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**Subject:** Request for Reply briefing in Multi-Color Corporation v. Brook & Whittle Limited, PGR2025-00025

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Your Honors,

Petitioner respectfully requests authorization for briefing in the form of a 5-page Reply to Patent Owner's Preliminary Response (POPR) PGR2025-00025. Petitioner does not oppose Patent Owner's submission of an equivalent Sur-Reply. Petitioner respectfully submits that no new evidence should accompany either the Reply or Sur-Reply.

If granted, the Reply would address arguments in the POPR: Patent Owner asserting a claim construction that defines "recyclable" in terms of itself, i.e., in terms of "capable of being recyclable" (e.g., POPR at 11-14), and Patent Owner's Response to the Petition based on that claim construction (e.g., POPR at 15-25).

Petitioner respectfully submits that good cause exists for further briefing, as Patent Owner's construction that injects limitations unrelated to the meaning of "recyclable" was not reasonably foreseeable. The proposed construction does not address or inform the scope of "recyclable" and offers no meaningful guidance for its construction. In addition, it was not foreseeable and legally incorrect for Patent Owner to propose a circular construction of "recyclable" that is defined in terms of "capable of being recyclable." The POPR also mischaracterizes the Petition's comparison of the prior art to the claim language, further warranting a response. Additional briefing would clarify the record and assist the Board in addressing potentially dispositive issues for institution.

If requested by the Board, Petitioner will provide further explanation of good cause, but Petitioner limits the present narrative out of respect for the Board's consistent request for emails to be limited to defining issues without argumentative content.

In connection with this request, Petitioner proposes the briefing schedule outlined below:

Petitioner's Reply Deadline: Within 3 business days of the Board's authorization;

Patent Owner's Sur-Reply Deadline: Within 7 business days of Petitioner's Reply.

Petitioner and Patent Owner have met and conferred. As this issue may be dispositive, Patent Owner does not oppose additional briefing limited to the claim construction of the term 'recyclable.' However, Patent Owner wishes to point out that the construction of the claim term 'recyclable' was central to the prosecution of the challenged patent and clearly pertinent to the issues raised in the grounds of the petition. Thus, this issue was foreseeable and should have been addressed in the petition. Further, Patent Owner's construction of 'recyclable' is not circular and is clearly supported by the specification and file history. Patent Owner's construction provides

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meaningful guidance, as it identifies processes that are not encompassed by the term "recyclable," namely, processes that require removing the label before or during the recycling process.

Should the Board desire a call to discuss this request, the parties are available 7/24 between 1-3 ET and 7/25 between 9-3 ET.

Best regards,

**Louis H. Sitler**

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