Trials@uspto.gov
571.272.7822

Paper 6
Date: April 8, 2025

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

IRHYTHM, INC.,
Petitioner,

v.

WELCH ALLYN, INC.,
Patent Owner.

IPR2025-00378
Patent 8,214,007

Before Megan Carlson, *Deputy Chief Clerk, Appeals*

NOTICE
Extending Deadline for Discretion Briefing

Under the *Interim Processes for PTAB Workload Management Memorandum* ("Memorandum") issued on March 26, 2025,[1] 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. Memorandum 1. 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. *Id.* at 2. A petitioner may file an opposition brief no later than one month after the patent owner files its brief. *Id.*

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. *Id.* at 3. The Memorandum does not address the circumstance in which the time for filing discretionary briefing has not yet elapsed, but will elapse in one month or less—that is, petitions accorded a filing date between January 27, 2025 and February 27, 2025. *Id.* The petition for *inter partes* review filed in the above-referenced proceeding was accorded a filing date between January 27, 2025 and February 27, 2025. To address this situation, in this case, Patent Owner may file a brief for discretionary denial within one month of the date

[1] Available at https://www.uspto.gov/sites/default/files/documents/InterimProcesses-PTABWorkloadMgmt-20250326.pdf?utm_campaign=subscriptioncenter&utm_content=&utm_medium=email&utm_name=&utm_source=govdelivery&utm_term=.

of this notice. Petitioner may file an opposition no later than one month after Patent Owner files its brief.

For PETITIONER:

Robert Counihan
Allen Wang
FENWICK & WEST LLP
rcounihan-ptab@fenwick.com
allen.wang@fenwick.com

For PATENT OWNER:

Erik Halverson
Anna Hill
Jared Lund
K&L GATES LLP
erik.halverson@klgates.com
rebekah.hill@klgates.com
jared.lund@klgates.com