

## 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

Kramer Levin Naftalis & Frankel LLP  
1177 Avenue of the Americas, New York, New York 10036  
T 212.715.9488 M 973.420.5047 F 212.715.7718  
[jcaplan@kramerlevin.com](mailto:jcaplan@kramerlevin.com)

### Bio

This communication (including any attachments) is intended solely for the recipient(s) named above and may contain information that is confidential, privileged or legally protected. Any unauthorized use or dissemination of this communication is strictly prohibited. If you have received this communication in error, please immediately notify the sender by return e-mail message and delete all copies of the original communication. Thank you for your cooperation.