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Subject: RE: IPR2021-00985, -00990
Date: Thursday, August 18, 2022 12:17:42 PM

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Dear Trials,

The parties submit this joint email regarding oral argument in the above-referenced cases. Petitioners request in-person argument. Patent Owner requests virtual argument so that lead counsel can argue motions at an in-person hearing in Waco, Texas on September 7 and also make oral arguments at the hearing (from Texas) before the Board on September 8.

Regards,

Ted Mayle
Counsel for Petitioners

Ted Mayle

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From: Trials <Trials@USPTO.GOV>
Sent: Thursday, August 11, 2022 2:50 PM
To: scott.mckeown@ropesgray.com; Reed, Kristopher <kreed@kilpatricktownsend.com>; Mayle, Ted <TMayle@kilpatricktownsend.com>; Ferrario, Matias <MFerrario@kilpatricktownsend.com>; jcharkow@daignaultiyer.com; steven.pepe@ropesgray.com; matthew.shapiro@ropesgray.com; scott.taylor@ropesgray.com; cbiyer@daignaultiyer.com; smandir@daignaultiyer.com
Cc: Trials <Trials@USPTO.GOV>
Subject: FW: IPR2021-00985, -00990

Dear counsel,

Oral argument in these proceedings is scheduled for September 8, 2022. The USPTO resumed the opportunity for in-person hearings beginning in July 2022, while also maintaining the option for hearings to be conducted virtually by video conference. At this time, the Board will schedule an in-person hearing only if requested by all parties. If either party requests a virtual hearing by video conference, the hearing will be conducted virtually for all parties.

In these proceedings, neither party specifically requests an in-person hearing in its request for oral argument. Out of an abundance of caution, and to ensure that we understand the parties' respective positions on this issue, Petitioner and Patent Owner are directed to meet and confer with regard to whether each requests that the hearing be conducted in person at USPTO headquarters in Alexandria, Virginia, or virtually by video conference. The parties shall inform the Board by email to Trials@uspto.gov, no later than Friday, August 19, 2022, of their respective positions on conducting the hearings in person or virtually.

Thank you,

Maria King
Deputy Chief Clerk for Trials
Patent Trial and Appeal Board
U.S. Patent and Trademark Office
703-756-1288

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