

**From:** [Trials](#)  
**To:** [David Gosse](#); [Trials](#)  
**Cc:** [Jon Wright](#); [\\*Canavera-ptab](#); [Daniel.Kiang](#); [\\*riedinger-ptab](#); [\\*villarreal-ptab](#); [\\*nguyen-ptab](#); [\\*kurtis-ptab](#); [Ancora - IPR](#); [Nicholas Peters](#); [PTAB Account](#); [Lestin Kenton](#); [Dohm Chankong](#); [irfan.lateef@knobbe.com](#); [Ruthenberg, Kirk R.](#); [Greenleaf, Kevin R.](#); [Karen J. Wang](#)  
**Subject:** RE: IPR2021-01338, IPR2021-01406, Reexamination No. 90/014,865  
**Date:** Friday, March 25, 2022 6:51:59 AM  
**Attachments:** [image.png](#)

---

Counsel,

- (1) The parties to the identified IPR proceedings are authorized to file, within 5 business days, a joint motion for consolidating the IPR proceedings.
- (2) Patent Owner is authorized to file, within 5 business days in either IPR proceeding, a motion to stay the identified reexamination. No opposition is authorized at this time because the parties' email below indicates that the Requestor will not oppose the motion.
- (3) Patent Owner may file concurrently with its Response a motion to seal that contains a proposed protective order, such as the default protective order set forth in the Office Patent Trial Practice Guide. See 37 C.F.R. 42.54 and *Argentum Pharmaceuticals LLC v. Alcon Research, Ltd.*, IPR2017 01053, Paper 27 (PTAB Jan. 19, 2018) (informative).

Regards,

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

---

**From:** David Gosse <DGosse@fitcheven.com>  
**Sent:** Thursday, March 24, 2022 3:15 PM  
**To:** Trials <Trials@USPTO.GOV>  
**Cc:** Jon Wright <JWRIGHT@sternekessler.com>; \*Canavera-ptab <Canavera-ptab@perkinscoie.com>; Daniel.Kiang <Daniel.Kiang@knobbe.com>; \*riedinger-ptab <riedinger-ptab@perkinscoie.com>; \*villarreal-ptab <villarreal-ptab@perkinscoie.com>; \*nguyen-ptab <nguyen-ptab@perkinscoie.com>; \*kurtis-ptab <kurtis-ptab@perkinscoie.com>; Ancora - IPR <Ancora-IPR@fitcheven.com>; Nicholas Peters <ntpete@fitcheven.com>; PTAB Account <PTAB@sternekessler.com>; Lestin Kenton <LKENTON@sternekessler.com>; Dohm Chankong <DCHANKONG@sternekessler.com>; irfan.lateef@knobbe.com; Ruthenberg, Kirk R. <kirk.ruthenberg@dentons.com>; Greenleaf, Kevin R. <kevin.greenleaf@dentons.com>; Karen J. Wang <KWang@fitcheven.com>  
**Subject:** IPR2021-01338, IPR2021-01406, Reexamination No. 90/014,865

**CAUTION:** This email has originated from a source outside of USPTO. **PLEASE CONSIDER THE SOURCE** before responding, clicking on links, or opening attachments.

Dear Honorable Board,

The parties write to address three procedural issues in the above-referenced cases. This email is made on behalf of the patent owner (Ancora) in these proceedings, the petitioners in both proceedings (Nintendo and Roku/VIZIO), as well as the third party requester in ex parte Reexamination 90/014,865.

First, the parties believe that consolidation of some activities in IPR2021-01338 and IPR2021-01406 is appropriate, and the parties request permission to file a joint motion in that regard. The parties intend to move for consolidation of expert depositions, the oral hearing (if it occurs), and alignment of the procedural deadlines in the two proceedings. Subject to any additional guidance the Board may provide, the parties have tentatively agreed to an aligned schedule that would allow the Board to hear oral arguments for both cases on the hearing date from IPR2021-01338.

Second, in accord with 35 U.S.C. s. 315(d) Patent Owner Ancora requests permission to file a motion to stay Reexamination 90/014,865, which presents grounds that are substantively identical to those in the above-referenced IPR proceedings. The Requestor in the '865 reexamination will not oppose Ancora's motion.

Third, Patent Owner Ancora intends to move for a protective order so that it may submit certain confidential evidence with its Response. The parties are negotiating a proposed protective order.

The parties do not believe that a teleconference is necessary for this request, but the parties are available to discuss at the Board's convenience if it is desired.

Best regards,

Dave

David A. Gosse | Partner

## FITCH EVEN

Fitch, Even, Tabin & Flannery LLP

120 South LaSalle Street, Suite 2100 | Chicago, Illinois 60603

P 312.577.7000 | F 312.577.7007

[dgosse@fitcheven.com](mailto:dgosse@fitcheven.com) | [www.fitcheven.com](http://www.fitcheven.com)



This email message, as well as any attachments, contains information from the law firm of **Fitch, Even, Tabin & Flannery LLP** that may be confidential and/or legally privileged. These documents are intended only for the personal and confidential use of the addressee identified above. If you are not the intended recipient or an agent responsible for delivering these documents to the intended recipient, you are hereby notified that any review, disclosure, copying, distribution, or the taking of any action in reliance on the contents of this transmitted information is strictly prohibited. If you have received this email in error, please immediately notify the firm at 312-577-7000 and delete or destroy all electronic or hard copies of the message and any attachments. Thank you.

Please consider the environment before printing this message.