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Subject: Request for Authorization to File Sur-Replies to Petitioner's Replies (IPR2018-00340 through - 00345)

Dear PTAB,

Consistent with the guidance in the August 2018 update to the Trial Practice Guide that sur-replies to principal briefs (i.e., to a reply to a patent owner response or to a reply to an opposition to a motion to amend) will now normally be authorized and essentially replace the previous practice of filing observations on cross-examination testimony, Patent Owner requests authorization to file sur-replies in each of these cases instead of observations. As contemplated by the revised trial practice guide, such sur-replies would be subject to the same word limits as the replies (i.e., 5,600 words), and would be limited in scope to responding to arguments made in the petitioner's replies and, if necessary, the institution decisions. Patent Owner could file the sur-replies on the dates the observations would otherwise be due.

Petitioner opposes Patent Owner's request.

If the Board believes a call is necessary, the parties are available tomorrow, December 13, 2018, before 4pm Eastern, and any time on Friday, December 14, 2018.

Best regards,

Joshua L. Goldberg, Reg. No. 59,369
Lead Counsel for Patent Owner

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