

From: Whitt, Samuel K
Sent: Friday, May 26, 2023 2:19 PM
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Subject: Request for conference call to seek permission to file preliminary replies in IPR2023-00427, IPR2023-00429, IPR2023-00430, IPR2023-00431, IPR2023-00432, and IPR2023-00433

Honorable Board,

Petitioners respectfully request a conference call with the Board to request authorization to file a common preliminary reply addressing arguments raised in Patent Owner's Preliminary Responses regarding assertions relating to real parties in interest (RPI) and the Board's discretion to deny institution under 35 U.S.C. §§ 314 and 315 in each of IPR2023-00427, IPR2023-00429, IPR2023-00430, IPR2023-00431, IPR2023-00432, and IPR2023-00433.

Petitioners have conferred with Patent Owner regarding this request, and the parties have agreed to the following, subject to the Board's approval: (1) Petitioners may submit a common preliminary reply of up to 8 pages in each IPR (i.e., the same paper will be filed in each IPR); (2) Petitioners may submit a common declaration of up to 8 pages in each IPR (i.e., the same declaration will be filed in each IPR); (3) Patent Owner may submit a common sur-reply brief of up to 8 pages in each IPR (i.e., the same sur-reply brief will be filed in each IPR); and (4) if Petitioners submit declaration evidence, Patent Owner will be entitled to cross-examine the declarant before institution and before submitting their sur-reply brief.

The Parties are available for a call at a time convenient for the Board.

In accordance with the Board's precedential decision in *Sotera Wireless, Inc., v. Masimo Corp.*, IPR2020-01019, Paper 12 at 18-19 (PTAB Dec. 1, 2020), Petitioners stipulate that if the Board institutes IPR on a Petition, Petitioners will not pursue in the related district court litigations (*Topia Technology, Inc. v. Dropbox, Inc.*, Case No. 3:23-cv-00062 (NDCA), and *Topia Technology, Inc. v. Box, Inc.*, Case No. 3:23-cv-00063 (NDCA)), with respect to the challenged patent, any ground that Petitioners raised or reasonably could have raised in the IPR proceeding.

Respectfully submitted,

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