
From: Trials <Trials@USPTO.GOV>
Sent: Wednesday, November 8, 2023 11:49 AM
To: James Stein; Trials
Cc: AMD-PGR; CorbinPGR; James Murphy; Joshua Prackun
Subject: RE: PGR2023-00041 // Reply to Patent Owner's Preliminary Response

[External Email]

Counsel,

From the Board –

Additional briefing may be helpful to the Board in reaching a decision in this proceeding. On that basis, the Board authorizes Petitioner to file a five-page reply to the Patent Owner Preliminary Response by November 14, 2023 strictly limited to addressing issues raised in the Patent Owner Preliminary Response in connection with discretionary denial issues under 35 U.S.C. §§ 324(a), 325(d) and Patent's Owner's characterization of BK Medical 2's (Ex. 1009) relevance to the grounds in the Petition. Patent Owner is authorized to file a five-page sur-reply to any reply by November 21, 2023.

Regards,

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

From: James Stein <James.Stein@Leehayes.com>
Sent: Tuesday, November 7, 2023 4:17 PM
To: Trials <Trials@USPTO.GOV>
Cc: AMD-PGR <AMD-PGR@leehayes.com>; CorbinPGR <corbinpgr@polsinelli.com>; James Murphy <jpmurphy@polsinelli.com>; Joshua Prackun <JPrackun@Polsinelli.com>
Subject: PGR2023-00041 // Reply to Patent Owner's Preliminary Response

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Dear Honorable Patent Trial and Appeal Board:

In the above-referenced PGR, Petitioner Advance Medical Designs requests authorization to file a reply to Patent Owner's Preliminary Response filed October 26 (Paper 6). Petitioner wishes to address the following items:

- The discretionary denial issues raised by Patent Owner under 35 U.S.C. §§ 324(a), 325(d); and
- Patent Owner's characterization of BK Medical 2's (EX1009) relevance to the Grounds in the Petition.

A reply is supported by good cause. Petitioner would not oppose Patent Owner's having a sur-reply of equal length.

The parties have met and conferred, and Patent Owner opposes Petitioner's request on the basis that good cause does not support Petitioner's request for a reply.

Best regards,

Advance Medical Designs, Inc. - EX1023
Advance Medical¹ Designs v. Corbin Clinical Resources, PGR2023-00041
Page 1 of 2

James

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