

From: [Wilburn, Althea](mailto:Althea.Wilburn@USPTO.GOV)
To: [Quinn, Miriam](mailto:Miriam.Quinn@cooley.com); [Begley, Kerry](mailto:Kerry.Begley@cooley.com); [Boudreau, Charles](mailto:Charles.Boudreau@cooley.com)
Subject: FW: Conference Call - IPR2017-01611, 01612, 01634, 01635 & 01636 - Wednesday, September 6 @ 3pmET
Date: Friday, September 08, 2017 10:13:56 AM

FYI

From: Brett Mangrum [mailto:brett@etheridgelaw.com]
Sent: Friday, September 08, 2017 9:29 AM
To: Schwier, Lisa F <lschwier@cooley.com>; Wilburn, Althea <Althea.Wilburn@USPTO.GOV>
Cc: Brett Mangrum <brett.mangrum@unilocusa.com>; Ryan Loveless <ryan@etheridgelaw.com>; Morton, Phillip <pmorton@cooley.com>; Jim Etheridge <jim@etheridgelaw.com>; Weinstein, Mark <mweinstein@cooley.com>; Keefe, Heidi <hkeefe@cooley.com>
Subject: RE: Conference Call - IPR2017-01611, 01612, 01634, 01635 & 01636 - Wednesday, September 6 @ 3pmET

Thank you Lisa for that correction. Our confusion on the numbering arose in part from a discussion of matters not mentioned in the subject line of the conference call invite. Patent Owner also agrees to an accelerated preliminary response date for Joinder Petitions -1611 and -1612 with the understanding that the same stipulations by Joinder Petitioners apply.

From: Schwier, Lisa F [<mailto:lschwier@cooley.com>]
Sent: Friday, September 8, 2017 7:29 AM
To: Wilburn, Althea <Althea.Wilburn@USPTO.GOV>; Brett Mangrum <brett@etheridgelaw.com>
Cc: Brett Mangrum <brett.mangrum@unilocusa.com>; Ryan Loveless <ryan@etheridgelaw.com>; Morton, Phillip <pmorton@cooley.com>; Jim Etheridge <jim@etheridgelaw.com>; Weinstein, Mark <mweinstein@cooley.com>; Keefe, Heidi <hkeefe@cooley.com>
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Good morning Brett and Althea,

The Petitions in IPR2017-01611 and IPR2017-01612 were filed by Snap and seek joinder with the existing trials on the '433 and '890 patents, respectively. Joinder Petitioners believe these petitions should be addressed using the procedure adopted for the Patent Owner's response to IPR2017-01634, -01635, and -01636 (including the adoption of an accelerated schedule).

As discussed during the call with the Board, IPR2017-01667 and IPR-01668 are original petitions relating to the '622 patent. As they are not joinder petitions, there is no need to adjust the scheduled dates for filing the patent owner's preliminary responses to these petitions.

Regards,

Lisa Fuller Schwier, Ph.D.
Cooley LLP
202-842-7876

From: Wilburn, Althea [<mailto:Althea.Wilburn@USPTO.GOV>]

Sent: Friday, September 8, 2017 7:31 AM

To: Brett Mangrum <brett@etheridgelaw.com>

Cc: Brett Mangrum <brett.mangrum@unilocusa.com>; Ryan Loveless <ryan@etheridgelaw.com>; Morton, Phillip <pmorton@cooley.com>; Jim Etheridge <jim@etheridgelaw.com>; Weinstein, Mark <mweinstein@cooley.com>; Keefe, Heidi <hkeefe@cooley.com>; Schwier, Lisa F <lschwier@cooley.com>

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Good Morning,

This email has been forwarded to the panel. Once the panel confers an answer will be given regarding this matter.

Thanks,

Althea

From: Brett Mangrum [<mailto:brett@etheridgelaw.com>]

Sent: Thursday, September 07, 2017 6:48 PM

To: Wilburn, Althea <Althea.Wilburn@USPTO.GOV>

Cc: Brett Mangrum <brett.mangrum@unilocusa.com>; Ryan Loveless <ryan@etheridgelaw.com>; pmorton@cooley.com; Jim Etheridge <jim@etheridgelaw.com>; Weinstein, Mark <mweinstein@cooley.com>; hkeefe@cooley.com; lschwier@cooley.com

Subject: FW: Conference Call - IPR2017-01611, 01612, 01634, 01635 & 01636 - Wednesday, September 6 @ 3pmET

Pursuant to the Board's request, made during the Sept. 9 conference call, that counsel determine whether Patent Owner would agree to an accelerated schedule on certain matters, counsel for Patent Owner reports as follows:

With the understanding that the Joinder Petitioners have stipulated that the Joinder Petitions filed in IPR2017-01634, -01635, and -01636 are identical to their respective original Petition submissions (except where they seek review as to only a subset of the claims upon which *inter partes* review has been instituted), and that the Joinder Petitioners have stipulated to a circumscribed "understudy" role without a separate opportunity to actively participate while the original petitioner remains active, Patent Owner agrees to an accelerated schedule for the preliminary response due date in these three matters. We understand the Board will be providing instructions and a new deadline for the expected notices that will be filed in place of a preliminary response.

Given that the other petitions (IPR2017-01611 & 01612) discussed during the conference are not Joinder Petitions, Patent Owner understands that the due dates for preliminary responses in those matters will remain unchanged.

Respectfully,

Counsel for Patent Owner
Brett Mangrum
Reg. No. 64,783

On Sep 5, 2017, at 2:38 PM, Wilburn, Althea
<Althea.Wilburn@USPTO.GOV<<mailto:Althea.Wilburn@USPTO.GOV>>> wrote:

Good Afternoon,

A conference call has been scheduled with the Board for September 6, 2017 at 3:00pm ET.

The call in number for the call is (866)902-3546 and the passcode is 4343340.

PLEASE CONFIRM RECEIPT

If you have any questions, please feel free to contact me.

Thanks,

Althea L. Wilburn
Trial Paralegal
Patent Trial and Appeal Board
USPTO
althea.wilburn@uspto.gov<<mailto:althea.wilburn@uspto.gov>>
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