

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GETTATTLE, INC.,
Petitioner,

v.

AFTERWORDS, INC.,
Patent Owner.

IPR2025-00677
Patent 10,430,811 B1

Before LINDA E. HORNER, MATTHEW S. MEYERS, and RYAN H. FLAX,
Administrative Patent Judges.

FLAX, *Administrative Patent Judge.*

PRELIMINARY GUIDANCE
PATENT OWNER'S CONTINGENT MOTION TO AMEND
37 C.F.R. § 42.121(e)

I. INTRODUCTION

AfterWords, Inc. (“Patent Owner”) is the owner of U.S. Patent 10,430,811 B1 (Ex. 1001, “the ’811 patent”). Paper 4, 1 (Patent Owner Mandatory Notices). On March 3, 2025, GetTattle, Inc. (“Petitioner”) filed a Petition for *inter partes* review challenging the patentability of claims 1–7, 10, 13, 16, 18, and 19 of the ’811 patent. Paper 1, 1 (“Pet.”). Trial was instituted on October 7, 2025. Paper 9.

Patent Owner filed a Contingent Motion to Amend, i.e., contingent on our ultimate determination on the patentability or unpatentability of challenged claims 1 and 19. Paper 14 (“Motion” or “MTA”). Petitioner filed an Opposition on April 7, 2026. Paper 15 (“Opposition” or “Opp.”); *see also* Paper 18 (modifying DUE DATE 2, as it applies to the filing of Petitioner’s Opposition to Patent Owner’s Motion to Amend, to April 7, 2026).

In the Motion, Patent Owner requests that we provide preliminary guidance in accordance with 37 C.F.R. § 42.121(a)(1)(ii). MTA 1; *see* 37 C.F.R. § 42.121(e)(1); *see also Rules Governing Motion to Amend Practice and Procedures in Trial Proceedings under the America Invents Act before the Patent Trial and Appeal Board*, 89 Fed. Reg. 76,421 (Sept. 18, 2024) (“Final Rule”). We have considered Patent Owner’s Motion and Petitioner’s Opposition and, based thereon, below provide non-binding guidance to “set[] forth the Board’s initial views on the motion to amend,” as requested by Patent Owner. MTA 1.

In this Preliminary Guidance, we provide our initial, preliminary, non-binding views on whether Patent Owner has shown a reasonable likelihood that it satisfied the statutory and regulatory requirements associated with filing a motion to amend in an *inter partes* review and whether Petitioner establishes a reasonable likelihood that the substitute claims are unpatentable. 37 C.F.R. § 42.121(e)(1)–(2); *see also* 35 U.S.C. § 316(d) (statutory requirements for a motion to amend);

37 C.F.R. § 42.121(a)–(b) (regulatory requirements and burdens for a motion to amend); *Lectrosonics, Inc. v. Zaxcom, Inc.*, IPR2018-01129, Paper 15 (PTAB Feb. 25, 2019) (precedential) (providing information and guidance regarding motions to amend). The reasonable likelihood standard we apply in this Preliminary Guidance is different than the preponderance of the evidence standard applied when ultimately deciding the Motion. *Compare* 37 C.F.R. § 42.121(e)(1) *with* 37 C.F.R. § 42.121(d). Finally, this Preliminary Guidance is not a “decision” for purposes of rehearing under 37 C.F.R. § 42.71(d). 37 C.F.R. § 42.121(e)(2).

For purposes of this Preliminary Guidance, we focus on Patent Owner’s proposed substitute claims and, specifically, on the amendments proposed in the Motion. *See* 37 C.F.R. § 42.121(e)(1); Final Rule, 89 Fed. Reg. at 76,425. We do not address the patentability of the originally challenged claims. *See id.* Moreover, in formulating our preliminary views on the Motion, in view of the Opposition, we have not relied on the parties’ other substantive papers on the underlying merits of Petitioner’s patentability challenges in this proceeding. We emphasize that the views expressed in this Preliminary Guidance are subject to change upon consideration of the complete record, including any revision to the Motion filed by Patent Owner. Thus, this Preliminary Guidance is not binding on the Board when rendering a final written decision or any other subsequent decision in this proceeding. 37 C.F.R. § 42.121(e)(2); *see Medytox, Inc. v. Galderma S.A.*, 71 F.4th 990, 1000 (Fed. Cir. 2023).

II. PRELIMINARY GUIDANCE

A. STATUTORY AND REGULATORY REQUIREMENTS

In the Motion, Patent Owner proposes substituting independent claims 1 and 19, respectively, with substitute independent claims 20 and 21, which Patent Owner provides in the claim listing of its Motion. MTA 1, 19–23, 33–35.

According to Patent Owner, “[t]he substitute claims include nearly all of the original language from independent claims 1 and 19 with additional language to more clearly and specifically recite the Survey Module.” *Id.* at 3. Patent Owner indicates that “[c]laims 2–18, which depend from original claim 1, would be unchanged in scope and would depend from substitute claim 20,” however, no changes are proposed to any of these dependent claims, i.e., they do not and are not proposed to be modified to depend from any claim other than claim 1. *See id.*

Patent Owner bears the ultimate burden to show that its Motion to Amend complies with the requirements of 35 U.S.C. § 316(d)(1), (3) and 37 C.F.R. § 42.121(a)(2), (a)(3), (b)(1), and (b)(2). 37 C.F.R. § 42.121(d)(1). For the reasons discussed below, at this stage of the proceeding, and based on the current record, it appears that Patent Owner has not shown a reasonable likelihood that it has satisfied the statutory and regulatory requirements associated with filing a motion to amend. *See* 37 C.F.R. § 42.121(e)(1). Our rationale is set forth below.

1. Reasonable Number of Substitute Claims

A motion to amend must propose a reasonable number of substitute claims. 35 U.S.C. § 316(d)(1)(B); 37 C.F.R. § 42.121(a)(3). Patent Owner *has* shown it proposes a reasonable number of substitute claims because Patent Owner proposes no more than 1 substitute claim for each challenged claim. *See* 37 C.F.R. § 42.121(a)(3) (presumption that only one substitute claim is needed to replace each challenged claim).

2. Respond to Ground of Unpatentability

A motion to amend must respond to a ground of unpatentability involved in the proceeding. 37 C.F.R. § 42.121(a)(2)(i). Petitioner argues the proposed substitute claims are non-responsive because the proposed substitute claims do not distinguish over the art. Opp. 17–26. We address, in part, the merits of the

asserted prior art below. But, regardless of the merits of the parties' arguments concerning the prior art, we conclude that Patent Owner *has responded* to a ground of unpatentability involved in this proceeding because the Motion adds further limitations that Patent Owner contends render the claims patentable over Douglas¹ and Ganesh² cited and asserted in the Petition. MTA 6–17.

3. Scope of Amended Claims

A motion to amend may not enlarge the scope of the claims of the patent. 35 U.S.C. § 316(d)(3); 37 C.F.R. § 42.121(a)(2)(ii). Petitioner does not contend that the Motion enlarges the scope of the claims of the patent. *See generally* Opp. We do *not* find that the Motion enlarges the scope of the claims.

4. Claim Listings

Neither the claim listings nor what Patent Owner asserts to be a “redline” markup chart adequately shows the changes proposed of the claims. 37 C.F.R. § 42.121(b); *see* MTA 19–23, 33–35; *see also* Opp. 5–9.

In proposed substitute claim 20, the addition of “first” in limitation (b)(ii)(C) is not underlined to indicate its addition, the original text “for displaying the at least one” in limitation (b)(ii)(D) is not included or identified as deleted, the addition of the word “that” in limitation (b)(ii)(D) is not underlined to indicate its addition, the text “at least one” is not included in limitation (c)(iv) or identified as deleted, and the text “first and second” is not underlined to indicate its addition in limitation (c)(iv).³ Similar deficiencies occur in proposed substitute claim 21.

¹ US 2015/0193794 A1, published July 9, 2015 (Ex. 1007, “Douglas”).

² US 2014/0337098 A1, published Nov. 13, 2014 (Ex. 1008, “Ganesh”).

³ Although our rules do not set forth any specific style for identifying proposed amendments to claims in post-grant proceedings, clarity is required and the Office's rules concerning patent prosecution explain that text added to a claim by amendment should be underlined and text deleted from a claim should be shown

Because the proposed language to be added and/or deleted by amendment is *not* clearly indicated, the claim listings are deficient.

5. New Matter

A motion to amend may not introduce new matter. 35 U.S.C. § 316(d)(3); 37 C.F.R. § 42.121(a)(2)(ii). New matter is subject matter not present in the specification, claims, or drawings on the patent’s filing date, which is determined by analysis under 35 U.S.C. § 112(a) and its written description requirement.

Patent Owner introduces the proposed new claimed subject matter and asserts it is adequately supported, stating:

The proposed substitute claims incorporate the elements of current independent claims 1 and 19, including the claimed Survey Module. The substitute claims are directed to clarifying that the Survey Module comprises software code that “*implements branching logic that is configured to display a second Survey Question based on a first user-generated input in response to the first Survey Question.*” This feature finds support in the ‘811 Patent specification, which states “[t]he survey may be assembled into an autonomous, self-contained, web-container package *with branching logic that changes the questions presented or the order of the questions presented based upon a survey respondent’s answers to prior survey questions.*” EX1001, Patent No. 10,430,811 (“‘811 Patent”), Col. 11, ll. 30-34 (“C11:30-34”) (emphasis added); EX2001, Declaration of Ivan Zatkovich (“Zatkovich Decl.”) ¶¶ 75-76.

MTA 1. This statement does not clearly link the recited “Survey Module” with branching logic configured to determine the display of questions based on user input.

by strike-through. *See* 37 C.F.R. § 1.121(c)(2); *see also* 37 C.F.R. § 1.530(f) (discussing how to show changes to claims by amendment in *ex parte* reexaminations, where brackets are used to show deletions rather than strike-through). Such markings may be used to clearly show intended changes to text.

We preliminarily determine that Patent Owner has failed to establish that the Motion does not introduce new matter because Patent Owner has not sufficiently identified written description support in either the original disclosure of the '811 patent or in any application to which it asserts priority and incorporates by reference, including Provisional Application 62/104,043 (“the '043 provisional”), pursuant to 35 U.S.C. § 112(a) for the proposed substitute claims, as explained below. In asserting that the proposed substitute claims find support in the '811 patent’s original disclosure and its related applications’ disclosures, Patent Owner offers a conclusory position and cites to portions of the '811 patent’s original application and of the '043 provisional, with no explanation. *See* MTA 18–23; *see also id.* at 1 (citing the Zatkovich Declaration ¶¶ 75–76, which discusses a proposed claim construction for “Survey Module”).

Whether a claim recites new matter (i.e., subject matter not present in the specification, claims, or drawings on the application filing date) is analyzed according to the written description requirement of 35 U.S.C. § 112(a) (although a failure under the written description requirement is also a basis for unpatentability). *See, e.g., In re Rasmussen*, 650 F.2d 1212 (CCPA 1981); *see also Inuloc 1017 LLC v. Hulu, LLC*, 966 F.3d 1295, 1314–15 (instructing the use of § 112 as a tool to analyze questions of new matter added by motion to amend). To satisfy the written description requirement, a patent/application specification must describe the claimed invention in sufficient detail such that one skilled in the art can conclude that the inventor *had possession of the claimed invention*. *See, e.g., Moba, B.V. v. Diamond Automation, Inc.*, 325 F.3d 1306, 1319 (Fed. Cir. 2003). Patent Owner has not identified, and we do not discern, that there is sufficient written description support for the proposed substitute claims in accordance with

the relevant sections of 37 C.F.R., the precedential *Lectrosonics* decision, and 35 U.S.C. § 112(a).

The Motion (*see* MTA 18–23) does not identify (or explain) sufficient written description support in the application that issued as the ’811 patent (i.e., U.S. Application 16/456,490 (Ex. 1003)). Further, although Patent Owner asserts that the proposed substitute claims are entitled to the benefit of priority of the ’043 provisional application, the Motion (MTA 18–23) does not identify any written description support in the intervening parent application (U.S. Application 16/279,387 (Ex. 2003)) and the grandparent application (U.S. Application 14/997,434 (Ex. 1002)), and does not identify sufficient written description support in the initial ’043 provisional (Ex. 2002). *See* 37 C.F.R. § 42.121(b)(2) (the motion must set forth the support in an earlier-filed disclosure for each claim for which the benefit of the filing date of the earlier-filed disclosure is sought); *Lectrosonics* at 7–8 (motion to amend must “set forth support in an earlier filed disclosure for each claim for which benefit of the filing date of the earlier filed disclosure is sought”); MTA 18 (seeking benefit of the January 15, 2015-filed provisional application’s disclosure).

The claimed subject matter of concern is the newly defined Survey Module that is recited as “comprising software code that implements branching logic that is configured to display a second Survey Question based on a first user-generated input in response to the first Survey Question.” MTA 33–35 (substitute claims 20 and 21). This Survey Module is *received* by a vendor survey interface “from the survey server,” where the vendor survey interface is configured to “run[] the Survey Module to display the first and second Survey Questions as an integrated component within the graphical user interface” of the display of the vendor survey

interface. *See, e.g., id.* at 33–34 (claim 20).⁴ As noted above, without providing any specifics or explanation, the Motion cites the specification of the ’490 application (Ex. 1003)⁵ at paragraphs 34, 53, 63, 65, 70, and 90–91, claim 1, and Figs. 1–3, 5, 6, and 8, and also the specification of the ’043 provisional (Ex. 2002) at paragraphs 10, 27, 45, 54–57, 61–69, 74–81, 90, 118–131, and 146, claim 19, and Figs. 1, 2, 5, 7, and 8. We do not discern that the cited disclosure is sufficient to show possession of the new claimed subject matter under 35 U.S.C. § 112(a).

First considering the initial disclosure in the ’490 application, we are neither directed to nor discern written description support for the newly proposed limitation “a Survey Module comprising software code that implements branching logic.” *See* MTA 34. The ’490 application discusses a Survey Module and also discusses branching logic, but we do not discern the Specification ever indicates that the former includes software code implementing the latter. *See, e.g.,* Ex. 1003, ¶¶ 9, 132, original application claim 1 (the ’490 application Specification never expressly defining, but discussing a Survey Module); *see also id.* at ¶ 45 (discussing using yes/no branching logic to confirm a survey token and have a survey server determine questions), ¶¶ 63–65 (describing a “survey may be assembled into an autonomous, self-contained, web-container package with branching logic that changes the questions presented or the order of the questions presented based upon a survey respondent’s answers to prior survey questions,”

⁴ Under claim 21, the Survey Module is generated by a survey server, that Survey Module comprises software similar to claim 20 for displaying a first question and using branching logic to display a second question based on a response to the first; this Survey Module is transmitted to a vendor survey interface. MTA 35.

⁵ Exhibit 1003 is the prosecution history of the ’811 patent. It is not consecutively numbered. The citations to Ex. 1003 herein refer specifically to the portion of the exhibit that is the ’490 application, as originally filed on June 28, 2019.

but not associating such with a Survey Module), ¶¶ 79–84, 91 (discussing creating survey questions using yes and no branching logic, or branching logic generally, but not associating such with a Survey Module). Although both a Survey Module and branching logic (software) are concepts discussed in the '490 application, the two concepts are not expressly described as integrated with one another and Patent Owner has not adequately provided a rationale why one of ordinary skill in the art would understand otherwise.

The '490 application's paragraph 63 describes that a server, in particular a “question generator module” thereof, generates a survey comprised of questions, and these questions are formatted into web pages that can be embedded into a merchant's branded website and sent to a customer's browser. Ex. 1003 ¶ 63. Paragraph 64 indicates “branching logic” is involved. *Id.* ¶ 64. Further, the '490 application's paragraph 65 describes that these surveys may be assembled into web-container packages having branching logic that changes questions presented based on a respondent's answers to prior questions. *Id.* ¶ 65. None of this, however, indicates explicitly that any aspect is considered a Survey Module having software to apply branching logic; “Survey Module” is not mentioned. Patent Owner has failed in its Motion to provide adequate evidence at this stage to demonstrate that these disclosures pertaining to “branching logic” are integrated into a “Survey Module” as recited in the proposed substitute claims.

Considering the portion of the '490 application disclosing a “WS-based Customer Survey Module (GSM),” and assuming *arguendo* that this relates to a “Survey Module” as claimed, it is described as integrated into a merchant's branded website, that the GSM generates a “Response Details table,” and that the GSM can limit excessive repeat customer redemptions using in Incentive Master table. Ex. 1003 ¶¶ 99–104, 123, 126 132–145. According to the '490 application,

the GSM includes “multiple services,” none of which we discern includes or indicates the integration of software with branching logic. *Id.* ¶¶ 132–145.

Petitioner argues that Patent Owner mischaracterizes its own proposed amendment by arguing that the language requires the Survey Module to implement branching logic software to display a question without further communication with the survey server. Opp. 12. Petitioner asserts that the added “branching logic” language should be understood to relate to operations of and generations by the survey server. *Id.* at 13. We understand this argument to be similar to our preliminary conclusion set forth above, that the invention is not described as integrating a Survey Module with branching logic software.

Additionally, we find no support in the ’043 provisional application for a Survey Module implementing branching logic, as claimed in substitute claims 20 and 21. Patent Owner cites paragraphs of the provisional application that use the word “branch” in description of flowcharts. *See* MTA 20 (citing paragraph 78). However, such flow charts are unrelated to the branching set forth in the substitute claims as they are not described in relation to a Survey Module. *See, e.g.,* Ex. 2002, Spec. ¶ 78, Fig. 7; *see also* Opp. 14–17 (arguing lack of support in provisional application). The ’043 provisional application describes a survey taker’s answers are “sent to the server” and a survey “question generator” at the server generates survey questions, rather than the answers being interpreted by any type of branching logic software of a Survey Module provided to a vendor survey interface. *See, e.g.,* Ex. 2002 ¶¶ 57, 61–68. The provisional application describes a “WS-based Guest Survey Module (GSM)” (similar to the ’490 application discussed above), but we have neither been directed to disclosure of, nor do we discern that this specification describes, the GSM element as comprising software code that implements branching logic that is configured to display a second survey

question based on a first user-generated input in response to a first survey question. *See id.* ¶¶ 89–145.

Accordingly, Patent Owner has *not* established possession of the substitute claims' Survey Module comprising software code that implements branching logic that is configured to display a second Survey Question based on a first user-generated input in response to the first Survey Question, and we determine its inclusion in the substitute claims is new matter.

B. OTHER UNPATENTABILITY ARGUMENTS BY PETITIONER⁶

Petitioner bears the ultimate burden to show that any proposed substitute claims are unpatentable. 37 C.F.R. § 42.121(d)(2). Petitioner raises several arguments in its Opposition (Paper 15), including that the substitute claims introduce new matter and that they are not responsive; the former is generally addressed above, and the latter asserts that Douglas and Ganesh each renders the substitute claims unpatentable as anticipated. *See* Opp. 17–26 (arguments over prior art).

1. Patentability over the Prior Art

Because, as discussed above, we find preliminarily that Patent Owner has not set forth sufficient written description support for the proposed substitute claims, we consider the issue of patentability over the prior art not ripe for review.

Nevertheless, for the benefit of the parties, we observe there is a dispute as to whether the cited prior art describes a Survey Module, which is transmitted from a survey server to, and received by, a vendor survey interface, and comprises software code that implements branching logic that is configured to display a

⁶ We express no view on the patentability of the original claims in this Preliminary Guidance. Instead, we focus on limitations added to those claims in the Patent Owner's Motion to Amend.

second survey question based on a first user-generated input in response to a first survey question, per the substitute claim language. There also appears to be a dispute as to whether the substitute claims require the Survey Module to apply the recited software to determine a second question and display it without further communications with a survey server (“reducing server round trips” of communications according to Patent Owner—MTA 6), or whether the amended claims allow the survey server to make such determinations. *See* Opp. 12–14.

At this point we preliminarily determine that there is no explicit language in the substitute claims foreclosing the Survey Module from communicating with a survey server for the purpose of the system determining a second question for display and, on its face, the language of claim 20 appears to only require the Survey Module’s software code to implement branching logic to *display* a second question based on a first question’s response (claim 21 is similar).

Petitioner argues that Douglas discloses delivering “scripts” to a client device, which anticipates the newly-claimed branching software for conducting a survey of the substitute claims. Opp. 21–22 (citing Ex. 1007 ¶ 54). Petitioner, although at once identifying that Douglas is directed to a *survey generator* creating survey questions and follow-up questions,⁷ asserts that Douglas’s disclosure of delivering web pages to a client’s device that may include scripts discloses the newly claimed branching logic of the *Survey Module*. *Id.* at 19–23.

⁷ Petitioner also asserts that Ganesh discloses the newly added claim language, but Petitioner’s arguments also appear to concede that, in Ganesh, survey content is produced and determined *at a survey server* with which a user’s device communicates, where that survey server (which would be *remote* from the user, i.e., at a point-of-sale system of the retailer) includes branching logic software and sends the survey content to the user. *See* Opp. 23–26. We do not discern on this record how such could teach the newly claimed Survey Module that is received by the vendor survey interface and run on the vendor survey interface.

Patent Owner submits an expert declaration (Ex. 2001) on this issue; however, we find the relevant testimony challenging to understand and reconcile because the declaration at once asserts that HTML documents including *scripts* are not software code (Ex. 2001 ¶ 92) and also asserts in several paragraphs that *JavaScript* is software code “that produce[s] executable logic that can perform functions such as computations, loops, and conditional branching” (Ex. 2001 ¶ 80), which appear to be inconsistent statements that both support and contradict Petitioner’s position. Petitioner, however, submits no declaration or deposition testimony as evidence with its Opposition to provide support for a counter argument or context for its own positions or those of Patent Owner.

The Parties are encouraged to address this issue, to the extent permitted by our Rules and Orders.

C. 35 U.S.C. § 112(b) ISSUES

Claims 20 and 21 lack antecedent basis for “*the* at least one Survey Question” in limitations (c)(v) and (g), respectively.

We also note that any dependent claim that a patent owner intends to depend from a proposed substitute independent claim must be included in the claim listing as a proposed substitute claim, and should have a new claim number. *Lectrosonics* at 8. Further, such dependent claims should be reviewed and amended, if necessary, to be consistent with the terminology of the independent claim from which they depend (such as first and second Survey Question terminology). Patent Owner indicates that it intends that claims 2–18 would ultimately depend from substitute claim 20, should claim 1 be cancelled, but the listing of claims does not reflect this.

D. 35 U.S.C. § 112(f)

At this point in this proceeding, neither party has indicated that any claim element is a means plus function limitation under 35 U.S.C. § 112(f). However, certain claim language might arguably be read as invoking a § 112(f) interpretation. *For example*, the “Survey Module comprising software code that implements branching logic that is configured to display a second Survey Question” limitation uses the nonce word “module” coupled with the predominantly functional language. This potentially raises a question under *Williamson v. Citrix Online, LLC*, 792 F.3d 1339 (Fed. Cir. 2015), as to whether the limitation invokes 35 U.S.C. § 112(f), and if so, whether the specification discloses a corresponding algorithm sufficient to avoid indefiniteness under *Aristocrat Techs. Austl. Pty Ltd. v. Int'l Game Tech.*, 521 F.3d 1328, 1333 (Fed. Cir. 2008). If either party intends to raise issues regarding applicability of 35 U.S.C. § 112(f), such Party should promptly request authorization for appropriate briefing.

III. CONCLUSION

Patent Owner has the option to reply to this Preliminary Guidance *or* to file a revised MTA by DUE DATE 3. 37 C.F.R. § 42.121(e)(3), (f); *see also* Paper 20 (modifying DUE DATE 3 to May 15, 2026, as it applies to the filing of (1) Patent Owner’s sur-reply to Petitioner’s reply (to Patent Owner’s response) and (2) Patent Owner’s reply to Petitioner’s opposition to Patent Owner’s motion to amend). Patent Owner’s reply or revised MTA may only respond to this Preliminary Guidance or Petitioner’s Opposition and may be accompanied by new evidence (including declarations). 37 C.F.R. § 42.121(e)(3). Petitioner has the option to file a sur-reply responsive to this Preliminary Guidance, Patent Owner’s reply, or Patent Owner’s revised MTA but may not present new evidence. 37 C.F.R.

§ 42.121(e)(3). Petitioner may also file a reply to the Preliminary Guidance should Patent Owner not file a reply or revised MTA. 37 C.F.R. § 42.121(e)(4).

In addition, Patent Owner is reminded that amendments to the challenged claims may also be pursued in a separate reissue or reexamination proceeding before, during, or after an AIA trial proceeding, including subsequent to the issuance of the Final Written Decision. We draw Patent Owner's attention to the April 2019 *Notice Regarding Options for Amendments by Patent Owner Through Reissue or Reexamination During a Pending AIA Trial Proceeding*. See 84 Fed. Reg. 16,654 (Apr. 22, 2019). If Patent Owner chooses to file a reissue application or a request for reexamination of the challenged patent, we remind Patent Owner of its continuing obligation to notify the Board of any such related matters in updated mandatory notices. See 37 C.F.R. § 42.8(a)(3), (b)(2).

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