

From: [Trials](#)
To: "Michelle K. Holoubek"; John Higgins; jmauch@sflaw.com; PTAB Account; Kurt F.; Scott; Levitt, Mark W; Steven; john.schroeder@stinson.com
Cc: [Trials](#)
Subject: RE: PGR2024-00050: request for initial conference call
Date: Thursday, March 27, 2025 10:28:36 AM

Counsel,

A conference call on these motions will be held on March 31st at 1:00 pm eastern. The dial in number is 540-566-5633 and the conference ID is 516114107#.

Regards,

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

From: Schroeder, John R. <john.schroeder@stinson.com>
Sent: Wednesday, March 26, 2025 4:36 PM
To: Trials <Trials@USPTO.GOV>
Cc: 'Michelle K. Holoubek' <holoubek@sternekessler.com>; John Higgins <JHiggins@sternekessler.com>; 'jmauch@sflaw.com' <jmauch@sflaw.com>; PTAB Account <PTAB@sternekessler.com>; James, Kurt F. <kurt.james@stinson.com>; Eidson, Scott <scott.eidson@stinson.com>; Levitt, Steven <steven.levitt@stinson.com>
Subject: PGR2024-00050: request for initial conference call

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PGR2024-00050 // U.S. Patent No. 11,920,339

Honorable Board,

The Parties respectfully request an initial conference call with the Board in PGR2024-00050 to discuss proposed motions that have not been authorized by the scheduling order or otherwise. Specifically, Patent Owner intends to request permission to file a Motion to Compel Routine Discovery Under 37 CFR § 42.51(b)(1)(iii) Pursuant to 37 C.F.R. § 42.52 or in the Alternative for Additional Discovery Pursuant to 37 CFR § 42.51(b)(2)(i) for permission to use the documents and materials that are already in the possession of Patent Owner's counsel, but currently restricted from being used by Patent Owner in this proceeding as the documents and materials were obtained subject to a protective order. Patent Owner asserts that the documents and materials refute

Simpson's motivation to combine and provide evidence of the presence of secondary considerations. The materials that Patent Owner seeks permission to use include deposition transcripts and exhibits, an expert report and the materials relied upon within the report, and Bates numbered documents that were produced by Simpson in litigation. Patent Owner has provided a list to Petitioner of 280 specific documents it seeks permission to use. The Parties have met and conferred, and Petitioner opposes Patent Owner's requested motion. Petitioner has further indicated that, should the Motion be granted, Petitioner will file a Motion to Seal and a jointly proposed protective order, as well as likely request a similar Motion for additional discovery during the course of the proceeding to present rebuttal evidence.

The Parties are available for a conference call anytime March 28, March 31, April 2 (other than from 1pm-2pm central time), or April 3-4.

Best regards,

John R. Schroeder

Partner

STINSON LLP

7700 Forsyth Blvd., Suite 1100

St. Louis, MO 63105-1821

Direct: 314.345.7023 \ [Bio](#)

Assistant: STL.LSSTeam10@stinson.com \ 314.345.7040

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