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Subject: IPR2022-00350 and -00351
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Dear Honorable Board,

Pursuant to 37 CFR 42.108(c), Petitioner Apple Inc. requests leave to file a Preliminary Reply to Patent Owner's Preliminary Response in each of IPR2022-00350 and -00351 to address intervening facts related to the *Fintiv* factors.

Specifically, developments impacting the *Fintiv* factors have occurred in the district court litigation since the Petitions were filed. For example, as noted by Patent Owner in its Preliminary Responses, the parties have now completed claim construction briefing. Good cause therefore exists to grant a reply under 37 C.F.R. § 42.108(c) so that Petitioner can address the impact of these new developments and also the impact of the trial date, which the court "expects to set" at the Markman hearing on May 23. See Ex.1015, 3, 4. As such, if replies are granted, Petitioner respectfully requests a due date after May 23.

Petitioner requests authorization for a five-page reply in each proceeding. Petitioner does not oppose granting Patent Owner sur-replies of the same length.

Petitioner and Patent Owner have conferred. Patent Owner opposes Petitioner's request.

Petitioner does not believe that a conference call with the Board is necessary, and Patent Owner takes no position on the necessity of a call. The parties are available at these times if the Board should choose to schedule a conference call: Thursday, 5/19 (10am ET to 5pm ET) and Friday 5/20 (10am ET to 5pm ET).

Best regards,
Scott Jarratt
Counsel for Petitioner

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