

From: [Trials](#)
To: [Jarratt, Scott](#); [Trials](#)
Cc: [Andy Ehmke IPR](#); [Calmann Clements IPR](#); [Scott Jarratt IPR](#); [Brett Cooper](#); [Aire Counsel](#)
Subject: RE: IPR2022-01135, -01136, -01137
Date: Thursday, October 13, 2022 1:43:21 PM

EXTERNAL: Sent from outside Haynes and Boone, LLP

Counsel:

The Board grants Petitioner's unopposed request to file a preliminary reply brief in each case addressing the *Fintiv*-related issues presented in Petitioner's email below. The brief should not to exceed 5 pages and shall be filed on or before October 19, 2022. The Board also authorizes Patent Owner to file a preliminary sur-reply brief in each case responding to Petitioner's corresponding brief not to exceed 5 pages on or before October 26, 2022. Petitioner also shall file a copy of this email chain as an exhibit in each case and reference same in its briefing.

Best regards,
Esther

Esther Goldschlager

Supervisory Paralegal Specialist
Patent Trial & Appeal Board
(571) 272-7822

From: Jarratt, Scott <Scott.Jarratt@haynesboone.com>
Sent: Wednesday, October 12, 2022 2:27 PM
To: Trials <Trials@USPTO.GOV>
Cc: Andy Ehmke IPR <andy.ehmke.ipr@haynesboone.com>; Calmann Clements IPR <Calmann.Clements.ipr@haynesboone.com>; Scott Jarratt IPR <Scott.Jarratt.IPR@haynesboone.com>; Brett Cooper <bcooper@bc-lawgroup.com>; Aire Counsel <Aire_Counsel@b-clg.com>
Subject: IPR2022-01135, -01136, -01137

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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 IPR2022-01135, -01136, -01137 to address *Fintiv*-related issues. For all three IPRs, developments impacting the *Fintiv* factors have occurred since the Petitions were filed—for example, the district court issued a revised scheduling order that moves the trial date and Director Vidal issued her *Fintiv* memorandum. 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.

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

Petitioner and Patent Owner have conferred. Patent Owner does not oppose Petitioner's request for replies.

While the parties do not believe that a conference call with the Board is necessary, the parties are available at these times if the Board should choose to schedule a conference call: Monday, 10/17 through Wednesday 10/19: 10am ET to 5pm ET

Thank you,
Scott Jarratt
Counsel for Petitioner

HAYNES BOONE

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