

From: [Director_PTABDecision_Review](#)
To: [Herman, K. Patrick](#); Lionel.lavenue@finnegan.com; [Brewer, Evan](#); [Mark Siegmund](#); [Caridis, Alyssa](#); [CentralSquare-Carbyne-IPR](#); [Bell, Cory](#); [Aguilar, Safiya](#); [Coverstone, Caitlin](#)
Subject: RE: IPR2025-00959 - Request for Director Review - Request for Leave for (Short) Reply - Denied
Date: Thursday, December 11, 2025 2:53:00 PM
Attachments: [image001.png](#)
[image002.png](#)

Counsel,

Patent Owner's request for authorization to file a reply in support of its request for Director Review is denied.

Thanks.

IPR2025-00959
Ex. 3103

From: Herman, K. Patrick <pberman@orrick.com>
Sent: Monday, December 8, 2025 12:34 PM
To: [Director_PTABDecision_Review](#) <Director_PTABDecision_Review@uspto.gov>
Cc: Lionel.lavenue@finnegan.com; [Brewer, Evan](mailto:ebrewer@orrick.com); [Mark Siegmund](mailto:msiegmund@cjsjlaw.com); [Caridis, Alyssa](mailto:acaridis@orrick.com); [CentralSquare-Carbyne-IPR](mailto:centralsquare-carbyne-ipr@finnegan.com); [Bell, Cory](mailto:cory.bell@finnegan.com); [Aguilar, Safiya](mailto:safiya.aguilar@finnegan.com); [Coverstone, Caitlin](mailto:caitlin.coverstone@finnegan.com)
Subject: FW: IPR2025-00959 - Request for Director Review - Request for Leave for (Short) Reply

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Dear Director,

Lead Counsel for Petitioner (who was not copied), just received the below email via forward. Petitioner submits that the correspondence is inappropriate and contrary to the Director's—and Board's—rules. Counsel for Patent Owner also failed to meaningfully confer with lead counsel prior to submitting the email and appears (once again) to purposefully misrepresent the state of the district court record. In the event the Director allows for the requested reply, Petitioner requests leave to file a sur-reply. Petitioner also requests leave to seek its costs for responding to such a paper.

Respectfully submitted,
Patrick Herman
Lead Counsel for Petitioner

From: Lavenue, Lionel <lionel.lavenue@finnegan.com>
Sent: Monday, December 8, 2025 8:52 AM
To: Director_PTABDecision_Review@uspto.gov
Cc: [Brewer, Evan](mailto:ebrewer@orrick.com); MSiegmund@CJSJLAW.com; [Caridis, Alyssa](mailto:acaridis@orrick.com); [CentralSquare-Carbyne](mailto:Centralsquare-Carbyne@finnegan.com)

Subject: IPR2025-00959 - Request for Director Review - Request for Leave for (Short) Reply

[EXTERNAL]

Honorable Director,

I am writing on behalf of Patent Owner Tritech Software Systems (“Tritech”) in IPR2025-00959 to respectfully request leave to file a brief reply to correct a material factual issue contained in Carbyne’s opposition to Tritech’s Request for Director Review filed last Friday (December 5, 2025).

Carbyne’s opposition asserts that Tritech raised a “brand new” argument and that Patent Owner was aware of Petitioner’s §112 position as early as the parties’ September 8, 2025 exchange of proposed claim constructions. Carbyne further argues that Tritech “could have” raised this issue in its Preliminary Response. *Carbyne Opp. at 4*. Carbyne’s argument is disingenuous and misleading.

Carbyne omits a critical fact: Carbyne did not include the actual constructions of the “module” terms on September 8, 2025. The accurate timeline is as follows:

- **September 8, 2025:** Parties exchanged proposed claim constructions in related WDTX case.
- **September 15, 2025:** Tritech’s deadline to file its Preliminary Response in IPR2025-00959.
 - At this point in time, nothing in the public record indicated that Carbyne contended the “module” terms invoke §112 ¶6 as means-plus function limitations.
- **October 13, 2025:** Carbyne filed its opening claim construction brief in the district court.
 - This was the first time Carbyne provided (1) an actual construction for the “module” terms and (2) a basis for why the “module” terms should allegedly be construed under §112, ¶6 as means-plus function limitations.
 - This was nearly **one month after** Tritech’s deadline to file its Preliminary Response in this IPR (September 15, 2025).

Only with the filing of Carbyne’s claim construction brief on October 13, 2025 was it clear in the public record that Carbyne was advancing contradictory claim-construction positions between the district court and PTAB. Carbyne’s opposition does not acknowledge this inconsistency at all, let alone attempt to justify it.

Tritech believes that a short reply is necessary to present the Director with an accurate timeline and to address Carbyne’s mischaracterization of the record. Absent leave to file a reply, the Director would be left with an incomplete factual picture—one created by Carbyne’s selective presentation of events.

By email communications on this issue, Carbyne disagrees with Tritech’s position – and opposes the request for leave to file a brief reply.

We appreciate your consideration of this request. Please let us know if Patent Owner can provide any additional information.

Respectfully submitted,

Lionel

Lionel M. Lavenue | [Bio](#)
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