

From: [Kellogg, Andrew](#)
To: [Casey Kraning](#); [Director_DI](#); [Trials](#)
Cc: [Wintner, Thomas](#); [Cuomo, Peter](#); [Shortell, Elissa](#); [Van Loy, Michael](#); [Jenkins, Kenneth](#); [Diamond, Evan](#); [Karl Renner](#); [IPR58718-0002IP1](#)
Subject: RE: IPR2026-00161 - Petitioner's Request for Reply to Patent Owner Preliminary Response
Date: Monday, March 23, 2026 3:25:20 PM
Attachments: [image001.png](#)

Counsel,

Petitioner is authorized to file a 3-page preliminary reply in IPR2026-00161, due no later than March 26, 2026, limited to addressing the allegations of a missing claim limitation and Petitioner's contradictory positions about the prior art, including the proposed footnote. Patent Owner is authorized to file a 3-page preliminary sur-reply in IPR2026-00161 due no later than March 31, 2026, limited to addressing the same issues.

The parties should file their briefs as papers in P-TACTS.

Regards,

Andrew Kellogg,
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From: Casey Kraning <Kraning@fr.com>
Sent: Monday, March 16, 2026 6:00 PM
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Subject: IPR2026-00161 - Petitioner's Request for Reply to Patent Owner Preliminary Response

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Dear Honorable Board,

Petitioner writes to request authorization to file a Reply to Patent Owner's Preliminary Response in IPR2026-00161. First, Petitioner wishes to address Patent Owner's argument relating to an alleged missing limitation (contained at Paper No. 12 at 5-9), which could not have been reasonably addressed in the Petition. Petitioner submits that the additional information would clarify that Patent Owner's argument rests on a claim construction dispute as to the plain and ordinary meaning of the claims, rather than a failure of proof in the Petition.

Petitioner specifically requests authorization to file a 7-page reply addressing the above issue, without introduction of any new evidence, due one week after the Board grants authorization. In addition, Petitioner would not oppose an equal-length sur-reply for Patent Owner due one week thereafter, limited to addressing this discrete claim construction issue.

Second, Patent Owner's Preliminary Response repeats an argument that Patent Owner made in its Request for Discretionary Denial. *Compare* Paper No. 12 at 9-17, *with* Paper No. 11 at 16-20. Petitioner responded to this argument in its Opposition. See Paper No. 13 at 17-19. As Petitioner pointed out in its response to Patent Owner's request for discretionary denial, Patent Owner either mischaracterizes, misattributes, or fails to provide important context for the statements it points to, and the proposed Petitioner's reply would enable Petitioner to highlight relevant facts necessary to assess the accuracy of Patent Owner's assertions in connection with the merits.

Petitioner respectfully requests the Board's guidance as to whether Petitioner may incorporate by reference those arguments with a one sentence footnote identifying the arguments for the Director's consideration on the merits, or whether Petitioner should request 3 additional pages to repeat these arguments. If the latter, Petitioner so requests an additional 3 pages of Reply.

Petitioner corresponded with Patent Owner regarding this request. Patent Owner requested that the following statement of its position be included in this email as follows:

Patent Owner disagrees that Petitioner has identified issues that could not have reasonably been addressed in the petition, or that good cause for the requested reply has been identified.

On the first issue, Petitioner was obligated to address how the challenged claims should be construed in the petition. Not only did Petitioner fail to offer any constructions, Petitioner expressly stated in the petition that no constructions were

necessary and that plain and ordinary meanings should apply to all claim terms. Then, Petitioner failed to address the plain and ordinary meaning of critical claim limitations in the challenged patent, as measured against the cited prior art.

On the second issue, Petitioner’s decision to contradict itself by characterizing the teachings of the same prior art in the opposite manner than it did while prosecuting its own patents does not justify a need for a reply brief.

Petitioner’s request also fails to justify why an additional 7-10 pages would be needed for a reply brief, particularly where Petitioner used 13,930 words in the petition. However, to the extent that the Board disagrees and believes a reply is warranted to allow Petitioner to address one or both issues, Patent Owner requests a sur-reply of equal length.

Respectfully,
Casey Kraning
Counsel for Petitioner

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Pronouns: she | her | hers

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