

From: [Trials](#)
To: [Jarratt, Scott](#); [Trials](#)
Cc: [Calmann Clements IPR](#); [Andy Ehmke IPR](#); [Scott Jarratt IPR](#); [Brett Cooper](#); [John PetrSORIC](#); [Scramoge Counsel](#); [ehuang@lgtrademark.com](#); [ap@lombardip.com](#)
Subject: RE: IPR2022-00350
Date: Tuesday, March 14, 2023 8:32:08 AM

Counsel,

From the Board –

Petitioner’s motion to strike is authorized. Petitioner may file its motion of no more than 5 pages by March 28, 2023. Patent Owner may file an opposition of no more than 5 pages by April 18, 2023. No reply is authorized at this time.

Regards,

Esther Goldschlager
Supervisory Paralegal Specialist
Patent Trial & Appeal Board
U.S. Patent & Trademark Office
(571) 272-7822

From: Jarratt, Scott <Scott.Jarratt@haynesboone.com>
Sent: Friday, March 10, 2023 7:11 PM
To: Trials <Trials@USPTO.GOV>
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Subject: IPR2022-00350

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Dear Honorable Board,

In IPR2022-00350, Patent Owner filed a Sur-Reply (Paper 24) along with new supporting exhibits Ex.2017 and Ex.2018. These new exhibits are improper under 37 C.F.R. § 42.23(b) because neither is a deposition transcript of a cross-examination of a reply witness. Ex.2018 is an issued U.S. patent and Ex.2017 is a deposition transcript of a cross-examination of Petitioner’s expert taken prior to Patent Owner’s Response regarding his declaration filed with the petition (Ex.1003). Petitioner respectfully requests authorization to file a motion to strike new exhibits Ex.2017 and Ex.2018.

The parties have conferred and Patent Owner opposes this request.

IPR2022-00350
Ex. 3002

Thank you,
Scott Jarratt
Counsel for Petitioner

HAYNES BOONE

Scott Jarratt

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