Exhibit 3001

From: Trials
Sent: Wednesday, March 10, 2021 11:24 AM
To: Jason Perilla; Trials; Roney, Edward M (78719)
Cc: Trembath, Jon R (74868); Heersink, Linda K (70028); Sorey, Jane (78749); Todd Deveau; Scott Amy
Subject: RE: Dynatemp Int'l. v. R 421A, IPR2020-01660

Counsel, The Board acknowledges Petitioner's request to withdraw Grounds 4, 5, and 7 of the Petition from consideration (as set forth in Petitioner's March 3 email) and Patent Owner's objection to Petitioner's request to withdraw Grounds 4, 5, and 7 of the Petition from consideration (as set forth in Patent Owner's email of March 5 email). We take both Petitioner's request and Patent Owner's objection to that request under advisement, and will address them in due course. No conference call or submissions from the parties on this issue are necessary at this time.

Regards,

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

From: Jason Perilla <j.perilla@thip.law>
Sent: Friday, March 5, 2021 2:55 PM
To: Trials <Trials@USPTO.GOV>; Roney, Edward M (78719) <emroney@michaelbest.com>
Cc: Trembath, Jon R (74868) <jrtrembath@michaelbest.com>; Heersink, Linda K (70028) <lkheersink@michaelbest.com>; Sorey, Jane (78749) <jsorey@michaelbest.com>; Todd Deveau <t.deveau@thip.law>; Scott Amy <s.amy@thip.law>
Subject: RE: Dynatemp Int'l. v. R 421A, IPR2020-01660

Dynatemp Int'l. v. R 421A, IPR2020-01660

Dear Board,

Further to the Board's order below, Patent Owner objects to Petitioners' request to withdraw Grounds 4, 5, and 7 in the Petition (Paper 4) from consideration in IPR2020-01660.

Regards,
Jason Perilla, Partner

Thomas | Horstemeyer
INTELLECTUAL PROPERTY ATTORNEYS
3200 Windy Hill Road SE | Suite 1600E | Atlanta, GA 30339
O: (770) 933-9500 | F: (770) 951-0933
thomashorstemeyer.com

From: Trials <Trials@USPTO.GOV>
Sent: Thursday, March 4, 2021 11:23 AM
To: Roney, Edward M (78719) <emroney@michaelbest.com>

Cc: Trembath, Jon R (74868) <jrtrembath@michaelbest.com>; Jason Perilla <j.perilla@thip.law>; Jason Perilla <j.perilla@thip.law>; Heersink, Linda K (70028) <lkheersink@michaelbest.com>; Sorey, Jane (78749) <jsorey@michaelbest.com>
Subject: RE: Dynatemp Int'l. v. R 421A, IPR2020-01660

Counsel,

The panel has considered Petitioner's request to file a Reply to Patent Owner's Preliminary Response to the Petition, and has determined that additional briefing may be useful to the Board. Accordingly, Petitioner is authorized to file a two page Reply, strictly limited to responding to the issue of whether cyclopentane is a refrigerant gas raised in the Preliminary Response (as set forth in Petitioner's email request), within three business days of this email. Patent Owner is authorized to file a two page Sur-Reply, strictly limited to addressing issues raised in the Reply, within three business days of the filing of the Reply. No new evidence may be filed with either brief. An Order memorializing this authorization shall issue in due course; however, the time for filing the Reply shall run from the date of this email. The panel is aware of Petitioner's request to withdraw Grounds 4, 5, and 7 of the Petition from consideration, as also set forth in Petitioner's email request. The parties are ordered to notify the Board whether there is an objection to Petitioner's request to withdraw Grounds 4, 5, and 7 from consideration by no later than close of business tomorrow and a decision on that request will also be memorialized in the above-noted Order. No conference call is necessary at this time.

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

From: Roney, Edward M (78719) <emroney@michaelbest.com>
Sent: Wednesday, March 3, 2021 4:29 PM
To: Trials <Trials@USPTO.GOV>
Cc: Trembath, Jon R (74868) <jrtrembath@michaelbest.com>; jason.perilla@thomashorstemeyer.com; Jason Perilla <j.perilla@thip.law>; Heersink, Linda K (70028) <lkheersink@michaelbest.com>; Sorey, Jane (78749) <jsorey@michaelbest.com>
Subject: Dynatemp Int'l. v. R 421A, IPR2020-01660

Re: Dynatemp Int'l. v. R 421A, IPR2020-01660

Dear Board:

Petitioner requests a conference call to discuss two issues. First, Patent Owner's Preliminary Response suggests cyclopentane is a refrigerant gas. Petitioner seeks leave to file a Reply to Patent Owner's Preliminary Response to show that cyclopentane is neither a refrigerant nor a gas. Second, Petitioner seeks leave to withdraw Petition Grounds 4, 5 and 7 from consideration. The parties have met and conferred. The relevant record for the request for leave to file a Reply is Patent Owner's Preliminary Response (e.g., p. 34, 58-59). The relevant record for the request for leave to withdraw Grounds 4, 5 and 7 is the Petition.

The parties are available for a call Thursday, March 4 before 9:30am, from 10:30am through 11:30am, and between 3:00pm and 5:00pm; and, Friday, March 5 between 8:30am and 10:00am, between 10:30am and 1:00pm, and after 1:30pm. All times are Eastern.

Sincerely,

Ed.

Edward M. Roney
Partner
Managing Partner, Raleigh Office
E emroney@michaelbest.com
T 984.220.8719 | **M** 847.687.9511 | **F** 877.398.5240
Michael Best **A LexMundi Member**
Michael Best & Friedrich LLP
my bio | our firm | vCard

From: Trials
Sent: Friday, March 5, 2021 11:08 AM
To: Trials; Jason Perilla
Cc: Trembath, Jon R (74868); Heersink, Linda K (70028); Sorey, Jane (78749); Todd Deveau; Scott Amy; Roney, Edward M (78719)
Subject: RE: Dynatemp Int'l. v. R 421A, IPR2020-01660

Counsel: In response to Patent Owner's email of March 4, 2021 (time stamped 1:52 pm EST), the Board would like to make clear the Board's expectations regarding the proper use of email communication to the Board. Specifically, an email requesting a conference call should indicate generally the relief being requested or the subject matter of the conference call, state whether the opposing party opposes the request, and include multiple times when all parties are available. The email may not contain substantive argument and, unless otherwise authorized, may not include attachments. Please ensure that all future communications are in accordance.

The Board explained that additional briefing "may be helpful to the Board," a circumstance that fully justifies our grant of additional briefing. The Board is authorized to waive the "good cause" provisions of Rule 42.108(c). 37 C.F.R. § 42.5(b). Petitioner's three-day period for filing the Reply previously authorized shall commence on Monday, March 8th. Patent Owner's time for filing any Sur-Reply shall not change; Patent Owner's three day period for filing shall commence on the date Petitioner files any Reply.

Regards,

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

From: Trials <Trials@USPTO.GOV>
Sent: Thursday, March 4, 2021 3:55 PM
To: Jason Perilla <j.perilla@thip.law>
Cc: Trembath, Jon R (74868) <jrtrembath@michaelbest.com>; Heersink, Linda K (70028) <lkheersink@michaelbest.com>; Sorey, Jane (78749) <jsorey@michaelbest.com>; Todd Deveau <t.deveau@thip.law>; Scott Amy <s.amy@thip.law>; Roney, Edward M (78719) <emroney@michaelbest.com>
Subject: RE: Dynatemp Int'l. v. R 421A, IPR2020-01660

Counsel,

The Board is aware of Patent Owner's email requesting that the Board vacate the decision authorizing Petitioner to file a two-page Reply to Patent Owner's Preliminary Response to the Petition limited to the issue of whether cyclopentane is a refrigerant gas raised in the Preliminary Response, and Patent Owner to file a two page Sur-Reply addressing issues raised in the Reply, and that the Board deny Petitioner's request. The time period for Petitioner to file a Reply to Patent Owner's Preliminary Response to the Petition is, therefore, tolled until after the Board has responded to Patent Owner's email request.

Thank you,
Eric W. Hawthorne
Supervisory Paralegal Specialist

From: Jason Perilla <j.perilla@thip.law>
Sent: Thursday, March 4, 2021 1:52 PM
To: Trials <Trials@USPTO.GOV>
Cc: Trembath, Jon R (74868) <jrtrembath@michaelbest.com>; Heersink, Linda K (70028) <lkheersink@michaelbest.com>; Sorey, Jane (78749) <jsorey@michaelbest.com>; Todd Deveau <t.deveau@thip.law>; Scott Amy <s.amy@thip.law>; Roney, Edward M (78719) <emroney@michaelbest.com>
Subject: RE: Dynatemp Int'l. v. R 421A, IPR2020-01660

Dear Board: (Copying also Todd Deveau and Scott Amy, counsel for Patent Owner)

Patent Owner objects to Petitioners' request to file a reply to Patent Owner's Preliminary Response (POPR) filed January 22, 2021, in IPR2020-01660 (Paper 9). Petitioners must show good cause to file such a reply but have not done so. Petitioner's March 3, 2021, e-mail was simply a request to schedule a call with the Board, during which time Petitioner could attempt to show good cause. The Board's March 4, 2021, e-mail is prejudicial to Patent Owner to the extent it permits Petitioners to file a reply without good cause shown, which is also contrary to procedural requirements, and Patent Owner having an opportunity to rebut any case for good cause.

37 C.F.R. § 42.108(c) states that "A petitioner may seek leave to file a reply to the preliminary response in accordance with §§ 42.23 and 42.24(c)," qualifying that "Any such request ***must make*** a showing of good cause." (emphasis added). The procedure in this scenario is outlined in the decision denying authorization to file a reply in *Xactware Solutions, Inc. vs. Pictometry International Corporation*, IPR2016-00593, IPR2016-00594, Paper 11, which is attached. In *Xactware*, a call was conducted in which both Petitioner and Patent Owner outlined points for and against good cause for a reply, and the Board issued the attached order after the call.

Petitioners did not show (or even attempt to show) good cause in the March 3, 2021, e-mail, as the only statement in support was that the "relevant record for the request for leave to file a Reply is Patent Owner's Preliminary Response (e.g., p. 34, 58-59)."

According to the standard for good cause in *Xactware*, the Board could inquire into whether or not Patent Owner made a misstatement as to the facts or the law in the POPR. Patent Owner has not made a misstatement as to any property or quality of cyclopentane, and the record clearly shows that cyclopentane is a refrigerant gas. Petitioners overlooked and ignored the fact that cyclopentane is a refrigerant gas despite the evidence in their own exhibits, and this oversight weighs against good cause. Specifically, Petitioners cannot show good cause because the record contains only evidence that cyclopentane is a refrigerant gas (and does not contain any evidence to the contrary that Patent Owner is aware of). If Petitioners had reason to believe that cyclopentane was not a refrigerant gas at the outset, they should have brought such evidence and arguments in the Petition, although they did not. Additionally, Petitioners have not shown Patent Owner to have made a misstatement or take an inconsistent position in the POPR.

The current record demonstrates that cyclopentane is a refrigerant gas. Cyclopentane is a hydrocarbon, and hydrocarbons are known as refrigerant gases, even if sometimes identified as additives for being included in small amounts. Powell states that "Preferred hydrocarbons additives are selected from the group consisting of: 2-methylpropane, 2,2-dimethylpropane, ***butane***, ***pentane***,2-methylbutane, ***cyclopentane***, hexane, 2-methylpentane, 3-methylpentane, 2,2-dimethylbutane and methylcyclopentane." EX1007, 3:39-43. Hydrocarbons are well-known as refrigerants and classified as such by the standards group ASHRAE. *See* EX2015, 2 (identifying non-exclusive list of hydrocarbon refrigerants R-600 ***butane*** and R-601 ***pentane***, among others, which were stated by Powell along with ***cyclopentane***). Examiner Hardee also identified hydrocarbons as refrigerants during prosecution of the related U.S. Patent No. 10,703,949. See POPR Paper 9, citing EX2003, 29 (Examiner Hardee stating that the "reference [Powell] discloses percentages of the two recited refrigerants … , but a careful reading shows that … a *third* ***refrigerant, a hydrocarbon***, is present in all compositions."

Singh identifies cyclopentane as a refrigerant. EX1011, (Claim 1: "A composition comprising a refrigerant, said refrigerant comprising at least from about 35 to about 80 parts by weight of R-125, from about 15 to about 60 parts by weight of R-134a, and from about 0.1 to about 5 parts by weight of cyclopentane."); ¶ [0021] (distinguishing cyclopentane from other additives, stating "In addition to R-125, R-134a and cyclopentane, the compositions of the invention may also contain

additives … "); ¶ [0020] ("the present refrigerant compositions consist essentially of R-125, R-134a and cyclopentane"); ¶ [0015] (teaching the replacement of the refrigerant n-pentane with another, cyclopentane, to improve solubility).

Patent Owner respectfully urges the Board to vacate the authorization for Petitioners to file a reply to the POPR in the 11:23 AM, March 4, 2021, e-mail, because Petitioners have not shown good cause. Patent Owner also respectfully requests that the Board deny Petitioners request to file the reply for the reasons stated above. As an alternative to the denial, Patent Owner requests that the Board schedule a call with the parties to discuss whether or not Petitioners can show good cause to file the reply.

Regards,
Jason Perilla, Partner

Thomas | Horstemeyer
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Subject: RE: Dynatemp Int'l. v. R 421A, IPR2020-01660

Counsel,

The panel has considered Petitioner's request to file a Reply to Patent Owner's Preliminary Response to the Petition, and has determined that additional briefing may be useful to the Board. Accordingly, Petitioner is authorized to file a two page Reply, strictly limited to responding to the issue of whether cyclopentane is a refrigerant gas raised in the Preliminary Response (as set forth in Petitioner's email request), within three business days of this email. Patent Owner is authorized to file a two page Sur-Reply, strictly limited to addressing issues raised in the Reply, within three business days of the filing of the Reply. No new evidence may be filed with either brief. An Order memorializing this authorization shall issue in due course; however, the time for filing the Reply shall run from the date of this email. The panel is aware of Petitioner's request to withdraw Grounds 4, 5, and 7 of the Petition from consideration, as also set forth in Petitioner's email request. The parties are ordered to notify the Board whether there is an objection to Petitioner's request to withdraw Grounds 4, 5, and 7 from consideration by no later than close of business tomorrow and a decision on that request will also be memorialized in the above-noted Order. No conference call is necessary at this time.

Thank you,
Eric W. Hawthorne
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Re: Dynatemp Int'l. v. R 421A, IPR2020-01660

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Sincerely,

Ed.

Edward M. Roney
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Managing Partner, Raleigh Office
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T 984.220.8719 | **M** 847.687.9511 | **F** 877.398.5240
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