

From: [Trials](#)
To: [Bregman, Dion M.](#); [Trials](#)
Cc: [MLB-Lam-IPR-Team](#); [PH-Lam-Inpria-IPR](#)
Subject: RE: IPR2025-00309 / Leave to File Motion to Correct the Filing Date
Date: Thursday, April 24, 2025 12:02:31 PM

[EXTERNAL EMAIL]
Counsel,

Petitioner is authorized to file a Motion to correct the filing date accorded the Petition, or, in the alternative to deem the Petition timely filed. Petitioner may file declaratory or other evidence in support of its Motion. Petitioner's Motion shall not exceed five (5) pages and shall be filed on or before May 2, 2025.

Patent Owner is authorized to file an Opposition to Petitioner's Motion. Patent Owner may file declaratory or other evidence in support of its Opposition. Patent Owner's Opposition shall not exceed five (5) pages and shall be filed on or before May 9, 2025.

Regards,

Andrew Kellogg,
Deputy Chief Clerk, Trials
Patent Trial and Appeal Board
USPTO
andrew.kellogg@uspto.gov
(571) 272-5366

From: Bregman, Dion M. <dion.bregman@morganlewis.com>
Sent: Wednesday, April 23, 2025 5:19 PM
To: Trials <Trials@USPTO.GOV>
Cc: MLB-Lam-IPR-Team <MLB-Lam-IPR-Team@morganlewis.com>; PH-Lam-Inpria-IPR <PH-Lam-Inpria-IPR@paulhastings.com>
Subject: RE: IPR2025-00309 / Leave to File Motion to Correct the Filing Date

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Dear Mr. Kellogg,

I'm writing to follow up on the status of panel assignment for IPR2025-00309, and whether there is any update on Petitioner's request for leave to file a motion to correct the filing date or, in the alternative, to deem the petition timely filed.

We appreciate your time and any information you can provide.

Regards,

-Dion Bregman
Counsel for Petitioner

Dion M. Bregman

Morgan, Lewis & Bockius LLP

1400 Page Mill Road | Palo Alto, CA 94304-1124

Direct: +1.650.843.7519 | Main: +1.650.843.4000 | Fax: +1.650.843.4001

Assistant: Marilyn Jean Doris | +1.650.843.7578 | marilyn.doris@morganlewis.com

dion.bregman@morganlewis.com | www.morganlewis.com



From: Bregman, Dion M.

Sent: Thursday, April 3, 2025 1:06 PM

To: 'Trials' <Trials@USPTO.GOV>

Cc: MLB-Lam-IPR-Team <MLB-Lam-IPR-Team@morganlewis.com>; PH-Lam-Inpria-IPR <PH-Lam-Inpria-IPR@paulhastings.com>

Subject: RE: IPR2025-00309 / Leave to File Motion to Correct the Filing Date

Mr. Kellogg,

I'm writing to follow up on whether there is any update regarding the assignment of the panel that would consider Petitioner's request for leave to file a motion to (i) correct the filing date to December 13, 2024, based on either a technical issue or inadvertent clerical error; or, alternatively, (ii) deem the petition timely filed pursuant to 37 C.F.R. §§ 42.5(b), 42.5(c)(3), and 42.104(c).

Thank you,

-Dion

Dion M. Bregman

Morgan, Lewis & Bockius LLP

1400 Page Mill Road | Palo Alto, CA 94304-1124

Direct: +1.650.843.7519 | Main: +1.650.843.4000 | Fax: +1.650.843.4001

Assistant: Marilyn Jean Doris | +1.650.843.7578 | marilyn.doris@morganlewis.com

dion.bregman@morganlewis.com | www.morganlewis.com

From: Trials <Trials@USPTO.GOV>

Sent: Wednesday, March 5, 2025 9:30 AM

To: Bregman, Dion M. <dion.bregman@morganlewis.com>; Trials <Trials@USPTO.GOV>

Cc: MLB-Lam-IPR-Team <MLB-Lam-IPR-Team@morganlewis.com>; PH-Lam-Inpria-IPR <PH-Lam-Inpria-IPR@paulhastings.com>

Subject: RE: IPR2025-00309 / Leave to File Motion to Correct the Filing Date

[EXTERNAL EMAIL]

Good afternoon Mr. Bergman,

We anticipate that this case will be paneled towards the end of this month.

Regards,

Andrew Kellogg,
Deputy Chief Clerk, Trials
Patent Trial and Appeal Board
USPTO
andrew.kellogg@uspto.gov
(571) 272-5366

From: Bregman, Dion M. <dion.bregman@morganlewis.com>
Sent: Wednesday, March 5, 2025 12:27 PM
To: Trials <Trials@USPTO.GOV>
Cc: MLB-Lam-IPR-Team <MLB-Lam-IPR-Team@morganlewis.com>; PH-Lam-Inpria-IPR <PH-Lam-Inpria-IPR@paulhastings.com>
Subject: RE: IPR2025-00309 / Leave to File Motion to Correct the Filing Date

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Mr. Kellogg,

I am following-up to see if there is any update on when the panel might be assigned. Apologies if this is premature, and I appreciate any information you can provide.

Regards,

-Dion

Dion M. Bregman

Morgan, Lewis & Bockius LLP

1400 Page Mill Road | Palo Alto, CA 94304-1124

Direct: +1.650.843.7519 | Main: +1.650.843.4000 | Fax: +1.650.843.4001

Assistant: Marilyn Jean Doris | +1.650.843.7578 | marilyn.doris@morganlewis.com

dion.bregman@morganlewis.com | www.morganlewis.com



From: Trials <Trials@USPTO.GOV>

Sent: Thursday, February 20, 2025 9:27 AM

To: Bregman, Dion M. <dion.bregman@morganlewis.com>; Trials <Trials@USPTO.GOV>

Cc: MLB-Lam-IPR-Team <MLB-Lam-IPR-Team@morganlewis.com>; PH-Lam-Inpria-IPR <PH-Lam-Inpria-IPR@paulhastings.com>

Subject: RE: IPR2025-00309 / Leave to File Motion to Correct the Filing Date

[EXTERNAL EMAIL]

Counsel,

The no panel has been assigned to this case. Once a panel has been assigned, your request will be forwarded to the panel.

Regards,

Andrew Kellogg,
Deputy Chief Clerk, Trials
Patent Trial and Appeal Board
USPTO
andrew.kellogg@uspto.gov
(571) 272-5366

From: Bregman, Dion M. <dion.bregman@morganlewis.com>

Sent: Thursday, February 20, 2025 12:00 PM

To: Trials <Trials@USPTO.GOV>

Cc: MLB-Lam-IPR-Team <MLB-Lam-IPR-Team@morganlewis.com>; PH-Lam-Inpria-IPR <PH-Lam-Inpria-IPR@paulhastings.com>

Subject: IPR2025-00309 / Leave to File Motion to Correct the Filing Date

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Your Honors,

A Notice of Filing Date Accorded was filed in IPR2025-00309, where the petition was accorded the filing date of December 14, 2024. Petitioner respectfully requests leave from the Board to file a motion to (i) correct the filing date to December 13, 2024, due to either a technical issue or inadvertent clerical error, or, alternatively, (ii) deem the petition timely filed (see, e.g., 37 C.F.R. 42.5 (b) and (c)(3), 42.104(c)). Good cause exists because although the Petition and exhibits were filed in PTACTS on December 13, 2024, and although the "Submit Payment" button was pressed on December 13, 2024, the "Fee payments receipt" was not confirmed until 12:00:**27** am Eastern Time on December 14, 2024 due to either a technical issue or inadvertent clerical error.

We have conferred with Patent Owner's counsel, whose position is below:

Patent Owner opposes Petitioner's proposed motion and, if the Board authorizes the motion, Patent Owner requests the opportunity to file a written response. Patent Owner's response would include three issues: (1) the Petition was not timely filed on December 13, 2024; (2) the Petition was not served on December 13, 2024; and (3) the regulations cited by Petitioner do not apply in these circumstances.

Regards,

Dion Bregman
Counsel for Petitioner

Dion M. Bregman

Morgan, Lewis & Bockius LLP

1400 Page Mill Road | Palo Alto, CA 94304-1124

Direct: +1.650.843.7519 | Main: +1.650.843.4000 | Fax: +1.650.843.4001

Assistant: Marilyn Jean Doris | +1.650.843.7578 | marilyn.doris@morganlewis.com

dion.bregman@morganlewis.com | www.morganlewis.com

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