

**From:** [Trials](#)  
**To:** [Cavanaugh, David](#); [Trials](#)  
**Cc:** [Levy, Ira J](#); [Fairchild, Brian A](#); [DG-BI213](#); [Gunther, Jr., Robert J](#); [Daralyn Durie \(DDurie@durietangri.com\)](#); [abrausa@durietangri.com](#); [Prussia, Kevin S](#); [Pirozzolo, Lisa](#); [Blakely, Lauren](#); [Danford, Andrew J](#)  
**Subject:** RE: IPR2017-02031, -02032 - Response to May 8 Order on Implementation of SAS  
**Date:** Thursday, May 17, 2018 10:40:02 AM

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Counsel,

The proposed schedule change is acceptable and no conference call is necessary. A revised scheduling order will issue shortly.

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:** Cavanaugh, David [mailto:David.Cavanaugh@wilmerhale.com]  
**Sent:** Thursday, May 17, 2018 9:21 AM  
**To:** Trials <Trials@USPTO.GOV>  
**Cc:** Levy, Ira J <ILevy@goodwinlaw.com>; Fairchild, Brian A <BFairchild@goodwinlaw.com>; DG-BI213 <DG-BI213@goodwinlaw.com>; Gunther, Jr., Robert J. <Robert.Gunther@wilmerhale.com>; Daralyn Durie (DDurie@durietangri.com) <DDurie@durietangri.com>; abrausa@durietangri.com; Prussia, Kevin S <Kevin.Prussia@wilmerhale.com>; Pirozzolo, Lisa <Lisa.Pirozzolo@wilmerhale.com>; Blakely, Lauren <Lauren.Blakely@wilmerhale.com>; Danford, Andrew J <Andrew.Danford@wilmerhale.com>  
**Subject:** IPR2017-02031, -02032 - Response to May 8 Order on Implementation of SAS

Dear Mr. Kellogg,

The parties appreciate the Board's prompt response in scheduling a teleconference in these IPRs. The parties have now reached agreement on a schedule for these IPRs to accommodate the nine (9) additional grounds that were instituted on May 8, 2018. That schedule is reflected below.

Because the parties' agreed-upon schedule moves Due Dates 6 and 7, the parties respectfully request leave to modify those due dates. Given that the parties have now reached agreement on a schedule, the parties believe that a conference call may no longer be needed except perhaps to discuss the request to move Due Dates 6 and 7.

The parties are available during the scheduled time on Monday at 11 am Eastern should the Board wish to discuss the schedule with the parties further.

Event	Current Deadline	Amended Deadline
DUE DATE 1	June 26, 2018	August 7, 2018

Patent Owner's Response to the Petition Patent Owner's Motion to Amend the Patent		
DUE DATE 2 Petitioner's Reply to Patent Owner's Response to Petition Petitioner's Opposition to Motion to Amend	September 18, 2018	October 30, 2018
DUE DATE 3 Patent Owner's Reply to Petitioner's Opposition to Motion to Amend	October 16, 2018	November 27, 2018
DUE DATE 4 Observations Regarding Cross-Examination of Reply Witness Motion to Exclude Evidence Request for Oral Argument	November 6, 2018	December 18, 2018
DUE DATE 5 Response to Observations Opposition to Motion to Exclude	November 20, 2018	January 2, 2019
DUE DATE 6 Reply to Opposition to Motion to Exclude	November 27, 2018	January 9, 2019
DUE DATE 7 Oral Argument (if requested)	December 13, 2018	January 24, 2019

Respectfully,

David Cavanaugh  
Counsel for Patent Owner

**David L. Cavanaugh | WilmerHale**

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**From:** Trials <[Trials@USPTO.GOV](mailto:Trials@USPTO.GOV)>

**Sent:** Wednesday, May 16, 2018 10:31 AM

**To:** Cavanaugh, David <[David.Cavanaugh@wilmerhale.com](mailto:David.Cavanaugh@wilmerhale.com)>; Trials <[Trials@USPTO.GOV](mailto:Trials@USPTO.GOV)>

**Cc:** Levy, Ira J <[ILevy@goodwinlaw.com](mailto:ILevy@goodwinlaw.com)>; Fairchild, Brian A <[BFairchild@goodwinlaw.com](mailto:BFairchild@goodwinlaw.com)>; DG-BI213 <[DG-BI213@goodwinlaw.com](mailto:DG-BI213@goodwinlaw.com)>; Gunther, Jr., Robert J. <[Robert.Gunther@wilmerhale.com](mailto:Robert.Gunther@wilmerhale.com)>; Daralyn Durie ([DDurie@durietangri.com](mailto:DDurie@durietangri.com)) <[DDurie@durietangri.com](mailto:DDurie@durietangri.com)>; [abrausa@durietangri.com](mailto:abrausa@durietangri.com); Prussia, Kevin S <[Kevin.Prussia@wilmerhale.com](mailto:Kevin.Prussia@wilmerhale.com)>; Pirozzolo, Lisa <[Lisa.Pirozzolo@wilmerhale.com](mailto:Lisa.Pirozzolo@wilmerhale.com)>; Blakely, Lauren <[Lauren.Blakely@wilmerhale.com](mailto:Lauren.Blakely@wilmerhale.com)>; Danford, Andrew J <[Andrew.Danford@wilmerhale.com](mailto:Andrew.Danford@wilmerhale.com)>

**Subject:** RE: IPR2017-02031, -02032 - Response to May 8 Order on Implementation of SAS

Counsel,

A conference call has been scheduled for Monday, May 21, at 11 am eastern. The dial in number is 866-704-5750 and the passcode is 7172529.

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:** Cavanaugh, David [<mailto:David.Cavanaugh@wilmerhale.com>]

**Sent:** Tuesday, May 15, 2018 7:03 PM

**To:** Trials <[Trials@USPTO.GOV](mailto:Trials@USPTO.GOV)>

**Cc:** Levy, Ira J <[ILevy@goodwinlaw.com](mailto:ILevy@goodwinlaw.com)>; Fairchild, Brian A <[BFairchild@goodwinlaw.com](mailto:BFairchild@goodwinlaw.com)>; DG-BI213 <[DG-BI213@goodwinlaw.com](mailto:DG-BI213@goodwinlaw.com)>; Gunther, Jr., Robert J. <[Robert.Gunther@wilmerhale.com](mailto:Robert.Gunther@wilmerhale.com)>; Daralyn Durie ([DDurie@durietangri.com](mailto:DDurie@durietangri.com)) <[DDurie@durietangri.com](mailto:DDurie@durietangri.com)>; [abrausa@durietangri.com](mailto:abrausa@durietangri.com); Prussia, Kevin S <[Kevin.Prussia@wilmerhale.com](mailto:Kevin.Prussia@wilmerhale.com)>; Pirozzolo, Lisa <[Lisa.Pirozzolo@wilmerhale.com](mailto:Lisa.Pirozzolo@wilmerhale.com)>; Blakely, Lauren <[Lauren.Blakely@wilmerhale.com](mailto:Lauren.Blakely@wilmerhale.com)>; Danford, Andrew J <[Andrew.Danford@wilmerhale.com](mailto:Andrew.Danford@wilmerhale.com)>

**Subject:** IPR2017-02031, -02032 - Response to May 8 Order on Implementation of SAS

Dear Honorable Board,

I write on behalf of patent owner in regard to IPR2017-02031, -02032. As instructed in the Orders at

Paper Nos. 25 (2031 IPR) and 23 (2032 IPR), issued May 8, 2018, the parties are conferring regarding the implementation of the SAS decision.

The parties are continuing to confer, and patent owner requests a conference call with the Board for additional guidance. The Patent Owner is available Monday May 21 or 22 for a phone call.

Respectfully,

David Cavanaugh  
Counsel for Patent Owner

**David L. Cavanaugh | WilmerHale**

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