

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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APPLE INC.,  
Petitioner,

v.

SCRAMOGE TECHNOLOGY LTD.,  
Patent Owner.

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IPR2022-00350 (Patent 9,806,565 B2)  
IPR2022-00351 (Patent 10,622,842 B2)<sup>1</sup>

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Before JAMESON LEE, KARL D. EASTHOM, and  
MICHELLE N. WORMMEESTER, *Administrative Patent Judges*.

WORMMEESTER, *Administrative Patent Judge*.

ORDER  
Conduct of the Proceedings  
37 C.F.R. § 42.5

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<sup>1</sup> This Order addresses issues that are identical in each of the identified cases. We exercise our discretion to issue this Order to be filed in each case. The parties are not authorized to use this heading style in subsequent papers.

IPR2022-00350 (Patent 9,806,565 B2)  
IPR2022-00351 (Patent 10,622,842 B2)

On May 16, 2022, counsel for Petitioner sent an e-mail to the Board requesting authorization to file a preliminary reply to Patent Owner's Preliminary Response (Paper 6<sup>2</sup>) in each of the above-identified cases. Ex. 3001. In its e-mail, Petitioner indicates that each preliminary reply would address Patent Owner's contentions regarding the Board's discretion on whether to institute review. *See id.* Petitioner asserts that each preliminary reply would address specifically "intervening facts related to the *Fintiv* factors," as "developments impacting the *Fintiv* factors have occurred in the district court litigation since the Petitions were filed." *Id.* Petitioner states that the parties have conferred on this issue, but that "Patent Owner opposes Petitioner's request." *Id.*

We believe that additional briefing on the issue discussed above would be beneficial to our analysis of the issue of discretionary denial. Petitioner's request to file a preliminary reply to Patent Owner's Preliminary Response in each case is therefore *granted*. We also authorize Patent Owner to file a preliminary sur-reply in each case.

Petitioner's preliminary reply in each case is limited to no more than five pages, and is due no later than May 25, 2022. Patent Owner's preliminary sur-reply in each case is limited to no more than five pages, and is due no later than June 1, 2022.

Accordingly, it is

ORDERED that Petitioner's request to file a preliminary reply in each of the above-identified cases is *granted*. Each preliminary reply is not to exceed five pages, and is due no later than May 25, 2022; and

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<sup>2</sup> Paper numbers refer to IPR2022-00350. Corresponding patent owner preliminary responses were filed in each of the cases.

IPR2022-00350 (Patent 9,806,565 B2)  
IPR2022-00351 (Patent 10,622,842 B2)

ORDERED that Patent Owner may file a preliminary sur-reply in response to Petitioner's preliminary reply in each case. Each preliminary sur-reply is not to exceed five pages, and is due no later than June 1, 2022.

PETITIONER:

Scott T. Jarratt  
Andrew S. Ehmke  
Calmann J. Clements  
HAYNES AND BONE, LLP  
scott.jarratt.ipr@haynesbone.com  
andy.ehmke.ipr@haynesbone.com  
calmann.clements.ipr@haynesbone.com

PATENT OWNER:

Brett Cooper  
Reza Mirzaie  
RUSS, AUGUST & KABAT  
bcooper@raklaw.com  
rmirzaie@raklaw.com