

From: [Director Discretionary Decision](#)
To: [Philip Nelson](#); [Director Discretionary Decision](#); Robert.Keeler@icemiller.com
Cc: [Trials](#); [Director Discretionary Decision](#); [2tmc](#); [2pmn](#); [2Jjg](#); [FCAIPR-515-048](#); [FCAIPR-515-047](#); [FCAIPR-892](#); IM-NSClit@icemiller.com; Safet.Metjahic@icemiller.com
Subject: RE: Request for Conference Regarding Motions for IPR2025-01047 and -01048
Date: Friday, August 22, 2025 8:43:00 AM
Attachments: [image001.png](#)

Patent Owner's late filings of its exhibits are excused, the exhibits will be included as part of the record, and no further briefing is required.

From: Philip Nelson <Philip.Nelson@knobbe.com>
Sent: Thursday, August 21, 2025 10:22 AM
To: [Director_Discretionary_Decision](#) <Director_Discretionary_Decision@uspto.gov>; Robert.Keeler@icemiller.com
Cc: [Trials](#) <Trials@USPTO.GOV>; [Director_Discretionary_Decision](#) <Director_Discretionary_Decision@uspto.gov>; [2tmc](#) <2TMC@knobbe.com>; [2pmn](#) <2pmn@knobbe.com>; [2Jjg](#) <2Jjg@knobbe.com>; [FCAIPR-515-048](#) <FCAIPR-515-048@knobbe.com>; [FCAIPR-515-047](#) <FCAIPR-515-047@knobbe.com>; [FCAIPR-892](#) <FCAIPR-892@knobbe.com>; IM-NSClit@icemiller.com; Safet.Metjahic@icemiller.com
Subject: Re: Request for Conference Regarding Motions for IPR2025-01047 and -01048

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Dear Director,

No, Petitioner does not object to the late filing of the exhibits.

Sincerely,

Philip Nelson
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Irvine, CA 92614
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From: [Director_Discretionary_Decision](#) <Director_Discretionary_Decision@uspto.gov>
Sent: Thursday, August 21, 2025 7:13:45 AM
To: Robert.Keeler@icemiller.com <Robert.Keeler@icemiller.com>
Cc: [Trials](#) <Trials@USPTO.GOV>; [Director_Discretionary_Decision](#) <Director_Discretionary_Decision@uspto.gov>; [2tmc](#) <2TMC@knobbe.com>; [2pmn](#) <2pmn@knobbe.com>; [2Jjg](#) <2Jjg@knobbe.com>; [FCAIPR-515-048](#) <FCAIPR-515-048@knobbe.com>; [FCAIPR-515-047](#) <FCAIPR-515-047@knobbe.com>; [FCAIPR-892](#) <FCAIPR-892@knobbe.com>; [IM-](#)

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<Safet.Metjahic@icemiller.com>

Subject: RE: Request for Conference Regarding Motions for IPR2025-01047 and -01048

Counsel,

Thank you for the email.

Does Petitioner object to the late filing of the exhibits? If so, please briefly explain what prejudice Petitioner has suffered as a result of the late filing.

From: Robert.Keeler@icemiller.com <Robert.Keeler@icemiller.com>

Sent: Wednesday, August 20, 2025 5:01 PM

To: Trials <Trials@USPTO.GOV>

Cc: 2tmc <2TMC@knobbe.com>; 2pmn <2pmn@knobbe.com>; 2Jjg <2Jjg@knobbe.com>; FCAIPR-515-048 <FCAIPR-515-048@knobbe.com>; FCAIPR-515-047 <FCAIPR-515-047@knobbe.com>; FCAIPR-892 <FCAIPR-892@knobbe.com>; IM-NSClit@icemiller.com; Safet.Metjahic@icemiller.com

Subject: Request for Conference Regarding Motions for IPR2025-01047 and -01048

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Dear Honorable Board,

We represent Patent Owner in IPR2025-01046, -01047 and -01048. We write to request a teleconference for authorization to file a motion to excuse the late filing of exhibits accompanying its briefs requesting discretionary denial in IPR2025-01047 and -01048, under 37 C.F.R. § 42.5(c)(3). We have contacted Petitioner and they do not oppose this request. Patent Owner and Petitioner are available for a teleconference on August 21 or August 22 between 1-5 pm ET. Lead counsel for Patent Owner will not be available on August 22, but backup counsel will be available.

Patent Owner diligently attempted to upload the exhibits to PACTS before the deadline on August 18. Patent Owner was successful in timely filing its discretionary denial briefs in IPR2025-01046. Patent Owner experienced technical trouble and decided to file its motions with the Board before the deadline and to file its exhibits later. Patent Owner filed its exhibits in IPR2025-01047 by 12:12 am ET and in IPR2025-01048 by 12:40 am ET, as shown by the emails generated by the PACTS system. Notably, the exhibits in IPR2025-01046 are inclusive of the exhibits in IPR2025-01047 and -01048. Patent Owner served the three discretionary denial briefs and accompanying exhibits on Petitioner by 12:00 am ET.

Patent Owner does not believe that Petitioner can articulate any prejudice. At least for this reason (coupled with the reasons in Patent Owner's briefs), good cause and the interests of justice will support Patent Owner's requested relief. 37 C.F.R. § 42.5(c)(3).

Moreover, the Director may consider "any other considerations bearing on the Director's discretion."

March 26 Memorandum, <https://www.uspto.gov/sites/default/files/documents/InterimProcesses-PTABWorkloadMgmt-20250326.pdf>. This includes “additional facts and circumstances where appropriate, for example, to maintain consistency with discretionary decisions that the Director has already issued . . . or where there are facts and circumstances in the record or in the public domain that are relevant to the determination.” FAQs for Interim Processes for PTAB Workload Management, FAQ No. 10, <https://www.uspto.gov/patents/ptab/faqs/interim-processes-workload-management>.

The exhibits for IPR2025-01047 and -01048 were filed in IPR2025-01046 and thus may be considered in each IPR to maintain consistency with discretionary denial decisions. In addition, the majority of the exhibits are public documents that the Director may take into consideration in determining whether to exercise discretionary denial.

Thank you,
Rob Keeler

Robert Keeler | Associate



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