

From: [Trials](#)
To: [Marando, Christopher \(WDC\)](#); [*Microsoft-Sandpiper-IPR](#); [jasone-PTAB@sternekessler.com](#); [dblock-PTAB@sternekessler.com](#); [kckelly-PTAB@sternekessler.com](#); [ttang-PTAB@sternekessler.com](#); [tthurheimer-PTAB@sternekessler.com](#); [PTAB@sternekessler.com](#); [*Kaiser Ptab](#); [*lembo-ptab](#); [*Beigelmacher-ptab](#); [*Fowler-ptab](#)
Cc: [Trials](#)
Subject: RE: Microsoft Corporation v. Sandpiper CDN, LLC, IPR2026-00095: Request for Authorization to File Reply to POPR
Date: Thursday, April 23, 2026 12:27:32 PM
Attachments: [image001.png](#)

Counsel,

Petitioner's request is denied as moot.

Regards,

Andrew Kellogg,
Deputy Chief Clerk, Trials
Patent Trial and Appeal Board
USPTO
andrew.kellogg@uspto.gov
(571) 272-5366



From: Marando, Christopher (WDC) <CMarando@perkinscoie.com>
Sent: Monday, March 23, 2026 1:33 PM
To: Director_DI <Director_DI@uspto.gov>
Cc: [jasone-PTAB@sternekessler.com](#); [dblock-PTAB@sternekessler.com](#); [kckelly-PTAB@sternekessler.com](#); [ttang-PTAB@sternekessler.com](#); [tthurheimer-PTAB@sternekessler.com](#); [PTAB@sternekessler.com](#); [*Kaiser Ptab <kaiser-ptab@perkinscoie.com>](#); [*lembo-ptab <lembo-ptab@perkinscoie.com>](#); [*Beigelmacher-ptab <Beigelmacher-ptab@perkinscoie.com>](#); [*Fowler-ptab <Fowler-ptab@perkinscoie.com>](#); [*Microsoft-Sandpiper-IPR <Microsoft-Sandpiper-IPR@perkinscoie.com>](#)
Subject: RE: Microsoft Corporation v. Sandpiper CDN, LLC, IPR2026-00095: Request for Authorization to File Reply to POPR

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Dear Director Squires,

On February 27, 2026, Petitioner requested authorization to file a reply, not exceeding five pages, to Patent Owner's Preliminary Response in IPR2026-00095. Petitioner proposed to file the reply within five business days of receiving authorization. The parties' positions regarding Petitioner's request are detailed in the email below.

Petitioner's request for authorization is currently pending. If the Director needs additional information regarding good cause to grant this request, Petitioner requests a conference call, and the parties will confer and provide times of mutual availability.

Respectfully,

Christopher Marando
PARTNER

Perkins Coie

700 Thirteenth Street, N.W. Suite 800
Washington, DC 20005-3960
[+1.202.654.6227](tel:+12026546227)
cmarando@perkinscoie.com
perkinscoie.com

From: Marando, Christopher (WDC) <CMarando@perkinscoie.com>

Sent: Friday, February 27, 2026 5:23 PM

To: Director_DI@uspto.gov

Cc: jasone-PTAB@sternekessler.com; dblock-PTAB@sternekessler.com; kckelly-PTAB@sternekessler.com; ttang-PTAB@sternekessler.com; tthurheimer-PTAB@sternekessler.com; PTAB@sternekessler.com; *Kaiser Ptab <kaiser-ptab@perkinscoie.com>; *lembo-ptab <lembo-ptab@perkinscoie.com>; *Beigelmacher-ptab <Beigelmacher-ptab@perkinscoie.com>; *Fowler-ptab <Fowler-ptab@perkinscoie.com>; *Microsoft-Sandpiper-IPR <Microsoft-Sandpiper-IPR@perkinscoie.com>

Subject: Microsoft Corporation v. Sandpiper CDN, LLC, IPR2026-00095: Request for Authorization to File Reply to POPR

Dear Director Squires,

Petitioner respectfully requests authorization to file a reply, not exceeding five pages, to Patent Owner's Preliminary Response ("POPR") in IPR2026-00095. Petitioner proposes to file the reply within five business days of receiving authorization.

As background, the petition in IPR2026-00095 was filed 11/3/2025 and presents the same grounds and evidence as the petition in IPR2025-00969, including the declaration of Dr. Mowry. The Office granted institution in IPR2025-00969 on 11/28/2025, and Petitioner has requested joinder in that proceeding.

Petitioner requests authorization to file a reply to address the following issues raised in the POPR:

- Patent Owner's contention that the POPR "presents new arguments not previous[ly] addressed by the Board that demonstrate the Board should deny institution on the merits..."; and
- Patent Owner's contention that the petition's reliance on the declaration of Dr. Mowry is improper (Section VII.C).

There is good cause for Petitioner's request because Petitioner could not have reasonably anticipated that the POPR would contend that the arguments are "new" or that reliance on Dr. Mowry is improper. In addition, the POPR cites Dr. Mowry's testimony from a deposition taken on 2/10/2026 in IPR2025-00969, which Petitioner could not have addressed previously.

Petitioner has conferred with Patent Owner, and Patent Owner **opposes** this request. Patent Owner does not believe there is good cause to warrant a reply given that Petitioner has filed a copycat joinder Petition and has taken a "silent understudy" role regarding the merits of the Petition. See Motion for Joinder, Paper 3, Pages 2, 6. Specifically:

1. It was foreseeable that if the Office instituted in view of the Google IPR POPR arguments Patent Owner would revise its arguments against the Google positions taken in the Petition, and carry those revised arguments into the POPR against Microsoft joinder IPR. So that is not a justification for Microsoft, who agreed to take an understudy role, to get a response to the POPR.
2. It was foreseeable that since Microsoft did not properly provide evidence and/or retain Dr. Mowry, Patent Owner would address that error in its POPR. So that also does not justify a Microsoft reply to Sandpiper's POPR.

To the extent that the Board authorizes Petitioner to file a Reply to the POPR, Patent Owner respectfully requests authorization to file an equal length Sur-reply within 5 business days of Petitioner's Reply.

If the Director needs additional information regarding good cause to grant this request, Petitioner requests a conference call, and the parties will confer and provide times of mutual availability.

Respectfully,

Christopher Marando
PARTNER

Perkins Coie

700 Thirteenth Street, N.W. Suite 800

Washington, DC 20005-3960

+1.202.654.6227

cmarando@perkinscoie.com

perkinscoie.com

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