

From: [Trials](#)
To: [Chandran Iyer](#); [Paul Hart](#); [Trials](#)
Cc: [Richard Juang](#); [Ron Daignault](#); kevin.rongish@eriseip.com; [Adam Seitz](#); PTAB@eriseip.com; [Konah Duche](#); [Vivek Ramachandran](#); [Christina Canino](#); [Jason Charkow](#)
Subject: RE: IPR2023-00937, -00938, and -00939: Petitioner's Request for a Preliminary Reply
Date: Wednesday, October 18, 2023 1:19:17 PM

Counsel,

From the Board –

With respect to the parties' emails of October 16, 2023, we authorize Petitioner in each of IPR2023-00937, IPR2023-00938, and IPR2023-00939 to file a three-page preliminary reply limited to addressing whether the Slivka application incorporates the appendices in each proceeding, which and should be filed within five business days of the Order to follow.

We authorize Patent Owner in each of IPR2023-00937, IPR2023-00938, and IPR2023-00939 to file a responsive preliminary sur-reply of three pages in each proceeding, which should be filed within five business days of the filing of a preliminary reply in each proceeding.

This email and those of the parties will be entered in the record as Exhibit 3001.

An Order providing further details will follow shortly.

Regards,

Esther Goldschlager
Supervisory Paralegal Specialist
Patent Trial & Appeal Board
U.S. Patent & Trademark Office

From: Chandran Iyer <cbiyer@daignaultiyer.com>
Sent: Monday, October 16, 2023 12:12 PM
To: Paul Hart <paul.hart@eriseip.com>; Trials <Trials@USPTO.GOV>
Cc: Richard Juang <rjuang@daignaultiyer.com>; Ron Daignault <rdaignault@daignaultiyer.com>; kevin.rongish@eriseip.com; Adam Seitz <adam.seitz@eriseip.com>; PTAB@eriseip.com; Konah Duche <kduche@daignaultiyer.com>; Vivek Ramachandran <vramachandran@daignaultiyer.com>; Christina Canino <christina.canino@eriseip.com>; Jason Charkow <jcharkow@daignaultiyer.com>
Subject: Re: IPR2023-00937, -00938, and -00939: Petitioner's Request for a Preliminary Reply

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Your Honors,

Petitioner falsely represents to this Board that it conferred with DoDots on the requested relief. The parties were in the middle of a meet and confer when petitioner unilaterally decided to send its

email to the Board. DoDots' counsel specifically noted that any email to the Board on this issue should be a joint email in order to give both parties a fair opportunity to frame the dispute precisely. Petitioner ignored DoDots' request and sent its email without giving DoDots a chance to review, consent, or set forth its position.

Apple's petitions explain the reasons it believes the appendices are part of the Slivka prior art reference. DoDots' POPRs explain why Apple is incorrect. In other words, both parties have already explained in their respective papers the reasons why the appendices are or are not part of the Slivka prior art reference. No additional papers on this issue are needed. For this reason, DoDots does not believe that a do-over in the form of a reply should be permitted. If, however, the Board is inclined to give Apple an opportunity to file a reply, DoDots requests an opportunity to file a sur-reply.

Respectfully,



Chandran B. Iyer
Partner

Daignault Iyer LLP
202.330.1666
cbiyer@daignaultiyer.com
daignaultiyer.com

From: Paul Hart <paul.hart@eriseip.com>
Date: Monday, October 16, 2023 at 10:54 AM
To: Trials <trials@uspto.gov>
Cc: Richard Juang <rjuang@daignaultiyer.com>, Ron Daignault <rdaignault@daignaultiyer.com>, kevin.rongish@eriseip.com <kevin.rongish@eriseip.com>, Adam Seitz <adam.seitz@eriseip.com>, PTAB@eriseip.com <PTAB@eriseip.com>, Konah Duche <kduche@daignaultiyer.com>, Vivek Ramachandran <vramachandran@daignaultiyer.com>, Christina Canino <christina.canino@eriseip.com>, Chandran Iyer <cbiyer@daignaultiyer.com>
Subject: IPR2023-00937, -00938, and -00939: Petitioner's Request for a Preliminary Reply

To the Board,

I write on behalf of Petitioner Apple Inc. regarding IPR2023-00937, -00938, and -00939. The proposed grounds in all three proceedings rely on the Slivka prior art reference and each petition cites material contained in appendices that were submitted with the Slivka patent application, but that were not printed with the Slivka patent. Patent Owner's ("PO") Preliminary Responses ("POPR") challenge Petitioner's reliance on Slivka's appendices.

Petitioner seeks permission to file a preliminary reply (1) of no more than five pages that is (2) limited to PO's arguments concerning Slivka's appendices. Petitioner further asks that a deadline for the requested preliminary reply be set one week after the Board grants its request.

Petitioner has conferred with PO, and PO objects.

Both parties are available for a conference call during the following windows (all times ET):

10/18 Wednesday: 10:30am-1pm, 3pm-5pm

10/19 Thursday: 10:30am-12pm; 1pm-5pm

Respectfully,

Paul Hart | Shareholder

Erise IP, P.A.

717 17th St.

Suite 1400

Denver, CO 80202

(main) 913-777-5600

(direct) 720-689-5441

(fax) 913-777-5601

paul.hart@eriseip.com

www.eriseip.com

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