

**From:** Trials [mailto:Trials@USPTO.GOV]  
**Sent:** Thursday, November 02, 2017 3:25 PM  
**To:** Maebius, Steve; 'Sommer, Andrew R.'; Trials  
**Cc:** Mathas, Kurt A.; MNutter@winston.com; Quillin, George E.; Shaun Snader; Doug Carsten; Rich Torczon; Bobby Delafield; Veronica Ascarrunz  
**Subject:** RE: IPR Nos. 2017-01621, -01622

Counsel,

In IPR2017-01621 and IPR2017-01622, Petitioner is authorized to file a Reply to Patent Owner's Preliminary Response to address Patent Owner's argument relating to 35 U.S.C. § 315(b) and its assertion that Ghofrani is not prior art by another. The Reply is limited to 5 pages and shall be filed no later than November 9, 2017. A conference call is not necessary at this time.

Regards,

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

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**From:** [SMaebius@foley.com](mailto:SMaebius@foley.com) [mailto:SMaebius@foley.com]  
**Sent:** Monday, October 30, 2017 12:01 PM  
**To:** 'Sommer, Andrew R.' <[ASommer@winston.com](mailto:ASommer@winston.com)>; Trials <[Trials@USPTO.GOV](mailto:Trials@USPTO.GOV)>  
**Cc:** Mathas, Kurt A. <[KMathas@winston.com](mailto:KMathas@winston.com)>; [MNutter@winston.com](mailto:MNutter@winston.com); [GQuillin@foley.com](mailto:GQuillin@foley.com); [ssnader@unither.com](mailto:ssnader@unither.com); [dcarsten@wsgr.com](mailto:dcarsten@wsgr.com); [rtorczon@wsgr.com](mailto:rtorczon@wsgr.com); [bde lafield@wsgr.com](mailto:bde lafield@wsgr.com); [vascarrunz@wsgr.com](mailto:vascarrunz@wsgr.com)  
**Subject:** RE: IPR Nos. 2017-01621, -01622

Your Honors:

For clarification, Petitioner contacted Patent Owner previously concerning its below request, and Patent Owner indicated that it opposes Petitioner's request.

Sincerely,

Steve Maebius  
Counsel for Patent Owner  
Reg. 35,264

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**From:** Sommer, Andrew R. [mailto:[ASommer@winston.com](mailto:ASommer@winston.com)]  
**Sent:** Monday, October 30, 2017 11:33 AM  
**To:** [Trials@USPTO.GOV](mailto:Trials@USPTO.GOV)  
**Cc:** Mathas, Kurt A.; [MNutter@winston.com](mailto:MNutter@winston.com); Maebius, Steve; Quillin, George E.; Shaun Snader; Doug Carsten; Rich Torczon; Bobby Delafield; Veronica Ascarrunz  
**Subject:** IPR Nos. 2017-01621, -01622

Your Honors:

Petitioner requests authorization to file a reply limited to the following two issues raised in Patent Owner's Preliminary Response: (1) the alleged untimeliness of the petitions; and (2) material inconsistencies between the declarations of Drs. Ghofrani, Grimminger and Reichenberger with the evidence of record that should lead to facts being construed in favor of Petitioner at this stage of the proceedings under 37 CFR 42.108(c).

Counsel for Petitioner and Patent Owner are available today after 3 PM and tomorrow throughout the day for a telephone conference should be panel wish to have one.

Best regards,

Andrew R. Sommer  
Counsel for Petitioner  
Reg. No. 53,932

**Andrew R. Sommer**

**Partner**

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