
From: Thomas A. Lewry [mailto:tlewry@brookskushman.com]

Sent: Thursday, July 27, 2017 6:05 PM

To: Trials <Trials@USPTO.GOV>

Cc: CHRMC0108IPR1@brookskushman.com; CHRMC0109IPR1@brookskushman.com; CHRMC0110IPR1@brookskushman.com; CHRMC0111IPR1@brookskushman.com; Juniper-ChrimarIPR@irell.com; JAPowers@duanemorris.com; cjtyson@duanemorris.com; ~Yungwirth, Matthew (msyungwirth@duanemorris.com) <msyungwirth@duanemorris.com>

Subject: IPR Nos. IPR2016-01389, -1391, -1399 and -1397

Dear Board,

Patent Owner asks for a conference call with the Board to seek leave to file a motion to strike Petitioner's Reply Briefs in IPR Nos. 2016-01389, 2016-1391, 2016-1397, and 2016-1399 or, in the alternative, for leave to file a Sur-Reply.

The basis for the motion is as follows: Patent Owner contends that the Reply Briefs contain new arguments and evidence not included in the Petitions. The Reply Briefs cite to 23 new exhibits (excluding the deposition transcript of Patent Owner's expert). The new exhibits include a 60-page expert declaration, a document nearly as long as the expert's original declaration (87 pages). While Patent Owner is moving separately to exclude the exhibits under the rules, Patent Owner has no vehicle to address the new arguments made in the Reply Briefs. Petitioners oppose Patent Owner's requests on the following basis: Petitioners' Reply Briefs (and cited exhibits) only recite arguments responsive to those raised by Chrimar in its Response Briefs, and Chrimar is already authorized to file a Motion to Exclude.

The parties are available for a call on the following dates and times:

- Friday, July 28, 2017: 10 AM – 12 PM Eastern
- Monday, Jul 31, 2017: 10:30-11:30 AM Eastern

Regards,
Tom Lewry

Thomas A. Lewry

Shareholder | Co-Chair Litigation



1000 Town Center, 22nd Floor | Southfield, MI 48075

Direct: (248) 226-2753 | Main: (248) 358-4400 | Fax: (248) 358-3351

tlewry@brooks.law | www.BrooksKushman.com | www.BKpostgrant.com

IMPORTANT/CONFIDENTIAL: This message may be privileged, confidential, or exempt from disclosure under applicable law. If you have received this communication in error, please notify us immediately by return e-mail.