

Vakili, Kamran

From: Caplan, Jonathan S. <JCaplan@KRAMERLEVIN.com>
Sent: Monday, April 22, 2019 9:23 AM
To: trials@uspto.gov
Cc: Baghdassarian, Mark; ~Hedvat, Shannon; Price, Jeffrey H.; McPhie, David; Yorks, Ben; Redjaian, Babak; Vakili, Kamran
Subject: IPR2018-00681, -00682, -00689, -00690 - Supplemental Authority

Your Honors,

Petitioner, Sirius XM Radio Inc., writes to notify the panel of supplemental authority bearing on Petitioner's outstanding Requests for Rehearing in the above-identified cases.

The Board recently designated as precedential two decisions that provide further legal support for Petitioner's request that, in the event the Board considers Petitioner's original identification of real parties in interest to be inadequate, the Board permit Petitioner to amend its Mandatory Notices to identify additional real parties in interest without changing the Petitions' filing dates as set forth in Petitioner's Replies to Patent Owner's Preliminary Responses and pending Requests for Rehearing, in each of the above-referenced actions. *See, e.g.*, IPR2018-00681, Paper 9 at 3-4 and Paper 13 at 7-15.

These precedential decisions are *Proppant Express Investments, LLC v. Oren Technologies, LLC*, IPR2017-01917, Paper 86 (entered February 13, 2019, designated April 16, 2019) and *Adello Biologics LLC v. Amgen Inc.*, PGR2019-00001, Paper 11 (entered February 14, 2019, designated April 16, 2019).

Petitioner does not believe any briefing regarding this supplemental authority is necessary. However, should the Board seek briefing on this authority, Petitioner would be happy to provide such a submission. Patent Owner's counsel, copied on this communication, indicated that they object.

Respectfully submitted,
Jonathan Caplan
Lead Counsel for Petitioner, Sirius XM Radio Inc.

Jonathan S. Caplan
Partner and Co-chair, Intellectual Property

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