

**From:** Robinson, Eagle <[eagle.robinson@nortonrosefulbright.com](mailto:eagle.robinson@nortonrosefulbright.com)>  
**Sent:** Monday, August 27, 2018 12:23 PM  
**To:** Trials <[Trials@USPTO.GOV](mailto:Trials@USPTO.GOV)>  
**Cc:** 'Bajaj, Raghav' <[Raghav.Bajaj@haynesboone.com](mailto:Raghav.Bajaj@haynesboone.com)>; McCombs, David L. <[David.McCombs@haynesboone.com](mailto:David.McCombs@haynesboone.com)>; Foster, Theo <[Theo.Foster@haynesboone.com](mailto:Theo.Foster@haynesboone.com)>; SMehta@durietangri.com; Huh, Gregory <[Gregory.Huh@haynesboone.com](mailto:Gregory.Huh@haynesboone.com)>; McDole, Jamie <[Jamie.McDole@haynesboone.com](mailto:Jamie.McDole@haynesboone.com)>; Hall, Eric <[eric.hall@nortonrosefulbright.com](mailto:eric.hall@nortonrosefulbright.com)>; Green, Eric <[eric.green@nortonrosefulbright.com](mailto:eric.green@nortonrosefulbright.com)>; Robinson, Eagle <[eagle.robinson@nortonrosefulbright.com](mailto:eagle.robinson@nortonrosefulbright.com)>; Jennings, Cathie <[cathie.jennings@nortonrosefulbright.com](mailto:cathie.jennings@nortonrosefulbright.com)>  
**Subject:** Request for call re Sur-replies in IPR2017-00829, -00830

Dear Board –

Patent Owner respectfully seeks authorization to file Sur-replies in the above-referenced IPRs in lieu of Observations on cross-examination, which are due September 14 pursuant to the most-recent Scheduling Order. Patent Owner does not seek any change in that due date.

Patent Owner believes this request (1) is consistent with the Board's recent Trial Practice Guide Update providing for sur-replies to principal briefs as a matter of right, and (2) is also appropriate to afford Patent Owner an opportunity to address new evidence and new arguments first raised in Petitioner's recent Replies.

Petitioner opposes this request.

If necessary, the parties are available for a conference call at the following times:

- Tuesday, August 28 from 2-6 pm EST; or
- Wednesday, August 29 any time.

Respectfully,

Eagle Robinson  
Lead counsel for Patent Owner

**Eagle Robinson** | Partner  
Norton Rose Fulbright US LLP  
98 San Jacinto Boulevard, Suite 1100, Austin, Texas 78701-4255, United States  
Tel +1 512 536 3083 | Fax +1 512 536 4598  
[eagle.robinson@nortonrosefulbright.com](mailto:eagle.robinson@nortonrosefulbright.com)

**NORTON ROSE FULBRIGHT**

*Law around the world*  
[nortonrosefulbright.com](http://nortonrosefulbright.com)

**CONFIDENTIALITY NOTICE:** This email, including any attachments, is confidential and may be privileged. If you are not the intended recipient please notify the sender immediately, and please delete it;

you should not copy it or use it for any purpose or disclose its contents to any other person. Norton Rose Fulbright entities reserve the right to monitor all email communications through their networks.

Norton Rose Fulbright Australia, Norton Rose Fulbright LLP, Norton Rose Fulbright Canada LLP, Norton Rose Fulbright South Africa Inc and Norton Rose Fulbright US LLP are separate legal entities and all of them are members of Norton Rose Fulbright Verein, a Swiss verein. Norton Rose Fulbright Verein helps coordinate the activities of the members but does not itself provide legal services to clients. Details of each entity, with certain regulatory information, are available at [nortonrosefulbright.com](http://nortonrosefulbright.com).

**From:** Robinson, Eagle

**Sent:** Monday, August 27, 2018 11:23 AM

**To:** 'Trials' <[Trials@USPTO.GOV](mailto:Trials@USPTO.GOV)>

**Cc:** 'Todd M. Siegel' <[todd.siegel@klarquist.com](mailto:todd.siegel@klarquist.com)>; Rob T. Cruzen <[rob.cruzen@klarquist.com](mailto:rob.cruzen@klarquist.com)>; Toni R. Kammers <[toni.kammers@klarquist.com](mailto:toni.kammers@klarquist.com)>; Robinson, Eagle <[eagle.robinson@nortonrosefulbright.com](mailto:eagle.robinson@nortonrosefulbright.com)>; Jennings, Cathie <[cathie.jennings@nortonrosefulbright.com](mailto:cathie.jennings@nortonrosefulbright.com)>

**Subject:** Request for call re Sur-replies in IPR2017-01131, -01133

Dear Board –

Patent Owner respectfully seeks authorization to file Sur-replies in the above-referenced IPRs in lieu of Observations on cross-examination, which are due September 14 pursuant to the most-recent Scheduling Order. Patent Owner does not seek any change in that due date.

Patent Owner believes this request (1) is consistent with the Board's recent Trial Practice Guide Update providing for sur-replies to principal briefs as a matter of right, and (2) is also appropriate to afford Patent Owner an opportunity to address new evidence and new arguments first raised in Petitioner's recent Replies.

Petitioner opposes this request.

If necessary, the parties are available for a conference call at the following times:

- Tuesday, August 28 from 2-6 pm EST; or
- Wednesday, August 29 any time.

Respectfully,

Eagle Robinson  
Lead counsel for Patent Owner

**Eagle Robinson** | Partner  
Norton Rose Fulbright US LLP  
98 San Jacinto Boulevard, Suite 1100, Austin, Texas 78701-4255, United States  
Tel +1 512 536 3083 | Fax +1 512 536 4598  
[eagle.robinson@nortonrosefulbright.com](mailto:eagle.robinson@nortonrosefulbright.com)

**NORTON ROSE FULBRIGHT**

*Law around the world*  
[nortonrosefulbright.com](http://nortonrosefulbright.com)

**CONFIDENTIALITY NOTICE:** This email, including any attachments, is confidential and may be privileged. If you are not the intended recipient please notify the sender immediately, and please delete it; you should not copy it or use it for any purpose or disclose its contents to any other person. Norton Rose Fulbright entities reserve the right to monitor all email communications through their networks.

Norton Rose Fulbright Australia, Norton Rose Fulbright LLP, Norton Rose Fulbright Canada LLP, Norton Rose Fulbright South Africa Inc and Norton Rose Fulbright US LLP are separate legal entities and all of

them are members of Norton Rose Fulbright Verein, a Swiss verein. Norton Rose Fulbright Verein helps coordinate the activities of the members but does not itself provide legal services to clients. Details of each entity, with certain regulatory information, are available at [nortonrosefulbright.com](http://nortonrosefulbright.com).