

**From:** [Trials](#)  
**To:** [Jung, Hyun](#); [Powell, Neil](#); [Scanlon, Patrick](#)  
**Cc:** [Trials](#)  
**Subject:** FW: IPRs2020-01477, -01478, -01479, and -01480 | Petitioner's Request for Leave to File Motions to File Corrected Petitions and Replies to Patent Owner's Preliminary Responses  
**Date:** Friday, December 4, 2020 4:53:44 PM

---

Please see below

Thanks  
Andrew

---

**From:** Albright, Jeremy <jeremy.albright@nortonrosefulbright.com>  
**Sent:** Friday, December 4, 2020 2:39 PM  
**To:** Trials <Trials@USPTO.GOV>  
**Cc:** 'joshua.goldberg@finnegan.com' <joshua.goldberg@finnegan.com>; 'kathleen.daley@finnegan.com' <kathleen.daley@finnegan.com>; 'justin.loffredo@finnegan.com' <justin.loffredo@finnegan.com>; Robinson, Eagle <eagle.robinson@nortonrosefulbright.com>; Pohl, Michael <michael.pohl@nortonrosefulbright.com>  
**Subject:** IPRs2020-01477, -01478, -01479, and -01480 | Petitioner's Request for Leave to File Motions to File Corrected Petitions and Replies to Patent Owner's Preliminary Responses

Trials,

Petitioner respectfully requests leave to file:

1. Motions under 37 C.F.R. § 42.104(c) to file corrected petitions in the '1477, '1478, '1479, and '1480 Proceedings to correct clerical errors; specifically:
  - a. for the '1477 Proceeding, removes references to claims 11 and 15 in Ground 13's headings and introduction, replaces the citation to Section VIII.A.1 with a citation to Section VIII.A.2 on Petition page 71, and makes the same correction on Petition pages 43, 44, 74, 77, 82, and 86.
  - b. for the '1478 Proceeding, replaces the citations to "30[c][5], 3-[d][1]-[2]" with "28[c][5], 28[d][1]-[2]" on Petition page 82, replaces the citation to Limitation 4 with a citation to Limitation 3 on Petition page 75 and the citation to Limitation 3 with a citation to Limitation 2 on Petition page 76, and makes the headings and introductory paragraph to Section VIII.A.2 consistent with its mappings.
  - c. for the '1479 Proceeding, replaces the citation to Section VIII.B.2 with a citation to Section VIII.B.3 on Petition page 86 and makes similar corrections on Petition pages 90, 93, and 94 (replacing "§VIII.B.2" with "§VIII.B.3").
  - d. for the '1480 Proceeding, replaces the citation to Section VIII.A.2 for Limitation 1[b][2] on Petition page 75 with a citation to Section VIII.B.2, replaces "§VIII.A.2" with "§VIII.A.3" for Limitations 21[a][3] and 21[b][4] on Petition pages 81 and 82, and

replaces “Limitation 1[a][1]” with “Limitation 1[a][2]” on Petition page 74.

Petitioner first became aware of these issues after reviewing PO’s Preliminary Responses, and believes there would be no prejudice to PO because Petitioner’s intended references were addressed in the POPRs and/or were clear in context.

2. Replies under 37 C.F.R. § 42.108(c) to PO’s Preliminary Responses in each of the ’1477, ’1478, ’1479, and ’1480 Proceedings to respond to PO’s Section 314(a) arguments. Petitioner believes there is good cause to allow Preliminary Replies because these arguments were not foreseeable, Section 314(a) issues are dispositive, and a better-developed record should be helpful to the Board’s institution decision.

Petitioner explained these requests to PO, and PO opposes both.

The parties are available for a Board call on December 9th or 10th after 2 pm Eastern, or at any time on December 11th.

Patent Owner’s Remarks:

Patent Owner opposes any relief sought by Petitioner in this email. Patent Owner informed Petitioner of its understanding that the email should not include any arguments by either party.

Petitioner, however, was unwilling to share a draft of the email before sending it to the Board. Patent Owner thus also opposes the inclusion of any arguments by Petitioner in this email.

Sincerely,

Jeremy Albright

*Back-up Counsel for Petitioner*

**Jeremy Albright** | Senior Associate

Norton Rose Fulbright US LLP

98 San Jacinto Boulevard, Suite 1100, Austin, Texas 78701-4255, United States

Tel +1 512 536 3111 | Fax +1 512 536 4598

[jeremy.albright@nortonrosefulbright.com](mailto:jeremy.albright@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).