
Subject: FW: Board Authorization re IPR2023-00621, IPR2023-00756, and IPR2023-00701

From: Hyun Jin In <in@fr.com>
Sent: Tuesday, August 8, 2023 10:58 PM
To: Konah Duche <kduche@daignaultiyer.com>; jason.s.charkow@gmail.com; richard.juang@gmail.com; Chandran Iyer <cbiyer@daignaultiyer.com>
Cc: DoDotsLit <DoDotsLit@daignaultiyer.com>; IPR39843-0148IP1 <IPR39843-0148IP1@fr.com>; IPR39843-0150IP1 <IPR39843-0150IP1@fr.com>; PTAB Inbound <PTABInbound@fr.com>; AXF-PTAB <AXF-PTAB@fr.com>
Subject: Board Authorization re IPR2023-00621, IPR2023-00756, and IPR2023-00701

Counsel,

Petitioner plans to request Board authorization for a Preliminary Reply to DoDots' recent POPRs in IPR2023-00621 and IPR2023-00756. Petitioner also plans to request authorization in IPR2023-00621, IPR2023-00756, and IPR2023-00701 to file a corrected expert declaration. A draft email to the Board is provided below. Please advise whether DoDots opposes this request and revise the list of available conference call times with the Board in case needed.

A response is kindly requested by COB on Wednesday, August 9.

Regards,
Hyun Jin In
Counsel for Petitioner

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Your Honors,

In IPR2023-00621 and IPR2023-00756, Petitioner requests leave to file a five-page reply to the Patent Owner Preliminary Response (POPR) pursuant to 37 CFR 42.108(c). Petitioner seeks to respond to Patent Owner's arguments regarding the claim construction standard noted in the expert declaration (Exhibit 1003), the alleged inconsistent means-plus-function treatment of claims in the co-pending litigation, and *Fintiv* considerations. Good cause exists for the replies. For example, (i) Petitioner did not appreciate the typographical error in the expert declaration concerning 37 CFR §42.100(b), (ii) the parties submitted updated claim construction pleadings in the co-pending litigation subsequent to the filing of these petitions, and (iii) good cause exists to allow Petitioner to address *Fintiv* in light of Patent Owner's arguments in the POPR and the current state of the litigation, which is different than the state of the litigation at the time of petition filing.

Additionally, in IPR2023-00621, IPR2023-00756, and IPR2023-00701, with regard to the claim construction standard noted in the expert declaration, Petitioner requests authorization to submit a revised declaration with an updated construction standard to allow Petitioner to correct the clerical error in the declaration as per 37 CFR §42.104(c). The Petition advocated for the correct claim construction standard, and the claim constructions discussed in the expert declaration were consistent with the correct claim construction standard. Thus, for at least these reasons, good cause exists to allow Petitioner to correct the typographical error included in the expert declarations.

The parties have conferred. Patent Owner **opposes/does not oppose** Petitioner's request. If the Board grants Petitioner's request, Patent Owner requests authorization to file a sur-reply of equal length. Petitioner does not oppose Patent Owner's request for a sur-reply.

Conference Call Availability

While the parties do not believe a conference call will be necessary, the parties are available if needed at the following times:

- **TBD - Wednesday, 8/XX: YYam-YYpm ET**
- **TBD - Thursday, 8/XX: YYam-YYpm ET**

Regards,
Hyun Jin In
Counsel for Petitioner

Hyun Jin (HJ) In, Ph.D. :: Principal :: Fish & Richardson P.C.
1000 Maine Ave SW, Washington, D.C. 20024
+1 202 626 7765 :: in@fr.com
fr.com :: [Bio](#) :: [LinkedIn](#)

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