
FW: IPR2018-00044: Unified Patents v. Vilox: Authorization to file Reply to Patent Owner's Preliminary Response

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Subject: IPR2018-00044: Unified Patents v. Vilox: Authorization to file Reply to Patent Owner's Preliminary Response

To the Board:

In IPR2018-00044, Petitioner Unified Patents respectfully requests leave under 37 CFR 42.108(c) to file a Reply to Patent Owner's Preliminary Response.

Patent Owner asserts in its Preliminary Response that the named inventor conceived of the claimed subject matter before the priority date of Petitioner's cited art (Excel) and reduced the subject matter to practice. Because Patent Owner's evidence on this issue was not available to Petitioner when the IPR petition was filed, there is good cause for authorizing Petitioner to file a Reply that identifies deficiencies in Patent Owner's evidence. Furthermore, there is good cause for this request because focused briefing by Unified Patents can assist the Board in efficiently identifying claim limitations for which Patent Owner's swear-behind evidence is deficient.

Patent Owner's counsel has indicated that it opposes this request.

Best regards,

Thomas Kelton

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