

From: [Trials](#)
To: [Enrique Iturralde](#); [Trials](#)
Cc: [Vincent Rubino](#); [Peter Lambrianakos](#); [Jialin Zhong](#); [BoxSEAZNL1811LP](#); [PTAB](#); [Colin.Heideman](#)
Subject: RE: IPR2021-01331: Unopposed Request for Supplemental Briefing
Date: Wednesday, December 1, 2021 9:18:44 AM
Attachments: [image002.png](#)

Counsel: Petitioner's unopposed request for supplemental briefing is granted. Petitioner's supplemental brief, limited to the issue of discretionary denial under § 314(a) and, more specifically, to the impact of the recent Order staying the co-pending litigation on the *Fintiv* factors, is due December 3, 2021, and shall not exceed 4 pages. Patent Owner is also permitted to file a supplemental brief, up to 4 pages, limited to the issue of discretionary denial under § 314(a). Patent Owner's brief is due 14 calendar days after the filing of Petitioner's supplemental brief. Petitioner shall include, as an exhibit to its supplemental brief, the district court's stay order.

Thank you,

Maria King
Deputy Chief Clerk for Trials
Patent Trial and Appeal Board
U.S. Patent and Trademark Office
703-756-1288

From: Enrique Iturralde <eiturralde@fabricantllp.com>
Sent: Tuesday, November 30, 2021 4:30 PM
To: Trials <Trials@USPTO.GOV>
Cc: Vincent Rubino <vrubino@fabricantllp.com>; Peter Lambrianakos <plambrianakos@fabricantllp.com>; Jialin Zhong <zhong@zhong-law.com>; BoxSEAZNL1811LP <BoxSEAZNL1811LP@knobbe.com>; PTAB <PTAB@fabricantllp.com>; Colin.Heideman <Colin.Heideman@knobbe.com>
Subject: Re: IPR2021-01331: Unopposed Request for Supplemental Briefing

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Honorable Board,

Patent Owner agrees with Petitioner's request with the following clarification: In corresponding with counsel for Amazon, Vocalife had stated that it "will not oppose Amazon's request for a 4-page supplemental paper so long as Amazon agrees that Vocalife will receive a 4-page supplemental paper to address any new facts, due 14 days after Amazon's supplemental paper." To the extent the Board grants the supplemental briefing, Patent Owner would like to reserve the right to address any new facts relevant to the 314(a) analysis.

Respectfully,

Enrique W. Iturralde
Reg. No. 72,883

Counsel for Patent Owner



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Subject: IPR2021-01331: Unopposed Request for Supplemental Briefing

RE: *Amazon.com, Inc. v. Vocalife LLC*

IPR No. IPR2021-01331

Dear PTAB Trials,

Petitioner writes to seek leave to file a 4-page reply brief to Patent Owner's Preliminary Response ("POPR") pursuant to 37 CFR §42.108(c). Good cause exists because the POPR argues that institution should be denied under § 314(a) in view of the co-pending litigation, which was scheduled for trial in April, 2022. After PO filed the POPR, the district court stayed the litigation. Thus, the facts upon which the petition and the POPR relied are no longer accurate. Petitioner's 4-page reply will be limited to the issue of discretionary denial under § 314(a) and, more specifically, to the impact of the recent Order staying the co-pending litigation on the *Fintiv* factors.

The Parties have conferred and Patent Owner consents to Petitioner's request, provided that Patent Owner is permitted to file a 4-page sur-reply to respond to the arguments raised in Petitioner's reply. Neither the reply nor sur-reply will address the merits of the petition's obviousness arguments.

The Parties have also agreed on the following briefing schedule:

- Amazon shall file its reply by Friday, December 3rd.
- Vocalife shall file its sur-reply by Friday, December 17th.

The Parties do not believe that a conference call is necessary. However, if the Board would like to have a call, the parties will provide their availability. Counsel for Patent Owner is cc'd on this email.

Thank you,

-Colin Heideman
Counsel for Petitioner, Amazon.com, Inc.

Colin Heideman
Partner
206-405-2016 **Direct**
Knobbe Martens

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