

From: [Director Discretionary Decision](#)
To: [Tehranchi, Babak \(Perkins Coie\)](#); [Director Discretionary Decision](#)
Cc: [FW-CLIENT-Pantech-OnePlus-Service](#); [OnePlus-Pantech-IPRService@perkinscoie.com](#); [Fussell, Tripp](#); [Baitchev_ptab@perkinscoie.com](#)
Subject: RE: IPR2025-00763 - Request for permission to file request for discretionary denial out of time
Date: Thursday, September 18, 2025 7:44:40 AM

Patent Owner's request is denied. Patent Owner has not demonstrated good cause for its delay. Additionally, the proceeding has already been referred to a Board panel, and allowing briefing at this stage would disrupt the Board's schedule. Further, in view of Patent Owner's representation that the arguments set forth in Patent Owner's proposed request track grounds already briefed in related proceedings, it does not appear that further briefing will affect the outcome here.

From: Tehranchi, Babak (Perkins Coie) <BTehranchi@perkinscoie.com>
Sent: Friday, August 29, 2025 12:26 AM
To: Director_Discretionary_Decision <Director_Discretionary_Decision@uspto.gov>
Cc: FW-CLIENT-Pantech-OnePlus-Service <Pantech-OnePlus-Service@mayerbrown.com>; OnePlus-Pantech-IPRService@perkinscoie.com; Fussell, Tripp <JFussell@mayerbrown.com>; Baitchev_ptab@perkinscoie.com
Subject: RE: IPR2025-00763 - Request for permission to file request for discretionary denial out of time

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Dear Honorable Director,

Petitioner opposes patent owner's untimely request and does not believe good cause exists for a multitude of reasons, including that the deadline was, August 13, 2025, more than two weeks ago and the case has already been referred to a Board Panel on August 18, 2025. Paper 4.

Petitioner also believes Patent Owner's email is impermissibly argumentative, but notes that Patent Owner's stated reasons for this request are inconsistent with the facts on record, such as in IPR2025-00637 (related to US 9,763,283 patent), where in the opposition to the discretionary denial brief filed on July 17, 2025, Petitioner specifically alerted the Patent Owner of its tardiness by stating that "In IPR2025-00763, Patent Owner has still failed to file its Mandatory Notice yet—more than two months after service of the petition on May 14, 2025." Paper 13, 41. Patent Owner was again put on notice of its failure to file a Mandatory Notice in this proceeding on August 19, 2025 via Petitioner's discretionary denial oppositions in IPR2025-00762 (Paper 7, 34-35) and IPR2025-00783 (Paper 8, 45-46). Patent Owner did not file its mandatory notice until August 26, 2025.

Petitioner will refrain addressing the substance of Patent Owner's arguments via email absent leave to do so. Petitioner is also available for a call should the Director have any questions.

Respectfully submitted,

Babak Tehranchi
Counsel for Petitioner

Babak Tehranchi, Ph.D.
PATENT ATTORNEY – PARTNER
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From: Fussell, Tripp <JFussell@mayerbrown.com>
Sent: Thursday, August 28, 2025 7:17 PM
To: Director_Discretionary_Decision <director_discretionary_decision@uspto.gov>
Cc: FW-CLIENT-Pantech-OnePlus-Service <Pantech-OnePlus-Service@mayerbrown.com>; *OnePlus-Pantech-IPRService <OnePlus-Pantech-IPRService@perkinscoie.com>
Subject: IPR2025-00763 - Request for permission to file request for discretionary denial out of time

Dear Honorable Director,

Pantech ("Patent Owner") respectfully requests leave to file its request for discretionary denial out of time. Discretionary action is supported here, good cause exists, and consideration on the merits is in the interests of justice, for the following reasons:

1. Inadvertent Docketing Error and Immediate Corrective Action.

The two-month Director-set deadline for discretionary-denial requests elapsed on August 14, 2025. Because of a docketing error, the deadline was not calendared. Patent Owner discovered the error on August 18, 2025, and the undersigned counsel entered an appearance shortly thereafter. Patent Owner makes the present request for leave and has prepared the discretionary-denial request, which can be filed within one business day of the Director's authorization.

2. Absence of Prejudice or Tactical Motive.

The short, two-week delay neither prejudices Petitioner nor disrupts the PTAB's schedule. The arguments set forth in Patent Owner's proposed request track grounds already briefed in related proceedings, including IPR2025-00637 and IPR2025-00720, 00756, 00762, 00783, 00887, 00888. Petitioner is therefore fully apprised of the substance of Patent Owner's position and Patent Owner has no objection to

Petitioner filing its opposition within one month of Patent Owner's request.

3. Interests of Justice and Procedural Consistency.

Petitioner itself relies on the present IPR—IPR2025-00763—as the linchpin for its pending request that the Director reconsider the discretionary denial in IPR2025-00637 (see Petitioner's Paper 18 in IPR2025-00637). Allowing Patent Owner to present its own discretionary-denial arguments here will promote procedural parity, conserve Board resources, and avoid inconsistent outcomes across the co-pending matters. Denying leave would, by contrast, create an asymmetry where the facts and circumstances overlap across all 8 IPRs.

4. Director's Discretion is Warranted; Good-Cause Standard Also Satisfied.

The Director's discretion to grant leave to request discretionary denial out of time is firmly within the broad discretionary powers of 35 U.S.C. § 314(a), rather than the Board's standard for late filings under 37 C.F.R. § 42.5(c)(3). Nevertheless, even if the Board's good-cause standard were considered, it would be satisfied here. The brief delay, prompt corrective action, absence of prejudice to Petitioner, and the substantial overlap with issues already raised by Petitioner in Paper 18 of IPR2025-00637 collectively demonstrate that the circumstances warrant the Director's exercise of discretion. These same factors would also meet the good-cause and interests-of-justice prongs of § 42.5(c)(3), though that standard is not controlling in this context.

For the foregoing reasons, Patent Owner respectfully requests that the Director grant leave and permit filing of its discretionary-denial request within one business day of the Director's authorization.

Patent owner contacted Petitioner's counsel, and Petitioner opposes the request.

Respectfully submitted,

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