From: Trials <Trials@USPTO.GOV>
Sent: Thursday, October 1, 2020 4:16 PM
To: Chachkes, Alex V. <achachkes@orrick.com>; Trials <Trials@USPTO.GOV>
Cc: 'wameunier@mintz.com' <wameunier@mintz.com>; 'mtrenaud@mintz.com' <mtrenaud@mintz.com>; 'arizk@mintz.com' <arizk@mintz.com>; 'IFT_IPRS@mintz.com' <IFT_IPRS@mintz.com>
Subject: RE: IPR2020-01003: Request for Authorization to File Reply to Patent Owner's Preliminary Response

Counsel,

The Board authorizes Petitioner to file a reply brief, limited solely to the issue raised in Petitioner's request for leave to file. The brief shall not exceed 4 pages, and is due one week from today. Patent Owner is authorized to file a sur-reply brief, limited to responding to the arguments in Petitioner's reply brief. The sur-reply also shall not exceed 4 pages, and is due one week from the filing of Petitioner's reply brief.

Regards,

Andrew Kellogg,
Supervisory Paralegal
Patent Trial and Appeal Board
USPTO
andrew.kellogg@uspto.gov
(571)272-7822

From: Chachkes, Alex V. <achachkes@orrick.com>
Sent: Wednesday, September 30, 2020 11:10 AM
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Subject: IPR2020-01003: Request for Authorization to File Reply to Patent Owner's Preliminary Response

Dear Board,

Petitioner requests leave to file a reply brief to Patent Owner's Preliminary Response ("POPR") in IPR2020-01003. The reply would be limited to addressing Patent Owner's argument that the Board should deny institution based on *Apple v. Fintiv* and the status of the related district court proceeding before Judge Albright. In particular, Petitioner requests an opportunity to address the *Fintiv* factors under *Sand Revolution II, LLC v. Continental Intermodal Group – Trucking LLC*, IPR2019-01393, Paper 24 (P.T.A.B. June 16, 2020), which also involved a parallel proceeding before Judge Albright and in which the Board ultimately reversed discretionary denial of institution. *Sand Revolution II* issued after the filing of the Petition and was designated "Informative" on July 13, 2020. Petitioner notes that the Board has recently authorized

reply briefs in similar situations. *See, e.g.*, *SK Innovation Co., Ltd. v. LG Chem, Ltd.*, IPR2020-00987, Paper 10 (P.T.A.B. Sept. 21, 2020); *SHDS, Inc. v. TruInjet Corp.*, IPR2020-00935, Paper 8 (P.T.A.B. Sept. 11, 2020).

The parties have met and conferred. Patent Owner indicated that it opposes Petitioner's request. If necessary, Petitioner is available for a conference call at your convenience.

Respectfully submitted,
Alex Chachkes
Lead Counsel for Petitioner

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