

From: [Trials](#)
To: [Elizabeth O'Brien](#); [Vincent Ma](#); [Trials](#)
Cc: [Ray Huang](#); [Jason Bartlett](#); [Tom Dunham](#)
Subject: RE: Seek leave to file a brief reply to Patent Owner's Preliminary Responses in IPR2022-00915 and IPR2022-00916
Date: Friday, August 19, 2022 7:57:25 AM

Counsel:

Petitioner's July 22, 2022, request for leave to file a Preliminary Reply is granted as follows: In each of these proceedings, Petitioner may file a seven (7) page Preliminary Reply by August 26, 2022, limited to responding to issues raised in Patent Owner's Preliminary Response concerning 1) Real Party in Interest; and 2) Patent Owner's *Fintiv* analysis in light of the June 21, 2022, USPTO Director's Memorandum, INTERIM PROCEDURE FOR DISCRETIONARY DENIALS IN AIA POSTGRANT PROCEEDINGS WITH PARALLEL DISTRICT COURT LITIGATION.

Patent Owner may file a seven (7) page Preliminary Sur-reply by September 2, 2022, limited to responding to the issues raised in Petitioner's Preliminary Reply.

Thank you,

Megan Carlson
Supervisory Paralegal Specialist
Patent Trial and Appeal Board

From: Elizabeth O'Brien <elizabetho@cherianllp.com>
Sent: Friday, July 22, 2022 4:24 PM
To: Vincent Ma <VMa@mkwllp.com>; Trials <Trials@USPTO.GOV>
Cc: Ray Huang <rhuang@mkwllp.com>; Jason Bartlett <jbartlett@mkwllp.com>; Tom Dunham <tomd@cherianllp.com>
Subject: RE: Seek leave to file a brief reply to Patent Owner's Preliminary Responses in IPR2022-00915 and IPR2022-00916

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May it please the Board,

Because Petitioner's request came as a complete surprise, Patent Owner respectfully responds that Patent Owner opposes the request at least because Petitioner waited 29 days to make the request.

If the Board desires a conference call to discuss the request and/or Petitioner's conduct regarding the request, Patent Owner is available on Monday, 7/25, or another time thereafter that may be convenient for the Board.

Thank you,

IPR2022-00915

Elizabeth O'Brien
(First Back-Up Counsel for Patent Owner)

Elizabeth O'Brien

Associate

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From: Vincent Ma <VMa@mkwllp.com>
Sent: Friday, July 22, 2022 2:22 PM
To: trials@uspto.gov
Cc: Ray Huang <rhuang@mkwllp.com>; Jason Bartlett <jbartlett@mkwllp.com>; Elizabeth O'Brien <elizabetho@cherianllp.com>; Tom Dunham <tomd@cherianllp.com>
Subject: Seek leave to file a brief reply to Patent Owner's Preliminary Responses in IPR2022-00915 and IPR2022-00916

Dear Board,

Petitioner Major Data UAB hereby seeks the Board's leave to file a brief reply to the Patent Owner's Preliminary Response in the following two proceedings: IPR2022-00915 and IPR2022-00916.

In the Patent Owner's Preliminary Responses, which were filed on June 23, 2022, Patent Owner asserts its "concern" about real-party-in-interest issues and refers to related correspondence to which Petitioner has already responded. These are new arguments unrelated to the substantive issues raised in the petition, and they can be briefly addressed.

In addition, Petitioner would also like to briefly address Patent Owner's Fintiv arguments in light of Director Vidal's Memorandum setting out an "Interim Procedure for Discretionary Denials in AIA Post-Grant Proceedings with Parallel District Court Litigation", which was issued on June 21, 2022, just two days before the preliminary responses were filed.

The deadline for Petitioner to file the reply is July 25, 2022.

p.s. Counsel for the Patent Owner are copied on this email.

Regards,

Wensheng Ma
Counsel for Petitioner



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Thank you very much.