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Subject: IPR2021-00368: Petitioner's Request for Reply to POPR
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Your Honors,

Petitioner seeks authorization to file a 15-page evidentiary reply to the POPR filed on April 26, 2021 to address allegations related to the identification of the real-party-in-interest. The POPR relies on voluntary discovery provided by Unified in this proceeding after the filing of the Petition and Petitioner submits that there is good cause for a reply because Petitioner could not have anticipated that Patent Owner would include an argument that the Board need not consider at this stage, as set forth by the Board's precedential decision in SharkNinja. Petitioner also could not have anticipated that Patent Owner would argue that SharkNinja does not apply at the time the petition was filed, given the Board's explicit characterization of SharkNinja's holding ("no RPI analysis necessary at institution absent allegation of time bar or estoppel based on unnamed RPI").

Petitioner has conferred with Patent Owner and Patent Owner opposes the requested reply. The parties are available to hold a telephone conference with the panel at any time between May 5th and May 7th.

Regards,

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