is granted. Petitioner may file two-page preliminary replies, identical except for the caption, in each of IPR2025-00298 and IPR2025-00322, by no later than April 11, 2025. Patent Owner may file two-page preliminary sur-replies in each proceeding, limited to responding to the preliminary reply and identical except for the caption, by no later than April 18, 2025. The parties are reminded that emails to the Board should be limited to procedural matters and should not contain legal argument.

Regards,

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

From: Saraswat, Anant K. <Anant.Saraswat@WolfGreenfield.com>
Sent: Monday, April 7, 2025 8:02 AM
To: Trials <Trials@USPTO.GOV>
Cc: PTAB Elisabeth Hunt <EHunt-PTAB@WolfGreenfield.com>; PTAB Anant Saraswat <ASaraswat-PTAB@WolfGreenfield.com>; joshua.goldberg@finnegan.com; erika.arner@finnegan.com; alexander.boyer@finnegan.com; christina.yang@finnegan.com; joseph.myles@finnegan.com
Subject: IPR2025-00298, -00322

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Dear Honorable Board,

Petitioner seeks authorization for a 2-page reply to the Patent Owner's Preliminary Response's discussion of law at pages 10-11 of the -00298 POPR and pages 11-12 of the -00322 POPR. Good cause exists because Petitioner could not have foreseen that Patent Owner would use selective quotation to mischaracterize *Arendi SARL v. Apple, Inc.*, 832 F.3d 1355, 1361-62 (Fed. Cir. 2016) in a manner that the Federal Circuit rejected in *Koninklijke Philips N.V. v. Google LLC*, 948 F.3d 1330, 1338 (Fed. Cir. 2020).

Patent Owner states: Patent Owner opposes Petitioner's requested authorization to file a 2-page reply brief responding to a single case discussed in a single paragraph of each patent owner response. Good cause does not exist for such a reply. Patent Owner's citation of the appropriate standard for use of general knowledge to

supply a missing claim limitation was accurate under both *Arendi* and *Philips*. Counter to Petitioner's assertion, *Philips* did not reject *Arendi*'s standard, but applied that standard to a set of facts distinguishable from the present facts. Petitioner made the tactical decision to not explain this standard in the petitions despite relying on references not part of any ground to supply a claim limitation not taught by any reference in any ground. Petitioner should not be afforded two additional pages to reverse this tactical decision in reply to Patent Owner's arguments.

Petitioner responds: Petitioner does not assert that *Philips* rejected *Arendi*'s standard. *Philips* held that relying on "the general knowledge of a skilled artisan," as "corroborated by" reference evidence, supports obviousness and is not "analogous to *Arendi*." *Philips* at 1338.

Should a call be deemed necessary, counsel for the parties are available for a conference call on the following days: 4/7, 4/8.

Regards,



Anant Saraswat

He/Him/His

Shareholder

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