

From: [Director_DI](#)
To: [Graber, Jennifer L.](#); [Director_DI](#)
Cc: [Knight, Dustin M](#); [Chen, Reuben](#); [Pivovar, Adam](#); [Chang, HanByul](#); jvantassel@cooley.com; zCytekBCLitigation@cooley.com; [Macro, Laura](#); [Moussa, Akkad Y.](#); [Khan, Omar](#); [Dennhardt, Jeffrey](#); [Nyman, Patrick E.](#)
Subject: RE: PGR2025-00084 and PGR2025-00088: Request for Authorization to file Motions to Withdraw Counsel
Date: Monday, March 2, 2026 11:10:06 AM

Patent Owner is authorized to file a 3-page brief in PGR2025-00084 and PGR2025-00088, due no later than Wednesday, March 4, 2026, limited to addressing the matters raised below. Petitioner is authorized a 3-page reply, due no later than Friday, March 6, 2026.

From: Graber, Jennifer L. <Jennifer.Graber@wilmerhale.com>
Sent: Friday, February 27, 2026 3:31 PM
To: Director_DI <Director_DI@uspto.gov>
Cc: Knight, Dustin M <dknight@cooley.com>; Chen, Reuben <rchen@cooley.com>; Pivovar, Adam <apivovar@cooley.com>; Chang, HanByul <hanbyul.chang@cooley.com>; jvantassel@cooley.com; zCytekBCLitigation@cooley.com; Macro, Laura <Laura.Macro@wilmerhale.com>; Moussa, Akkad Y. <Akkad.Moussa@wilmerhale.com>; Khan, Omar <Omar.Khan@wilmerhale.com>; Dennhardt, Jeffrey <Jeffrey.Dennhardt@wilmerhale.com>; Nyman, Patrick E. <Patrick.Nyman@wilmerhale.com>
Subject: RE: PGR2025-00084 and PGR2025-00088: Request for Authorization to file Motions to Withdraw Counsel

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Dear Honorable Director Squires,

We are re-sending the below message to clarify that expert discovery closed on February 24, 2026, not in 2025.

Sincerely,

Jennifer Graber

Dear Honorable Director Squires,

Patent Owner Beckman Coulter respectfully requests authorization to submit Pre-Institution Patent Owner Supplemental Responses limited to 3 pages in PGR2025-00084 and PGR2025-00088. respectively. to address the new and different claim construction and/or indefiniteness positions Petitioner's experts have now taken in the district court after Patent Owner's Preliminary Responses (POPR) were submitted and during expert discovery, which closed on February 24, 2026. Furthermore, after the POPRs were filed, the Director clarified his November 2025 precedential decision in *Revvo Technologies Inc. v. Cerebrum Sensor Technologies Inc.* IPR2025-00632, Paper 20 (Jan. 26, 2026), clarifying that November 2025 precedential decision also applies to non-means-plus-function claim construction issues in general that the "appropriate course of action

under these circumstances is to deny institution.” IPR2025-00632, Paper 36.

Petitioner opposes Patent Owner’s request. Patent Owner had notice of Petitioner’s claim construction and invalidity positions in the related district court litigation well before the close of expert discovery on February 24, 2026 and well before Patent Owner submitted its Requests for Discretionary Denial and Preliminary Responses in PGR2025-00084 (submitted 11/24/2025 and 12/23/2025, respectively) and PGR2025-00088 (submitted 12/2/2025 and 1/2/2026, respectively). Patent Owner’s Requests and POPRs also were all filed well after the Director designated his decision in *Revvo Technologies Inc. v. Cerebrum Sensor Technologies Inc.* IPR2025-00632, Paper 20, precedential on November 3, 2025. Patent Owner has waived its ability to raise these new arguments, and its untimely request for supplemental briefing should be denied. Should the Board decide to grant Patent Owner’s request, however, Petitioner requests authorization to submit replies in response limited to 3 pages each in PGR2025-00084 and PGR2025-00088, respectively.

The parties are available at the following times (ET) for a conference call, should one be required:

- Monday, March 2, 2026: 9-11, 1-2
- Tuesday, March 3, 2026: 11-2, 3.30-5

Sincerely,

Laura Macro

From: Macro, Laura <Laura.Macro@wilmerhale.com>

Sent: Thursday, February 26, 2026 1:29 PM

To: Director_DI <director_di@uspto.gov>

Cc: Knight, Dustin M <dknight@cooley.com>; Chen, Reuben <rchen@cooley.com>; Pivovar, Adam <apivovar@cooley.com>; Chang, HanByul <hanbyul.chang@cooley.com>; jvantassel@cooley.com; zCytekBCLitigation@cooley.com; Moussa, Akkad Y. <Akkad.Moussa@wilmerhale.com>; Khan, Omar <Omar.Khan@wilmerhale.com>; Dennhardt, Jeffrey <Jeffrey.Dennhardt@wilmerhale.com>; Graber, Jennifer L. <Jennifer.Graber@wilmerhale.com>; Nyman, Patrick E. <Patrick.Nyman@wilmerhale.com>

Subject: PGR2025-00084 and PGR2025-00088: Request for Authorization to file Motions to Withdraw Counsel

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clarifying that November 2025 precedential decision also applies to non-means-plus-function claim construction issues in general) that the “appropriate course of action under these circumstances is to deny institution.” IPR2025-00632, Paper 36.

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Sincerely,

Laura Macro

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