From: Trials
Sent: Friday, June 12, 2020 9:36:51 AM (UTC-08:00) Pacific Time (US & Canada)
To: Mills, Jad
Cc: Rosato, Michael; Green, Lora; Carsten, Douglas; Moffett, Dan; O'Neill, Kirt; Landers, Thomas; Price, Hannah; Rosbrook, Andy; Ojemen, Dorian; Langford, Melanie; Kocsis, Rebecca
Subject: RE: IPR Nos. 2020-00545, -00546, -00547, -00548, -00549, -00550, -00551

[External]
Counsel,

The parties are authorized to file additional briefing as proposed in the email below. Specifically, Petitioner is authorized to file, by Friday, June 19, 2020, a reply brief of no more than 10 pages to address the *Fintiv* factors. Patent Owner is authorized to file, no later than 5 business days after Petitioner's reply brief is filed, a sur-reply brief of no more than 10 pages to respond to the arguments in Petitioner's reply. No separate order to this effect will be issued; the parties should include a footnote in their briefs indicating that authorization for the brief was given via email.

Thank you,
Eric W. Hawthorne
Supervisory Paralegal Specialist
Patent Trial and Appeal Board

From: Mills, Jad <jmills@wsgr.com>
Sent: Thursday, June 11, 2020 4:13 PM
To: Trials <Trials@USPTO.GOV>
Cc: Rosato, Michael <mrosato@wsgr.com>; Green, Lora (External) <lgreen@wsgr.com>; Carsten, Douglas <dcarsten@wsgr.com>; Moffett, Dan <dmoffett@AkinGump.com>; O'Neill, Kirt <koneill@AKINGUMP.COM>; Landers, Thomas <twlanders@akingump.com>; Price, Hannah <hprice@akingump.com>; Rosbrook, Andy <arosbrook@AKINGUMP.com>; Ojemen, Dorian <dojemen@akingump.com>; Langford, Melanie <mlangford@AkinGump.com>; Kocsis, Rebecca <rkocsis@akingump.com>
Subject: IPR Nos. 2020-00545, -00546, -00547, -00548, -00549, -00550, -00551

Dear Trials,

Petitioner NanoCellect Biomedical, Inc. in IPR Nos. 2020-00545, -00546, -00547, -00548, -00549, -00550, -00551 seeks authorization to file a 10-page pre-institution reply in each case. Patent Owner Cytonome/ST, LLC, in turn, requests authorization to file a 10-page sur-reply in each case.

Patent Owner's preliminary responses, which were filed last week, cited a March 20, 2020 order in *Apple v. Fintiv*, IPR2020-00019, Paper 11, to argue for discretionary denial of institution. There is good cause for the requested briefing as the *Fintiv* order issued and was designated precedential well after the petitions were filed. *See e.g.*, *VMware, Inc. v Intellectual Ventures, LLC*, IPR2020-00470, Paper 8 (PTAB May 29, 2020).

The parties have conferred. Patent Owner does not oppose Petitioner's filing of the requested 10-page reply addressing the *Fintiv* factors provided that Petitioner does not oppose Patent Owner filing a 10-page sur-reply addressing the issues raised in Petitioner's reply. The parties thus jointly request authorized briefing. Should the Board desire a call, the parties will make themselves available at a mutually agreeable time.

The parties are amenable to Petitioner filing the reply within 5 business days after the issuance of an order authorizing the briefing and to Patent Owner filing its sur-reply within 5 business days after Petitioner files its reply.

Respectfully submitted,

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