

From: [Sanders, Carl](#)
To: [Trials](#)
Cc: [Alemanni, John](#); [Scheller, Brad](#); [Snell, Peter](#); [Sanders, Carl](#)
Subject: RE: IPR2022-01389 – Petitioner's Request to File Reply Brief to Patent Owner's Preliminary Response
Date: Friday, February 17, 2023 11:59:24 AM

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[Trials](#),

The parties have met and conferred and agree that the arguments presented in the Petition and the Preliminary Response with respect to Fintiv are now moot given the transfer of the corresponding litigation to the Northern District of California. Patent Owner agrees that it is not relying on Fintiv grounds in connection with its request in the Preliminary Response that the Board deny institution.

Best,
Carl

Carl Sanders

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From: Trials <Trials@USPTO.GOV>
Sent: Thursday, February 16, 2023 10:42 AM
To: Trials <Trials@USPTO.GOV>; Sanders, Carl <csanders@kilpatricktownsend.com>
Cc: Alemanni, John <jalemanni@kilpatricktownsend.com>; Scheller, Brad <BMScheller@mintz.com>; Snell, Peter <PFSnell@mintz.com>
Subject: RE: IPR2022-01389 – Petitioner's Request to File Reply Brief to Patent Owner's Preliminary Response

Counsel,

Please provide an answer to the Board by noon Eastern Time tomorrow, February 17, about whether the *Fintiv* arguments are now moot.

Regards,

Esther Goldschlager
Supervisory Paralegal Specialist
Patent Trial & Appeal Board

IPR2022-01389
Ex. 3001

U.S. Patent & Trademark Office

From: Trials <Trials@USPTO.GOV>

Sent: Thursday, February 9, 2023 8:37 AM

To: Sanders, Carl <csanders@kilpatricktownsend.com>; Trials <Trials@USPTO.GOV>

Cc: Alemanni, John <jalemanni@kilpatricktownsend.com>; Scheller, Brad <BMScheller@mintz.com>; Snell, Peter <PFSnell@mintz.com>

Subject: RE: IPR2022-01389 – Petitioner's Request to File Reply Brief to Patent Owner's Preliminary Response

Counsel,

Before addressing Petitioner's request to file a Reply related to the *Fintiv* arguments, the Board asks the parties to meet and confer to determine whether the *Fintiv* analysis is now moot, given that the District Court has granted the motion to transfer.

Regards,

Esther Goldschlager
Supervisory Paralegal Specialist
Patent Trial & Appeal Board
U.S. Patent & Trademark Office
(571) 272-7822

From: Sanders, Carl <csanders@kilpatricktownsend.com>

Sent: Monday, February 6, 2023 5:21 PM

To: Trials <Trials@USPTO.GOV>

Cc: Alemanni, John <jalemanni@kilpatricktownsend.com>; Sanders, Carl <csanders@kilpatricktownsend.com>; Scheller, Brad <BMScheller@mintz.com>; Snell, Peter <PFSnell@mintz.com>

Subject: IPR2022-01389 – Petitioner's Request to File Reply Brief to Patent Owner's Preliminary Response

CAUTION: This email has originated from a source outside of USPTO. **PLEASE CONSIDER THE SOURCE** before responding, clicking on links, or opening attachments.

Dear Trials,

Petitioner requests leave to file a Reply to Patent Owner's Preliminary Response to address the *Fintiv* factors following the District Court in the companion litigation granting Petitioner's motion to transfer from the Western District of Texas to the Northern District of California.

Petitioner requests permission to file a five-page Reply brief. If leave is granted, Petitioner requests that the brief be due five business days after leave is granted.

Petitioner has conferred with the Patent Owner, who does not intend to oppose Petitioner's request for the Reply brief.

Sincerely,
Carl Sanders
Backup Counsel for Patent Owner



Carl Sanders

Kilpatrick Townsend & Stockton LLP

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