

**From:** [Trials](#)  
**To:** [Bifano, Larissa](#); [Trials](#)  
**Cc:** [ryan@etheridgelaw.com](#); [brett@etheridgelaw.com](#); [jim@etheridgelaw.com](#); [jeff@etheridgelaw.com](#); [Van Handel, Michael](#); [Heintz, James M.](#)  
**Subject:** RE: IPR2019-00056 Request for Rehearing  
**Date:** Tuesday, June 4, 2019 3:22:05 PM

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Counsel,

Based on the facts presented, the Board excuses the late filing of Petitioner's rehearing request.

Regards,

Andrew Kellogg,  
Supervisory Paralegal  
Patent Trial and Appeal Board  
USPTO  
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**From:** Bifano, Larissa <larissa.bifano@dlapiper.com>  
**Sent:** Friday, May 31, 2019 11:00 PM  
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**Cc:** ryan@etheridgelaw.com; brett@etheridgelaw.com; jim@etheridgelaw.com; jeff@etheridgelaw.com; Van Handel, Michael <michael.vanhandel@dlapiper.com>; Heintz, James M. <jim.heintz@dlapiper.com>  
**Subject:** IPR2019-00056 Request for Rehearing

### **IPR2019-00056**

Your Honors:

On May 29, 2019, Petitioner filed a Request for Rehearing of the Board's April 29, 2019 Decision Denying Institution in IPR2019-00056. Petitioner uploaded the Request in the Patent Trial and Appeal Board's End to End system, clicked to file the Request, and received an electronic receipt indicating the Request had been filed. That same day, Petitioner served copies of the Request on counsel for Patent Owner via e-mail and express mail.

Yesterday evening, Petitioner noticed the Request for Rehearing had not appeared in the Patent Trial and Appeal Board's End to End system. Petitioner called the PTAB today to discuss the issue and spoke with Eric Hawthorne. Mr. Hawthorne indicated the Request appears to have been filed without a document. Mr. Hawthorne stated the issue would be resolved by resubmitting the document today. Petitioner resubmitted the document today, and it now appears in the End to End system.

Petitioner made every attempt to file the Request by the May 29, 2019 deadline, and served the

Request by e-mail and express mail on Patent Owner after filing that day. Given Petitioner's attempt to file by the deadline, and proper service of the Request on that date, Petitioner respectfully requests that the Board consider the Request as having been timely filed by the deadline of May 29, 2019.

Sincerely,

**Larissa S. Bifano**

Partner

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