

From: [Trials](#)
To: [Thompson, Clayton](#); [John Phillips](#); [Trials](#)
Cc: [PGR54598-0001PS1](#); [Heintz, James M.](#); [robbie@nissenlaw.ca](#); [DLA-Crusoe-Upstream-PGR](#)
Subject: RE: Crusoe Energy Systems LLC v. UpStream Data Inc., No. PGR2023-00039
Date: Tuesday, February 20, 2024 12:12:05 PM
Attachments: [image002.png](#)

Counsel,

From the Board –

Petitioner requests an extension to the deadline for serving **portions** of Petitioner’s supplemental evidence, which is needed to facilitate submission of multiple affidavits from the Internet Archive. According to Petitioner, “[a]ll supplemental evidence other than the Internet Archive’s affidavits will be served within the normal 10 business days.” Patent Owner responds stating that it “does not oppose Petitioner’s request for an extension of time for Petitioner to serve supplemental evidence from the Internet Archive.” Petitioner’s request is granted.

Regards,

Esther Goldschlager
Supervisory Paralegal Specialist
Patent Trial & Appeal Board
U.S. Patent & Trademark Office

From: Thompson, Clayton <clayton.thompson@us.dlapiper.com>
Sent: Saturday, February 17, 2024 3:21 PM
To: John Phillips <phillips@fr.com>; Trials <Trials@USPTO.GOV>
Cc: PGR54598-0001PS1 <PGR54598-0001PS1@fr.com>; Heintz, James M. <Jim.Heintz@us.dlapiper.com>; robbie@nissenlaw.ca; DLA-Crusoe-Upstream-PGR <DLA-Crusoe-Upstream-PGR@us.dlapiper.com>
Subject: RE: Crusoe Energy Systems LLC v. UpStream Data Inc., No. PGR2023-00039

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Your Honors,

Upstream does not oppose Petitioner’s request for an extension of time for Petitioner to serve supplemental evidence from the Internet Archive. Counsel for Petitioner first contacted Upstream regarding the extension request on Thursday afternoon before making Petitioner’s request to the Board the same day. We are responding now after having an opportunity to evaluate Petitioner’s request and consult with our client.

Respectfully submitted,

Clayton Thompson

Counsel for Upstream Data Inc.

Clayton Thompson

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DLA Piper LLP (US)

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From: John Phillips <phillips@fr.com>

Sent: Friday, February 16, 2024 9:01 PM

To: 'trials@uspto.gov' <trials@uspto.gov>

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<Jim.Heintz@us.dlapiper.com>; Thompson, Clayton <clayton.thompson@us.dlapiper.com>;

robbie@nissenlaw.ca; DLA-Crusoe-Upstream-PGR <DLA-Crusoe-Upstream-PGR@us.dlapiper.com>

Subject: RE: Crusoe Energy Systems LLC v. UpStream Data Inc., No. PGR2023-00039



From: John Phillips
Sent: Thursday, February 15, 2024 4:02 PM
To: trials@uspto.gov
Cc: PGR54598-0001PS1 <PGR54598-0001PS1@fr.com>; jim.heintz@us.dlapiper.com;
clayton.thompson@us.dlapiper.com; robbie@nissenlaw.ca; DLA-Crusoe-Upstream-PGR <DLA-Crusoe-Upstream-PGR@us.dlapiper.com>
Subject: Crusoe Energy Systems LLC v. UpStream Data Inc., No. PGR2023-00039

Your Honors –

Petitioner seeks a conference to request an extension to the deadline for serving **portions** of Petitioner’s supplemental evidence, which is needed to facilitate submission of multiple affidavits from the Internet Archive. [According to the Internet Archive’s policy](#), the turn-around time for obtaining such affidavits is at least 15 business days (although it may not take that long as we are requesting expedited treatment). All supplemental evidence other than the Internet Archive’s affidavits will be served within the normal 10 business days.

Petitioner will coordinate with Patent Owner to find at least two mutually agreeable dates / times for a conference call, and Petitioner will report back to the Board with those details. In addition, Petitioner will arrange for a court reporter to participate in the conference.

On information and belief, Patent Owner opposes this request.

Respectfully,
John Phillips
Counsel for Petitioner

John Phillips | Fish & Richardson P.C. | 12860 El Camino Real | San Diego, CA 92130 | 619.549.3930
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