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To: [Tobin, David](#); [Oaks, Brian](#); [PacifiCorp-PTAB-ME2C](#); [BHershkowitz@gibsondunn.com](#); [Glandorf, David](#); [Litwinsella, NoahLani](#); [Kemp, Michelle M. \(MSN\)](#); [rsjohnson](#); [Patton, Thomas](#); [MidAmerican@fredlaw.com](#); [Michael.piery@quarles.com](#); [lauren.bolcar@quarles.com](#); [midwest@caldwellcc.com](#); [Hamad Hamad](#); [Justin Nemunaitis \(jnemunaitis@caldwellcc.com\)](#); [Richard Cochrane](#)
Cc: [Trials](#)
Subject: RE: IPR2025-00422, -423, -424, -425, -687, -688: Authorization Requested for Additional Briefing
Date: Tuesday, July 22, 2025 11:08:01 AM

Counsel,

Petitioner's request for authorization to file a Reply to Patent Owner's Preliminary Response in IPR2025-00422, -423, -424, -425, -687, and -688 is granted. Petitioner may file a 15-page Reply, limited to issues identified in its email below. Patent Owner is authorized to file a 15-page Sur-reply, responding to the issues raised in the Reply. The Reply must be filed no later than July 29, 2025. The Sur-reply must be filed no later than August 5, 2025.

Regards,

Franchesca I. Alicea Villanueva
Supervisory Paralegal
Patent Trial & Appeal Board
U.S. Patent & Trademark Office

From: Tobin, David <dtobin@mwe.com>
Sent: Monday, July 21, 2025 5:48 PM
To: Trials <Trials@USPTO.GOV>
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Subject: IPR2025-00422, -423, -424, -425, -687, -688: Authorization Requested for Additional Briefing

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Dear Board,

Ex. 3001
IPR2025-00422
IPR2025-00423
IPR2025-00424
IPR2025-00425
IPR2025-00687
IPR2025-00688

We write in connection with respect to the following proceedings: IPR2025-00422 and IPR2025-00423 (U.S. Patent No. 10,668,430), IPR2025-00424 and IPR2025-00425 (U.S. Patent No. 10,589,225), and IPR2025-00687 and IPR2025-00688 (U.S. Patent No. 10,933,370). Petitioners request that the parties be afforded Preliminary Replies and Sur-replies, as outlined below.

The Board previously granted a similar request in IPR2025-00274, IPR2025-00278, IPR2025-00280, and IPR2025-00281, and similar subjects will be raised.

Proposal for IPR2025-00422, -00424, and -00687

Petitioners request a reply to the POPR of 15 pages that would address: (a) RPI/privity; (b) conception and reduction to practice; and (c) Patent Owner's arguments concerning Vosteen and the procedural history of the prior litigations. Petitioners previously submitted RPI/privity arguments in opposition to Patent Owner's discretionary denial briefs that addressed RPI/privity issues. Because Petitioners understand that the Board panel does not review the discretionary denial briefs (Interim Procedures, FAQ No. 12), Petitioners request the ability to also address the RPI/privity arguments in reply to POPR so that they may be considered by the Board panel.

Proposal for IPR2025-00423, -00425, and -00688

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Petitioners request a reply to the POPR of 15 pages that would address: (a) RPI/privity; and (b) priority date analysis.

Petitioners note that across the six proceedings, there is significant overlap in the RPI/Privity arguments. To reduce the burden on the Board panel, Petitioners would add a footnote in each brief to indicate which sections of the brief are identical between proceedings.

To the extent Petitioners are granted leave to submit a reply to the POPR in the above proceedings, they would not oppose a sur-reply from Patent Owner of equal length.

Patent Owner has provided the following position with respect to Petitioners' request: Patent Owner does not oppose Petitioners' request to file replies to the POPRs in these matters, provided that Patent Owner is authorized to file a sur-reply of equal length in each matter.

* * *

If the Board wishes to schedule a conference call to discuss the above, the parties will provide their collective availability for a call upon request. Thank you in advance for your attention to these matters.

Sincerely,

David Tobin
Counsel for Petitioner PacifiCorp

DAVID TOBIN
Partner

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