

From: [Director_Discretionary_Decision](#)
To: [Brandon R. Theiss](#); [Director_Discretionary_Decision](#)
Cc: [McPherson, Patrick D.](#); [Daniel H. Golub](#); [dhecht@hechtpartners.com](#); [Heather L. King](#); [jstaples@duanemorris.com](#); [Baird, John M.](#); [Richeson, Glenn](#); ["Tyson, Christopher J."](#)
Subject: RE: IPR2025-00617, IPR2025-00618 and IPR2025-00619
Date: Thursday, July 17, 2025 3:22:49 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)

Patent Owner is authorized to file a 5-page reply in IPR2025-00617, 00618, and 00619, due no later than Tuesday, July 22, 2025 limited to responding to Petitioner's contention that the Office materially erred during prosecution.

From: Brandon R. Theiss <BTheiss@vklaw.com>
Sent: Wednesday, July 16, 2025 5:53 PM
To: [Director_Discretionary_Decision](#) <Director_Discretionary_Decision@uspto.gov>
Cc: [McPherson, Patrick D.](#) <PDMcPherson@duanemorris.com>; [Daniel H. Golub](#) <DGolub@vklaw.com>; [dhecht@hechtpartners.com](#); [Heather L. King](#) <HKing@vklaw.com>; [jstaples@duanemorris.com](#); [Baird, John M.](#) <JMBaird@duanemorris.com>; [Richeson, Glenn](#) <GDRicheson@duanemorris.com>; ["Tyson, Christopher J."](#) <CJTyson@duanemorris.com>
Subject: IPR2025-00617, IPR2025-00618 and IPR2025-00619

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Dear Honorable Board and Director,

Patent Owner requests authorization to file a 7-page reply to Petitioner's Opposition To Patent Owner's Request For Denial Of Institution, which Petitioner filed with the Board last evening. Patent Owner requests leave to file a reply to Petitioner's new allegations that the Office materially erred during prosecution. Petitioner made no such allegations in the Petition, and Patent Owner could not have previously addressed Petitioner's allegations that the Office materially erred during prosecution because Petitioner first raised these allegations in its filing made last evening. Patent Owner and Petitioner have conferred. Although Petitioner objects to the content of this email, Petitioner does not appear to oppose Patent Owner filing a 7-page reply Request solely to respond to Petitioner's contention that the Office materially erred during prosecution of this request. (See email below from Petitioner's counsel). Should the Board wish to convene a conference call, the parties are available at the following times:

- Thursday July 17: 9-10am or 4-4:30pm Eastern
- Friday July 18: 9am-3pm Eastern.

Respectfully,
Brandon R. Theiss

From: [Tyson, Christopher J.](#) <CJTyson@duanemorris.com>
Sent: Wednesday, July 16, 2025 2:54 PM
To: [Brandon R. Theiss](#) <BTheiss@vklaw.com>
Cc: [McPherson, Patrick D.](#) <PDMcPherson@duanemorris.com>; [Daniel H. Golub](#) <DGolub@vklaw.com>; [dhecht@hechtpartners.com](#); [Heather L. King](#) <HKing@vklaw.com>; [Staples, Joshua K.](#) <JStaples@duanemorris.com>; [Baird, John M.](#) <JMBaird@duanemorris.com>; [Richeson, Glenn](#) <GDRicheson@duanemorris.com>
Subject: RE: IPR2025-00617, -00618 and -00619

Hi Brandon,

Below, I've revised your proposed email to (i) remove attorney argument (that is not permitted in these email requests to the Board/Director), (ii) streamline (the Director does not want to receive 3 separate emails on essentially the same request), and (iii) add our availability tomorrow and Friday. We do not oppose you sending the below revised email to the Board, and do not oppose PO's request to file a 7-page reply in each IPR as presented in the below revised email. Additionally, I readdressed the email to the Director since, per the PTAB's Workload Management FAQs, emails like the one below are sent to Director_Discretionary_Decision@USPTO.gov.

If this is acceptable to PO, you have our authorization to send the below revised email (with updates to reflect your availability).

-----start of revised email (approved by Petitioner)-----

RE: IPR2025-00617, -00618 and -00619

Dear Honorable Director,

Patent Owner requests authorization to file, in each of the above-identified IPRs, a 7-page reply to Petitioner's Opposition To Patent Owner's Request For Denial Of Institution, which Petitioner filed with the Board last evening. Patent Owner's requested 7-page replies are solely to respond to Petitioner's allegations in each Opposition that the Office materially erred during prosecution. Patent Owner and Petitioner have conferred, and Petitioner does not oppose this request. Should the Board wish to convene a conference call, the parties are available at the following times:

- Thursday July 17: 9-10am or 4-4:30pm Eastern

- Friday July 18: 9am-3pm Eastern.

Respectfully,
Brandon R. Theiss

-----start of revised email (approved by Petitioner)-----

Thanks,
Chris

Christopher J. Tyson
Partner

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cjtyson@duanemorris.com
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From: Brandon R. Theiss <BTheiss@vklaw.com>

Sent: Wednesday, July 16, 2025 12:04 PM

To: Staples, Joshua K. <JStaples@duanemorris.com>; Tyson, Christopher J. <CJTyson@duanemorris.com>; Baird, John M. <JMBaird@duanemorris.com>; Richeson, Glenn <GDRicheson@duanemorris.com>

Cc: McPherson, Patrick D. <PDMcPherson@duanemorris.com>; Daniel H. Golub <DGolub@vklaw.com>; dhecht@hechtpartners.com; Heather L. King <HKing@vklaw.com>

Subject: IPR2025-00617, -00618 and -00619

Counsel,

Patent Owner intends to request authorization to file replies in each of the above-referenced proceedings to address Petitioner's new allegations that, in each case, the Examiner materially erred during prosecution. Kindly let us know by 3:00 pm tomorrow, July 17th whether Petitioner will oppose Patent Owner's requests and, if so, please specify time(s) over the next several days when you will be available for a call with the Board.

Below are the proposed draft emails to the board

RE: IPR2025-00617

Dear Honorable Board,

Patent Owner requests authorization to file a 7-page reply to Petitioner's Opposition To Patent Owner's Request For Denial Of Institution, which Petitioner filed with the Board last evening. Patent Owner requests leave to file a reply to Petitioner's **new** allegations that the Office materially erred during prosecution. Petitioner made no such allegations in the Petition, and Patent Owner could not have previously addressed Petitioner's allegations that the Office materially erred during prosecution because Petitioner first raised these allegations in its filing made last evening. Patent Owner and Petitioner have conferred, and Petitioner [**opposes/does not oppose**] this request. Should the Board wish to convene a conference call, the parties are available at the following times [**insert times**].

Respectfully,
Brandon R. Theiss

RE: IPR2025-00618

Dear Honorable Board,

Patent Owner requests authorization to file a 7-page reply to Petitioner's Opposition to Patent Owner's Request for Denial of Institution, which Petitioner filed with the Board last evening. Patent Owner requests leave to file a reply to Petitioner's new allegations that the Office materially erred during prosecution. Petitioner made no such allegations in the Petition, and Patent Owner could not have previously addressed Petitioner's allegations that the Office materially erred during prosecution because Petitioner first raised these allegations in its filing made last evening. Patent Owner and Petitioner have conferred, and

Petitioner **[opposes/does not oppose]** this request. Should the Board wish to convene a conference call, the parties are available at the following times **[insert times]**.

Respectfully,
Brandon R. Theiss

RE: IPR2025-00619

Dear Honorable Board,

Patent Owner requests authorization to file a 7-page reply to Petitioner's Opposition to Patent Owner's Request for Denial of Institution, which Petitioner filed with the Board last evening. Patent Owner requests leave to file a reply to Petitioner's new allegations that the Office materially erred during prosecution. Petitioner made no such allegations in the Petition, and Patent Owner could not have previously addressed Petitioner's allegations that the Office materially erred during prosecution because Petitioner first raised these allegations in its filing made last evening. Patent Owner and Petitioner have conferred, and Petitioner **[opposes/does not oppose]** this request. Should the Board wish to convene a conference call, the parties are available at the following times **[insert times]**.

Respectfully,
Brandon R. Theiss



Intellectual Property Law

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