

Swift, Erica

From: Director_Discretionary_Decision
Sent: Monday, September 8, 2025 9:57 AM
To: Eric Zelepugas; Director_Discretionary_Decision
Cc: Goldberg, Joshua; Barney, James; Skoyles, Aidan; USPTO; Robert Conley
Subject: RE: Toyota Motor Corp. v. AutoConnect Holdings LLC - IPR2025-00890, 891 – Request for Reply Brief to Petitioner’s Oppositions to Patent Owner’s Requests for Discretionary Denial

Patent Owner is authorized to file a 3-page reply in IPR2025-00890 and IPR2025-00891 due no later than Wednesday, September 10, 2025, limited to addressing the arguments raised below.

From: Eric Zelepugas <zelepugas@avantechlaw.com>
Sent: Friday, September 5, 2025 2:33 PM
To: Director_Discretionary_Decision <Director_Discretionary_Decision@uspto.gov>
Cc: Goldberg, Joshua <joshua.goldberg@finnegan.com>; Barney, James <james.barney@finnegan.com>; Skoyles, Aidan <aidan.skoyles@finnegan.com>; USPTO <USPTO@avantechlaw.com>; Robert Conley <conley@avantechlaw.com>
Subject: Toyota Motor Corp. v. AutoConnect Holdings LLC - IPR2025-00890, 891 – Request for Reply Brief to Petitioner’s Oppositions to Patent Owner’s Requests for Discretionary Denial

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Director:

Patent Owner respectfully seeks authorization to file a Reply Brief in support of Patent Owner’s Requests for Discretionary Denial in each of IPR2025-00890 and IPR2025-00891. Such authorization is warranted upon a showing of good cause. Good cause exists here because Petitioner advanced several arguments that were neither reasonably foreseeable based on the petition nor responsive to the arguments raised in Patent Owner’s requests.

For example, Petitioner advances arguments concerning the second prong of the *Advanced Bionics* framework for evaluating denials under 35 U.S.C. § 325(d) concerning petitions based on cumulative prior art, and even introduces new prior art exhibits and substantive analysis of those new prior art exhibits to support its argument on this issue. See *Toyota Motor Corp. et al. v. AutoConnect Holdings LLC*, IPR2025-00890, Paper 7, pp. vi-vii, 1-8; *Toyota Motor Corp. et al. v. AutoConnect Holdings LLC*, IPR2025-00891, Paper 7, pp. v-vi, 1-6. But Patent Owner does not seek discretionary denial under § 325(d) and never made any arguments to which that inquiry relates. Indeed, 35 U.S.C. § 325(d) is irrelevant here because neither party has argued that the Petitions rely on the same or substantially the same art or arguments.

As another example, Petitioner argues that “the complexity of the parallel litigation” is a relevant consideration that outweighs the other factors governing discretionary denial. See *Toyota Motor Corp. et al. v. AutoConnect Holdings LLC*, IPR2025-00890, Paper 7, pp. 14-15, 19-20; *Toyota Motor Corp. et al. v. AutoConnect Holdings LLC*, IPR2025-00891, Paper 7, pp. 12-13, 17-18. But parallel trial complexity is not an established consideration or factor, and Petitioner’s argument is based upon a case that is readily distinguished. Patent Owner could not reasonably anticipate or address such an argument.

Finally, Petitioner advances new alleged facts and data related to the trial date in the parallel proceeding that are inconsistent with objective data and that Patent Owner could not have reasonably anticipated and has not had a chance to address. *See Toyota Motor Corp. et al. v. AutoConnect Holdings LLC*, IPR2025-00890, Paper 7, pp. 13-15; *Toyota Motor Corp. et al. v. AutoConnect Holdings LLC*, IPR2025-00891, Paper 7, pp. 11-13.

As demonstrated above, Petitioner's introduction of new arguments and evidence in its oppositions establishes good cause for granting Patent Owner authorization to file a Reply Brief in support of Patent Owner's Requests for Discretionary Denial in each of IPR2025-00890 and IPR2025-00891. Accordingly, Patent Owner respectfully requests that the Director grant such authorization.

Best regards,

Eric A. Zelepugas

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