

Reister, Andrea

From: Trials <Trials@USPTO.GOV>
Sent: Tuesday, November 29, 2016 4:49 PM
To: Reister, Andrea; Trials
Cc: Robbins, Jennifer L; Longton, Rick; Krygowski, Evan; Matthew Dowd; wjenks@jenksiplaw.com; sparmelee@wsgr.com; mrosato@wsgr.com; jmills@wsgr.com; mfedowitz@merchantgould.com; devans@merchantgould.com; gspeier@carlsoncaspers.com; jali@carlsoncaspers.com
Subject: RE: IPR2016-00204 (IPR2016-01101, -01242, -01245 joined) Request for Conference

Counsel,

The panel authorizes Patent Owner to file a two-page submission, specifically identifying what issue(s) in the Reply, according to Patent Owner, exceed the proper scope of a reply, or where, according to Patent Owner, the Reply uses image text boxes and citation formats to improperly exceed the required word count. No explanation, elaboration, or discussion should be included in the submission. We further authorize Petitioner to file a two-page responsive submission to Patent Owner's submission. In relation to the scope of the Reply, the responsive submission should not include arguments and explanations. It should simply, on a point-by-point basis, identify by citation specific portions of the Patent Owner Response that it believes justifies the material in the Reply. In the same responsive submission, Petitioner also may provide a short response regarding points raised by Patent Owner regarding the required word count. When rendering a final written decision, we will consider both submissions.

Patent Owner's two-page, non-argumentative submission is due on December 5, 2016, and Petitioner's two-page responsive submission is due on December 9, 2016.

Thanks,

Andrew Kellogg,
Supervisory Paralegal
Patent Trial and Appeal Board
USPTO
andrew.kellogg@uspto.gov
Direct: 571-272-5366

From: Reister, Andrea [<mailto:areister@cov.com>]
Sent: Monday, November 28, 2016 7:40 AM
To: Trials <Trials@USPTO.GOV>
Cc: Robbins, Jennifer L <jrobbins@cov.com>; Longton, Rick <rlongton@cov.com>; Krygowski, Evan <EKrygowski@cov.com>; Matthew Dowd <mjdowd@dowdpllc.com>; wjenks@jenksiplaw.com; sparmelee@wsgr.com; mrosato@wsgr.com; jmills@wsgr.com; mfedowitz@merchantgould.com; devans@merchantgould.com; gspeier@carlsoncaspers.com; jali@carlsoncaspers.com
Subject: IPR2016-00204 (IPR2016-01101, -01242, -01245 joined) Request for Conference

Dear PTAB:

I write on behalf of Patent Owner in IPR2016-00204 (IPR2016-01101, -01242, -01245 joined). Petitioner's Reply and accompanying exhibits filed on November 14, 2016 include argument and evidence outside the scope of a proper reply as defined in 37 C.F.R. § 42.23(b). Accordingly, Patent Owner requests a conference with the Board to seek authorization to file a motion to strike, or other paper suitable to address the arguments and evidence outside the scope of a proper reply. In addition, Patent Owner seeks guidance from the Board on the permissibility of using image text boxes

and citation formats without spaces when doing so affects the word count of the Reply by approximately 200 words.

The parties have met and conferred regarding the issues. Counsel for the parties are available for a conference on December 6, 2016 at 2:00 PM. Counsel for Petitioners are copied on this communication.

Respectfully,

Andrea G. Reister

Covington & Burling LLP
One CityCenter, 850 Tenth Street, NW
Washington, DC 20001-4956
T +1 202 662 5141 | areister@cov.com
www.cov.com

COVINGTON