

From: [Trials](#)
To: [Jodi McLane](#); [Gaum, R. Eric](#)
Cc: [John McInnes](#); [Alissa Digman](#); [White, Ryan O.](#); [Krieger, Daniel J.](#)
Subject: RE: IPR2018-01311 - Request for Authorization
Date: Tuesday, August 13, 2019 4:37:12 PM

Counsel,

Patent Owner is hereby authorized to file a motion to strike. Any motion must be filed **on or before August 16th**. The motion is limited to seven substantive pages (not including table of contents and table of authorities).

Petitioner must file any opposition **on or before August 23rd**. The opposition is also limited to seven substantive pages. No reply is authorized at this time.

In light of the emails sent earlier today, we take this opportunity to remind counsel that, unless authorized previously, emails to the Board should not include “substantive communications” (e.g., argument on an issue) and should not include attachments (e.g., a “draft” motion). See United States Patent and Trademark Office, *Patent Trial and Appeal Board End to End – Technical Issues #2*, <https://www.uspto.gov/patents-application-process/patent-trial-and-appeal-board/trials/patent-trial-and-appeal-board-end>. Instead, a party sending an email to the Board seeking authorization to file a motion “should copy the other party or parties to the proceeding, indicate generally the relief being requested or the subject matter of the conference call, state whether the opposing party or parties oppose the request, and include times when all parties are available.” *Id.* We urge counsel to adhere to these procedures in the future.

Best regards,
Eric W. Hawthorne
Supervisory Paralegal Specialist
Patent Trial and Appeal Board

From: Jodi McLane <Jodi@mcmcip.com>
Sent: Tuesday, August 13, 2019 1:42 PM
To: Gaum, R. Eric <egaum@taftlaw.com>; Trials <Trials@USPTO.GOV>
Cc: John McInnes <John@mcmcip.com>; Alissa Digman <Alissa@mcmcip.com>; White, Ryan O. <RWhite@taftlaw.com>; Krieger, Daniel J. <DKrieger@taftlaw.com>
Subject: IPR2018-01311 - Request for Authorization

Re: Haag-Streit AG v. Eidolon Optical, LLC
IPR2018-01311

Dear Board:

In response to Petitioner’s email, Patent Owner points to the fact that no prejudice was caused to either party as a result of when Patent Owner sought authorization to file its Motion to Strike. Nor

has Petitioner has not alleged any prejudice.

While we acknowledge that motions to strike should generally be requested within a week, this requirement is discretionary. Moreover, the deposition of Petitioner's expert, highlighted the properness and need for the Motion to Strike. The request for authorization was sought a little over a week after the deposition of Petitioner's expert and receipt of the transcript.

Should the Board have any further questions, please let us know if a telephone conference would be helpful.

Best Regards,

Best Regards,
Jodi

Jodi-Ann McLane
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From: Gaum, R. Eric

Sent: Tuesday, August 13, 2019 10:14 AM

To: Trials@USPTO.GOV

Cc: John McInnes ; Alissa Digman ; White, Ryan O. ; Krieger, Daniel J. ; Jodi McLane

Subject: RE: DRAFT - IPR2018-01311 - Request for Authorization

**Re: Haag-Streit AG v. Eidolon Optical, LLC
IPR2018-01311**

Dear Board:

Petitioner, Haag-Streit AG, hereby confirms that it opposes Patent Owner's request to file its proposed Motion to Strike.

Petitioner also submits that Patent Owner's request for authorization to file its Motion to Strike should be denied as untimely. "Generally, authorization to file a motion to strike should be requested within one week of the allegedly improper submission." Trial Practice Guide Update (August 2018), at p. 18. Petitioner's Reply, which is the subject of the Motion to Strike, was filed on July 11, 2019. Patent Owner's request below is dated August 12, 2019, a month after the allegedly improper submission.

Respectfully submitted,

R. Eric Gaum
Counsel for Petitioner Haag-Streit AG

Taft /

R. Eric Gaum / Partner
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From: Jodi McLane <jodi@mcmcip.com>

Sent: Monday, August 12, 2019 4:07 PM

To: Trials@USPTO.GOV

Cc: John McInnes <John@mcmcip.com>; Alissa Digman <Alissa@mcmcip.com>; Gaum, R. Eric <egaum@taftlaw.com>; White, Ryan O. <RWhite@taftlaw.com>; Krieger, Daniel J. <DKrieger@taftlaw.com>

Subject: FW: DRAFT - IPR2018-01311 - Request for Authorization

**Re: Haag Streit AG v. Eidolon Optical, LLC
 IPR2018-01311**

Dear Board:

Patent Owner, Eidolon Optical, LLC, hereby requests authorization to file the attached Motion to Strike on what it believes are improper new issues and evidence raised by Petitioner, Haag-Streit AG, in its Reply (Paper 23 and relied upon evidence) in the above referenced IPR. Counsel for Petitioner has indicated that Petitioner opposes the request.

Best Regards,

Best Regards,
Jodi

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