

From: [Daniel Kiang](#)
To: [Trials](#)
Cc: [IPR50095-0045IP1](#); [IPR50095-0045IP3](#); [AppleIPR745-1](#); [AppleIPR745-3](#); [Nicholas Stephens](#); [AppleIPR127-1](#); ["AXF-PTAB"](#); [Andrew Patrick](#); [bisenius@fr.com](#); [leung@fr.com](#); [pking@fr.com](#); [IPR50095-0046IP1](#)
Subject: RE: IPR2022-01291, IPR2022-01465, IPR2022-01299 - September 27, 2023 Conference Call
Date: Wednesday, September 27, 2023 12:39:50 AM

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Dear Board,

Pursuant to the Board's September 5 Order in IPR2022-01291 and IPR2022-01465 and the Board's September 25 email in IPR2022-01299, the parties tentatively propose the following schedule, subject to confirmation during the conference call, for the IPRs concerning the '745 Patent (IPR2022-01291, -01465) and the IPR concerning the '127 Patent (IPR2022-01299):

	Original Due Date	Joint Proposed New Due Date
Anthony Deposition ('127 Patent IPR Only)	N/A	Fri., Oct. 13
Duckworth Deposition ('745 Patent IPRs Only)	N/A	Wed., Oct. 18
Patent Owner Sur-Reply ('127 Patent IPR Only)	Oct. 11	Fri., Oct. 20
Apple's Response to Expert Testimony ('745 Patent IPRs Only)	N/A	Fri., Oct. 27
Motion to Exclude (All IPRs)	Oct. 13	Mon., Oct. 30
King Deposition ('127 Patent IPR Only)	N/A	Fri., Nov. 3
Opposition to Motion to Exclude (All IPRs)	Oct. 19 ('127) /Oct. 20 ('745)	Mon., Nov. 6
Apple's Observations on Cross-Examination ('127 Patent IPR Only)	N/A	Fri., Nov. 10
Reply to Motion to Exclude (All IPRs)	Oct. 27	Mon., Nov. 13
Parties' Exchange (Service) of Oral Hearing Demonstratives (All IPRs)	Oct. 25	Mon., Nov. 13
Filing of Oral Hearing Demonstratives (All IPRs)	N/A	Wed., Nov. 15
Oral Hearing (All IPRs)	Nov. 1	Fri., Nov. 17

Additionally, pursuant to the Board's September 5 Order in IPR2022-01291 and -01465, Patent Owner confirms that its sur-replies in IPR2022-01291 and -01465 will conform to the Board's rules, including the default 5,600 word limit for a sur-reply.

Patent Owner has also arranged for a court reporter to attend and transcribe the conference call. Petitioner's counsel has been copied on this email.

Best regards,
Daniel

Daniel Kiang

Partner

Daniel.Kiang@knobbe.com

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From: Trials <Trials@USPTO.GOV>

Sent: Tuesday, September 26, 2023 5:07 AM

To: Daniel Kiang <Daniel.Kiang@knobbe.com>; Trials <Trials@USPTO.GOV>

Cc: IPR50095-0045IP1 <IPR50095-0045IP1@fr.com>; IPR50095-0045IP3 <IPR50095-0045IP3@fr.com>; AppleIPR745-1 <AppleIPR745-1@knobbe.com>; AppleIPR745-3 <AppleIPR745-3@knobbe.com>; Nicholas Stephens <nstephens@fr.com>; 'AXF-PTAB' <AXF-PTAB@fr.com>; Andrew Patrick <patrick@fr.com>; bisenius@fr.com; leung@fr.com; pking@fr.com

Subject: RE: IPR2022-01291, IPR2022-01465 - September 27, 2023 Conference Call

Counsel,

Yes, the Board intends to discuss those topics during this upcoming conference.

Regards,

Esther Goldschlager

Supervisory Paralegal Specialist

Patent Trial & Appeal Board

U.S. Patent & Trademark Office

From: Daniel Kiang <Daniel.Kiang@knobbe.com>

Sent: Monday, September 25, 2023 4:49 PM

To: Trials <Trials@USPTO.GOV>

Cc: IPR50095-0045IP1 <IPR50095-0045IP1@fr.com>; IPR50095-0045IP3 <IPR50095-0045IP3@fr.com>; AppleIPR745-1 <AppleIPR745-1@knobbe.com>; AppleIPR745-3 <AppleIPR745-3@knobbe.com>; Nicholas Stephens <nstephens@fr.com>; 'AXF-PTAB' <AXF-PTAB@fr.com>; Andrew Patrick <patrick@fr.com>; bisenius@fr.com; leung@fr.com; pking@fr.com

Subject: RE: IPR2022-01291, IPR2022-01465 - September 27, 2023 Conference Call

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Dear Board,

Patent Owner understands that the Board has scheduled a conference call on September 27 at 11 am ET in IPR2022-01299 to discuss IPR2022-01291, IPR2022-01465, and IPR2022-01299. Patent Owner respectfully requests confirmation that the scheduled September 27 call will also address the issues outlined in the Board's September 5 Order in IPR2022-01291 and IPR2022-01465, namely:

- "a potential increase of the Board's default 5,600 word count limitation for Sur-replies,"
- "dates when the deposition [of Patent Owner's expert] might take place,"
- "a filing deadline for the Response to Expert Testimony," and
- "whether oral argument in these two cases might be delayed by a few weeks to accommodate the deposition date and the filing deadline."

Petitioner's counsel has been copied on this email.

Best regards,
Daniel

Daniel Kiang

Partner

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From: Trials <Trials@USPTO.GOV>

Sent: Friday, September 22, 2023 6:08 AM

To: Nicholas Stephens <nstephens@fr.com>; Trials <Trials@USPTO.GOV>; 'AXF-PTAB' <AXF-PTAB@fr.com>; Andrew Patrick <patrick@fr.com>; bisenius@fr.com; leung@fr.com; pking@fr.com

Cc: IPR50095-0045IP1 <IPR50095-0045IP1@fr.com>; IPR50095-0045IP3 <IPR50095-0045IP3@fr.com>; AppleIPR745-1 <AppleIPR745-1@knobbe.com>; AppleIPR745-3 <AppleIPR745-3@knobbe.com>; 2Bcc <2Bcc@knobbe.com>; 2cmp <2cmp@knobbe.com>; 2Jzk <2Jzk@knobbe.com>; 2Jup <2Jup@knobbe.com>; 2Dck <2Dck@knobbe.com>

Subject: RE: IPR2022-01291 - Petitioner's Unopposed Request to Correct the Petition Under 37 CFR § 42.104(c)

Counsel,

The Board intends to discuss Petitioner's request (below) during the anticipated conference call later this month per the Board's Order of September 5, 2023.

Regards,

Esther Goldschlager

Supervisory Paralegal Specialist

Patent Trial & Appeal Board

U.S. Patent & Trademark Office

From: Nicholas Stephens <nstephens@fr.com>

Sent: Thursday, September 21, 2023 1:37 PM

To: Trials <Trials@USPTO.GOV>

Cc: IPR50095-0045IP1 <IPR50095-0045IP1@fr.com>; IPR50095-0045IP3 <IPR50095-0045IP3@fr.com>; AppleIPR745-1 <AppleIPR745-1@knobbe.com>; AppleIPR745-3 <AppleIPR745-3@knobbe.com>

Subject: IPR2022-01291 - Petitioner's Unopposed Request to Correct the Petition Under 37 CFR § 42.104(c)

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Your Honors,

During the parties' recent meet and confer in relation to Patent Owner's requested authorizations for a motion to strike and to submit additional evidence with its Sur-Reply, Patent Owner contended that Section I.D of Petitioner's Reply "requests a substantive change to the petition to correct typographical errors," and argued that "such a request can only be made via motion under § 42.104(c)."

While the Reply cited cases that Petitioner believes demonstrates authority for the Board to correct a typographical error even in the absence of a motion under § 42.104(c), out of an abundance of caution, Petitioner respectfully requests authorization under § 42.104(c) to correct the Petition's typographical error as identified in Section I.D of the Reply. Specifically, in addressing limitations [20.0]-[20.8] in Ground 1B, the Petition at page 27 includes a mistaken cross-citation to limitations from independent claim 15 (i.e., [15.0]-[15.8]) rather than independent claim 1 (i.e., [1.0]-[1.7]). Petitioner proposes to correct the Petition by replacing the citation to "[15.0] - [15.8]" with "Ground 1A, [1.0] - [1.7]" on page 27, consistent with the parallel limitations recited in claims 1 and 20. Petitioner proposes no other corrections to the body of the Petition. Clean and redlined versions of the proposed corrected Petition are attached for reference.

Petitioner submits that good cause exists for the correction given that the parties have consistently addressed corresponding limitations from claims 1 and 20 together in the POR and Reply. Petitioner's intent to cross-cite limitations [1.0]-[1.7] rather than [15.0]-[15.8] is also evident from the Petition's proper cross-citation to claim 1 in addressing claim 20 in Ground 2B (pages 41-42) and Petitioner's proper cross-citation to claim 1 in addressing claim 20 in both grounds of the Petition in IPR2022-01465. The Board has also confirmed that § 42.104(c) permits corrections to petitions based on motions filed after institution. *See, e.g., Group III Int'l, Inc. v. Targus Int'l LLC*, IPR2021-00371, Paper 88 at pp. 9-13 (PTAB July 6, 2022).

The parties have conferred and Patent Owner indicates that it does **not oppose** Petitioner's request.

Should the Board desire a conference call, the parties will provide their availability. The parties are also amenable to discussing this request at the conference call that we anticipate scheduling later this month pursuant to the Board's Order of September 5, 2023 (Paper 43).

Best Regards,
Nick Stephens

Counsel for Petitioner Apple Inc.

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