

From: [Director_PTABDecision_Review](#)
To: [Hannah, James](#); [Price, Jeffrey H.](#); [Fuller, Jenna](#); [Eng, Jeffrey](#); [Miller, Tiffany](#); ed.sikorski@dlapiper.com; jim.heintz@dlapiper.com; [DLA-ResMed-CleveMed-IPR](#); [SV Docketing](#)
Cc: [Director_PTABDecision_Review](#)
Subject: RE: IPR2023-00565 - Motion for Reconsideration
Date: Thursday, March 13, 2025 10:12:42 AM

Dear Counsel,

The Director's Decision vacating the Board's Decision on Institution in the above-referenced proceeding was issued on November 16, 2023. Any motion for reconsideration of the Director's Decision was due within 14 days of the Decision, or November 30, 2023. See 37 C.F.R. § 42.71(d) and Director Review Process § 5(C)(ii), available at <https://www.uspto.gov/patents/ptab/decisions/director-review-process>. Patent Owner's March 11, 2025 request for authorization to file a motion for reconsideration of the Director's decision, therefore, is untimely and will not be considered.

From: Trials <Trials@USPTO.GOV>
Sent: Wednesday, March 12, 2025 3:10 PM
To: Hannah, James <JHannah@KRAMERLEVIN.com>; Price, Jeffrey H. <JPrice@KRAMERLEVIN.com>; Fuller, Jenna <JFuller@KRAMERLEVIN.com>; Eng, Jeffrey <JEng@KRAMERLEVIN.com>; Miller, Tiffany <tiffany.miller@us.dlapiper.com>; ed.sikorski@dlapiper.com; jim.heintz@dlapiper.com; DLA-ResMed-CleveMed-IPR <DLA-ResMed-CleveMed-IPR@us.dlapiper.com>; SV Docketing <svdocketing@KRAMERLEVIN.com>
Cc: Trials <Trials@USPTO.GOV>; Director_PTABDecision_Review <Director_PTABDecision_Review@uspto.gov>
Subject: RE: IPR2023-00565 - Motion for Reconsideration

Counsel,

A request for reconsideration of a Director Decision should be submitted to the Director Review email box. As a courtesy, we are forwarding this request to the Director Review email box.

Regards,

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

From: Hannah, James <JHannah@KRAMERLEVIN.com>
Sent: Tuesday, March 11, 2025 3:12 PM

IPR2023-00565
Ex. 3106

To: Trials <Trials@USPTO.GOV>

Cc: Price, Jeffrey H. <JPrice@KRAMERLEVIN.com>; Fuller, Jenna <JFuller@KRAMERLEVIN.com>; Eng, Jeffrey <JEng@KRAMERLEVIN.com>; Miller, Tiffany <tiffany.miller@us.dlapiper.com>; ed.sikorski@dlapiper.com; jim.heintz@dlapiper.com; DLA-ResMed-CleveMed-IPR <DLA-ResMed-CleveMed-IPR@us.dlapiper.com>; SV Docketing <svdocketing@KRAMERLEVIN.com>

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Your Honors, in light of the recent developments at the USPTO regarding the rescinding of the Interim Procedure for Discretionary Denials, CleveMed requests authorization to file a motion for reconsideration of the Director's Vacating Decision on Institution. CleveMed proposes that it be allowed to file a 4 page opening brief on the issue and that ResMed be allowed to file a responsive brief of equal length. Petitioner ResMed opposes CleveMed's request for multiple reasons, including that the Board has no authority to reconsider a Director's decision and order.

To the extent the Board wishes to discuss the issue, the parties are available this week Wednesday 1-3pm ET, and Thursday after 1pm ET.

Respectfully,

James Hannah
Counsel for CleveMed

James Hannah
Partner

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