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To: [Trials](#)
Cc: [Sung, Lawrence](#); [Summers, Teresa](#); [Sylvia, Mary](#); [Tucker, Todd](#)
Subject: IPR2020-01573 New World Medical, Inc. v. MicroSurgical Technology, Inc.
Date: Tuesday, December 22, 2020 9:39:47 PM
Attachments: [image124837.png](#)

Dear PTAB,

Petitioner New World Medical, Inc. ("Petitioner") respectfully requests authorization under 37 C.F.R. §42.108(c) to file a reply to Patent Owner MicroSurgical Technology, Inc.'s ("Patent Owner") Preliminary Response in IPR2020-01573.

Petitioner submits that good cause to grant the request exists based on Patent Owner's assertions that the Petition does not name the University of Colorado ("University") as a real-party-in-interest ("RPI") in this proceeding and that the Board should deny institution on this basis. Good cause also exists based on the Board's recent designation of certain decisions related to the RPI issue as precedential and Patent Owner's characterization of those decisions in the Preliminary Response. Petitioner could not have anticipated Patent Owner's arguments on the RPI issue at least because Petitioner and the University are separate entities, Patent Owner filed a complaint for patent infringement against Petitioner on the patent at issue in this proceeding but did not name the University as a defendant, and there is no potential statutory time bar issue to this proceeding regardless of whether the University is an RPI. Petitioner respectfully requests 10 pages for its reply.

Counsel for the parties have conferred. Patent Owner does not oppose Petitioner's request to file a reply and Petitioner has agreed to not oppose Patent Owner's motion for leave to file a surreply in the event that Patent Owner chooses to file such a motion. The parties are available from 10:00 a.m. ET through 4:00 p.m. ET on December 28-30, 2020 if the Board would like a conference call to discuss this issue. Thank you.

Best regards,
Kyle Deighan
Counsel for Petitioner

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