
From: Colletti, Robert <RColletti@haugpartners.com>

Sent: Friday, June 19, 2020 9:58 AM

To: Trials <Trials@USPTO.GOV>

Cc: 'Jonathan.Strang@lw.com' <Jonathan.Strang@lw.com>; 'Clement.Naples@lw.com' <Clement.Naples@lw.com>; Haug, Ed <EHaug@haugpartners.com>; Murphy, Brian P. <BMurphy@haugpartners.com>

Subject: IPR2019-01539 (Judges Grossman, Cherry, and Dougal)

Dear Honorable Board:

We write on behalf of Bentley Motors, Limited and Bentley Motors Inc. ("Petitioner"). On March 27, Bentley filed a Request for Rehearing in response to the panel's March 10 discretionary denial of institution in IPR2019-01539. Petitioner also requested Precedential Opinion Panel ("POP") review. On June 16, POP review was denied and it was further ordered that this panel maintain authority including over the submitted rehearing request.

We write to call to the Board's attention the attached June 16, 2020 decision in IPR2019-01393, wherein the panel reversed its discretionary denial decision after POP review was denied and the parties were provided an opportunity to address the *Apple v. Fintiv* factors, which were recently designated as precedential on May 5, 2020. *Sand Revolution v. Continental*, IPR2019-01393, Paper 24 (PTAB, June 16, 2020). We also note that similar to the facts in the attached decision, the status of the related JLR v. Bentley district court litigation has changed since the Board's original decision. For instance, the October 13, 2020 trial date has now been rescheduled for February 23, 2021.

Respectfully submitted,

Robert E. Colletti
Partner

Haug Partners LLP
745 Fifth Avenue
New York, NY 10151
+1 212.588.0800 Main
+1 212.863.2117 Direct

rcolletti@haugpartners.com
www.haugpartners.com

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