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Subject: Epic Games v. IngenioShare: IPR2022-00202, IPR2022-00291, IPR2022-00294, IPR2022-00295, and IPR2022-00297
Date: Tuesday, March 29, 2022 8:29:47 PM

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Dear Board:

Petitioner in the above-referenced IPRs requests leave to file limited Replies to the Patent Owner Preliminary Responses. Patent Owner has indicated it does not object to this request provided Petitioner does not object to Patent Owner filing sur-replies. Petitioner does not object.

With respect to IPR2022-00202, -00291, -00294, and -00295, Petitioner seeks authorization to file pre-institution replies to address Patent Owner's arguments (at around pp. 10–15 of each Preliminary Response) that the Board should exercise its discretion under *Fintiv* to deny institution of the IPRs. To address this issue, with respect to each petition, Petitioner seeks authorization to file a reply of no more than 4 pages.

The Petitioner replies would provide an updated status on the parallel district court litigation, *IngenioShare, LLC v. Epic Games Inc.*, 6:21-cv-00663-ADA (W. D. Tex.). On March 18, 2022, Judge Alan Albright granted Petitioner Epic Games' Motion to Dismiss, thereby terminating the proceeding. Petitioner's replies will address Patent Owner's *Fintiv* arguments in light of this dismissal.

Good cause exists because a discretionary denial is case dispositive. And the Board has commonly found that updated briefing on the *Fintiv* factors is useful when the status of the parallel proceeding has materially changed, for example. *See, e.g., Samsung Elec. Co. v. Netlist, Inc.*, IPR2022-00062, Paper No. 8 (P.T.A.B. Mar. 11, 2022) at 2–3.

With respect to IPR2022-00297 ('407 Patent), Patent Owner filed its Preliminary Response after the dismissal of the parallel district court case, and therefore does not make discretionary denial arguments. Petitioner seeks authorization to file a pre-institution reply of no more than 4 pages to confirm for the record that the parallel district court case was terminated and to ask the Board not to exercise its discretionary denial power in light of this termination.

IPR2022-00202, -00291, -00294,

If a call with the parties is necessary, Petitioner is available at the following times for a teleconference to discuss:

Friday, April 1 at 1:00 PM ET

Monday, April 4, at 2:00 PM ET

Respectfully submitted,

Todd Baker
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