

From: [Trials](#)
To: [Greg Donahue](#); [Trials](#)
Cc: celine.crowson@hoganlovells.com; joseph.raffetto@hoganlovells.com; scott.hughes@hoganlovells.com
Subject: RE: IPR2025-00413
Date: Thursday, May 22, 2025 9:01:33 AM

Counsel,

Thank you for your email. The paper that Patent Owner filed on April 28, 2025 was entitled “Patent Owner The Phelan Group, LLC’s Preliminary Response Under 37 C.F.R. § 42.107” and filed under the Paper type “POPR:filed,” indicating that Patent Owner was filing a preliminary response and not a discretionary denial brief. The correct Paper type for a discretionary denial brief is “PO Discretionary Denial Brief.” [FAQs for Interim Processes for PTAB Workload Management](#), FAQ 31. The Board has corrected the Paper type for Patent Owner’s filing and expunged the Notice of Referral to Board Panel (Paper 11). Petitioner’s due date for any opposition to Patent Owner’s discretionary denial brief is May 28.

Regards,

Andrew Kellogg,
Deputy Chief Clerk, Trials
Patent Trial and Appeal Board
USPTO
andrew.kellogg@uspto.gov
(571) 272-5366

From: Greg Donahue <gdonahue@dinovoprice.com>
Sent: Wednesday, May 21, 2025 2:56 PM
To: Trials <Trials@USPTO.GOV>
Cc: celine.crowson@hoganlovells.com; joseph.raffetto@hoganlovells.com; scott.hughes@hoganlovells.com
Subject: RE: IPR2025-00413

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Dear Board:

To clarify, the previous e-mail was sent on behalf of Patent Owner only. Through an oversight, Patent Owner did not confer with Petitioner before sending the previous e-mail. The Petitioner is not requesting any relief related to the matter discussed in the e-mail.

Sincerely,
Gregory Donahue

From: Greg Donahue

Sent: Tuesday, May 20, 2025 6:28 PM

To: trials@uspto.gov

Cc: celine.crowson@hoganlovells.com; joseph.raffetto@hoganlovells.com;
scott.hughes@hoganlovells.com

Subject: IPR2025-00413

Dear Board:

On March 28, 2025, the Board issued a Notice Extending Deadline for Discretion Briefing (Paper 7) in the above-captioned IPR for one month from the date of the notice (*i.e.*, until April 28, 2025). On April 28, 2025, Patent Owner filed a Preliminary Response (Paper 10) addressing only discretionary denial. However, the Board issued a Notice of Referral to Board Panel (Paper 11), stating that the Patent Owner did not file a brief addressing discretionary denial. Please let me know how we can remedy this.

Thanks,
Greg