

From: [Trials](#)  
To: [Gene Cherng](#); [Jonathan Tuminaro](#); [Trials](#)  
Cc: [Mike Ray](#); [Michael Specht](#); [Daniel Block](#); [Trent W. Merrell](#); [Tyler Dutton](#); [Robert Freitas](#); [Christopher O'Brien](#); [Wenchong Shu](#); [Melanie Arlantino](#)  
Subject: RE: IPR2019-01523, -01525, -01526, and -01527 -- Sur-replies to POPRs  
Date: Wednesday, January 22, 2020 1:26:02 PM  
Attachments: [image003.png](#)  
[image004.png](#)  
[image005.png](#)

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Counsel:

No call is necessary. Petitioner is authorized to file a reply (no more than 5 pages, due one week from receipt of this email) in IPR2019-01526, IPR2019-01523, and IPR2019-01525 addressing the issues outlined below. Petitioner may not file additional evidence. Patent Owner may, if it wishes, file a sur-reply (also no more than 5 pages, due one week after filing of Petitioner's reply). The parties should reference this email as authorization.

Regards,

Andrew Kellogg,  
Supervisory Paralegal  
Patent Trial and Appeal Board  
USPTO  
[andrew.kellogg@uspto.gov](mailto:andrew.kellogg@uspto.gov)  
(571)272-7822

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**From:** Gene Cherng <GCherng@fawlaw.com>  
**Sent:** Tuesday, January 21, 2020 3:11 AM  
**To:** Jonathan Tuminaro <JTUMINAR@sternekessler.com>; Trials <Trials@USPTO.GOV>  
**Cc:** Mike Ray <MRAY@sternekessler.com>; Michael Specht <MSPECHT@sternekessler.com>; Daniel Block <DBLOCK@sternekessler.com>; Trent W. Merrell <TMERRELL@sternekessler.com>; Tyler Dutton <TDUTTON@sternekessler.com>; Robert Freitas <RFreitas@fawlaw.com>; Christopher O'Brien <COBrien@sternekessler.com>; Wenchong Shu <WSHU@sternekessler.com>; Melanie Arlantino <MArlantino@fawlaw.com>  
**Subject:** RE: IPR2019-01523, -01525, -01526, and -01527 -- Sur-replies to POPRs

Dear Board,

Patent Owners Aquila Innovations Inc. (-01526, '519 patent and -01525, '614 patent), and Collabo Innovations, Inc. (-01523, '575 patent) oppose Petitioner's request for leave to file replies to each of the preliminary responses, and are available for a conference call on Friday from 2 to 4pm ET. Patent Owners are not available on Tuesday and Wednesday at the times identified by AMD.

Regards,

Gene H. Cherng

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**From:** Jonathan Tuminaro <[JTUMINAR@sternekessler.com](mailto:JTUMINAR@sternekessler.com)>

**Sent:** Monday, January 20, 2020 1:05 PM

**To:** Trials <[Trials@USPTO.GOV](mailto:Trials@USPTO.GOV)>

**Cc:** Gene Cherng <[GCherng@fawlaw.com](mailto:GCherng@fawlaw.com)>; Mike Ray <[MRAY@sternekessler.com](mailto:MRAY@sternekessler.com)>; Michael Specht <[MSPECHT@sternekessler.com](mailto:MSPECHT@sternekessler.com)>; Daniel Block <[DBLOCK@sternekessler.com](mailto:DBLOCK@sternekessler.com)>; Trent W. Merrell <[TMERRELL@sternekessler.com](mailto:TMERRELL@sternekessler.com)>; Tyler Dutton <[TDUTTON@sternekessler.com](mailto:TDUTTON@sternekessler.com)>; Robert Freitas <[RFreitas@fawlaw.com](mailto:RFreitas@fawlaw.com)>; Christopher O'Brien <[COBrien@sternekessler.com](mailto:COBrien@sternekessler.com)>; Wenchong Shu <[WSHU@sternekessler.com](mailto:WSHU@sternekessler.com)>; Melanie Arlantino <[MArlantino@fawlaw.com](mailto:MArlantino@fawlaw.com)>

**Subject:** IPR2019-01523, -01525, -01526, and -01527 -- Sur-replies to POPRs

Dear PTAB,

Petitioner AMD seeks the Board's permission to file sur-replies to the Patent Owner Preliminary Responses in IPR2019-01526 ('519 patent), IPR2019-01523 ('575 patent), and IPR2019-01525 ('614 patent). The basis for each request is set forth below.

**IPR2019-01526 and IPR2019-01523.** Consistent with the recent POP decision in *Hulu v. Sound View Innovations*, Petitioner AMD seeks the Board's permission to file (i) a 5-page sur-reply to the POPR in IPR2019-01526 to address the printed-publication status of Exhibit 1005 and (ii) a 5-page sur-reply to the POPR in IPR2019-01523 to address the printed-publication status of Exhibit 1006. And, consistent with the *Hulu* decision, AMD seeks the Board's permission to add additional evidence supporting the status of these exhibits as printed publications.

**IPR2019-01525.** AMD seeks the Board's permission to file a 5-page sur-reply to address two issues raised in the POPR. First, AMD seeks permission to address the POPR's misapplication of the *Hologic* decision with respect to alternative claim constructions. And, second, AMD seeks permission to show, contrary to the arguments in the POPR, that Petitioner did show on the record how the claimed "unit cell" is met.

The Patent Owner indicated that it would oppose AMD's requests. AMD is available for a teleconference Tuesday, January 21 from 9am to 11am ET, Wednesday, January 22 from 9am to noon ET, and Friday, January 24 from 2pm to 4pm ET.

Regards,  
Jonathan  
Counsel for Petitioner AMD

**Jonathan Tuminaro, Ph.D.**

Director

**Sterne, Kessler, Goldstein & Fox P.L.L.C.**

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