

From: [Trials](#)
To: PrimeFocusIPR@irell.com; JKagan@Irell.com; m Fleming@irell.com; [Daniel Yannuzzi](#); [Trevor Quist](#)
Cc: [Trials](#)
Subject: IPR2016-1243 Motion to Amend
Date: Friday, October 20, 2017 7:31:42 AM

Counsel,

On March 31, 2017, Patent Owner filed in this proceeding a motion “on a contingent basis to amend original claims 1, 8–13, and 20 . . . to cancel original claims 2–7 and 14–19.” Paper 41 (“Motion to Amend”), 1. On October 4, 2017, the United States Court of Appeals for the Federal Circuit issued a decision in *Aqua Products, Inc. v. Matal*, No. 2015-1177 (Fed. Cir. Oct. 4, 2017) (en banc). That decision addresses motions to amend submitted during *inter partes* review proceedings. *Aqua Prods.*, slip op. at 4.

Please advise, by October 24, 2017, whether the parties to this proceeding believe a conference call with the Panel is necessary to discuss what impact, if any, *Aqua Products* has on resolution of Patent Owner’s Motion to Amend. If a party believes such a call is necessary, the parties’ request for a call must identify times on October 26, 2017 that both parties are available for the call.

Regards,

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