

**From:** [Trials](#)  
**To:** [Pearce Jr., T. Vann](#); [Trials](#)  
**Cc:** [John Edmonds](#); [Steve Schlather](#); [Medina, David R.](#); [Jennifer Bailey](#); [Adam P. Seitz](#); [Karineh Khachatourian](#); [David Xue](#)  
**Subject:** RE: IPR2019-00131: Request for authorization to file motion to strike  
**Date:** Wednesday, December 4, 2019 4:27:30 PM  
**Attachments:** [image005.png](#)

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Pursuant 37 C.F.R. Section 42.21, each party is required to file a notice regarding the specific relief it requests and the basis for the requested relief. The notice shall be filed on or before December 9, 2019. Once the notices are received, the Board will determine whether or not motions to strike will be authorized and, if authorized, set a briefing schedule.

Patent Owner is further required to explain the timing of its request to file a motion to strike:

Generally, authorization to file a motion to strike should be requested within one week of the allegedly improper submission. Consolidated Trial Practice Guide, 81 (November 2019).

Regards,

Andrew Kellogg,  
Supervisory Paralegal  
Patent Trial and Appeal Board  
USPTO  
[andrew.kellogg@uspto.gov](mailto:andrew.kellogg@uspto.gov)  
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**From:** Pearce Jr., T. Vann <vpearce@orrick.com>  
**Sent:** Wednesday, December 4, 2019 11:42 AM  
**To:** Trials <Trials@USPTO.GOV>  
**Cc:** John Edmonds <jedmonds@ip-lit.com>; Steve Schlather <sschlather@ip-lit.com>; Medina, David R. <dmedina@orrick.com>; Jennifer Bailey <jennifer.bailey@eriseip.com>; Adam P. Seitz <adam.seitz@eriseip.com>; Karineh Khachatourian <karinehk@rimonlaw.com>; David Xue <david.xue@rimonlaw.com>  
**Subject:** IPR2019-00131: Request for authorization to file motion to strike

Dear Board,

Petitioners Panasonic Corporation and Panasonic Corporation of North America respectfully request authorization to file a motion to strike. The motion would ask the Board to strike the second expert declaration that Patent Owner submitted with its sur-reply (Ex. 2026) as well as Exhibits 2027-2029 and 2031-33 also submitted by Patent Owner with its sur-reply. *See* Section II.I of the Trial Practice Guide Update (August 2018) (page 14). In addition, the motion would ask the Board to strike Patent Owner's sur-reply brief in whole or in part based on its citation to these exhibits and circumventing the word count limit. *See* Section II.A.3. of the Trial Practice Guide Update (August 2018) (page 7) (citing *Pi-Net Int'l, Inc. v. JPMorgan Chase & Co.*, 600 F. App'x 774 (Fed. Cir. 2015)).

Petitioners have conferred with Patent Owner, who opposes this request. Should

the Board wish to schedule a conference call, counsel for both sides are available during the afternoon of Monday December 9, or after 11 AM on Tuesday, December 10.

Respectfully Submitted,  
Vann Pearce  
Lead Counsel for Petitioners Panasonic Corporation and Panasonic Corporation  
of North America

**Vann Pearce**

Partner, Intellectual Property

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