
From: James Carmichael <jim@carmichaelip.com>
Sent: Thursday, May 21, 2020 3:39 PM
To: Trials
Cc: Timothy L. Tang; Michael Specht; Reuben Moses; MPH-IPRs; Steve Schreiner; Daniel Block
Subject: RE: IPR2019-00819, -00820: Request for Motion to Strike, or in the alternative a sur-sur-reply

Follow Up Flag: Follow up
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Your Honors,

Patent Owner objects to Petitioner's request because it is (1) untimely and (2) insufficient.

Petitioner's request is untimely because it was made more than one week after the allegedly improper sur-replies. Under the Consolidated Trial Guide (CTG), motions to strike or seek supplemental briefing "should be requested within one week of the allegedly improper submission." CTG, 81. The sur-replies were filed and served by Patent Owner more than one week ago, on May 12, 2020. IPR2019-00819, Paper 29 (Sur-Reply filed May 12, 2020); IPR2019-00820, Paper 29 (Sur-Reply filed May 12, 2020). The request provides no reason to excuse its tardiness.

Petitioner's request is insufficient because it does not assert there is any reason to depart from the normal rule against such requests. See CTG, 80-81 (Motion practice is normally unnecessary because the Board is capable of identifying alleged new issues and giving them appropriate weight).

Sincerely,

James T. Carmichael
Counsel for Patent Owner MPH Technologies Oy



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From: Daniel Block <DBLOCK@sternekessler.com>
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To: Trials <Trials@USPTO.GOV>
Cc: Timothy L. Tang <TTang@sternekessler.com>; Michael Specht <MSPECHT@sternekessler.com>; Reuben Moses <rmoses@sternekessler.com>; MPH-IPRs <MPH-IPRs@carmichaelip.com>; James Carmichael <jim@carmichaelip.com>; Steve Schreiner <schreiner@carmichaelip.com>
Subject: IPR2019-00819, -00820: Request for Motion to Strike, or in the alternative a sur-sur-reply

Your Honors,

Petitioner requests permission to file a Motion to Strike Patent Owner's sur-reply, or in the alternative requests permission to file a 5-page sur-sur-reply because it believes that the recent sur-replies filed by Patent Owner in IPR2019-00819 and IPR2019-00820 exceed the scope permitted by the rules. Petitioner requests any briefing be due 5 business days after a Board order authorizing such briefing.

Counsel for MPH and Apple have met and conferred, and Counsel for MPH disagrees with Apple's position. Both parties are generally available for a conference call on Tuesday May 26 and Wednesday May 27th.

Thank you,

Daniel Block
Counsel for Petitioner Apple, Inc.



Daniel Block
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