

From: [Trials](#)
To: [Derek Vandenburg](#); [Trials](#)
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Subject: RE: Qualcomm Inc. et al. v. Network Systems Technologies, LLC IPR2024-00343
Date: Thursday, April 25, 2024 8:35:52 AM

Good morning counsel,

The Board received the April 24, 2024, email from Petitioner's counsel below, which contains a response from Patent Owner's counsel. After reviewing the email, in the above proceeding, the Board authorizes (1) Petitioner to file within five business days of this email a Preliminary Reply no longer than eight pages that addresses the issues identified in the April 24 email and (2) Patent Owner to file within ten business days of this email a Preliminary Sur-reply no longer than eight pages that responds to the Preliminary Reply. In the Preliminary Reply, Petitioner should also set forth the reasons it contends good cause exists for having the Board substantively consider the claim construction arguments in the Preliminary Reply and for having the Board substantively consider any newly cited claim construction evidence in the Preliminary Reply. After reviewing the parties' authorized submissions, the Board will decide whether to substantively consider those new claim construction arguments and evidence.

Regards,

Esther Goldschlager
Supervisory Paralegal Specialist
Patent Trial & Appeal Board
U.S. Patent & Trademark Office

From: Derek Vandenburg <DVandenburg@carlsoncaspers.com>
Sent: Wednesday, April 24, 2024 9:36 AM
To: Trials <Trials@USPTO.GOV>
Cc: Christopher, Angelo <achristopher@nixonpeabody.com>; Hayes, Jennifer <jenhayes@nixonpeabody.com>; Stringfield, Daniel <dstringfield@nixonpeabody.com>; Zheng, Helena <hzheng@nixonpeabody.com>; Rabinowitz, Alan <alan.rabinowitz@kirkland.com>; chris.mizzo@kirkland.com; greg.arovas@kirkland.com; Aaron W Pederson <APederson@carlsoncaspers.com>; Nate D Louwagie <NLouwagie@carlsoncaspers.com>; Ryan Rypka <RRypka@carlsoncaspers.com>; Peter M Kohlhepp <PKohlhepp@carlsoncaspers.com>; Joe W Winkels <JWinkels@carlsoncaspers.com>
Subject: Qualcomm Inc. et al. v. Network Systems Technologies, LLC IPR2024-00343

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Dear Board,

I write on behalf of the Petitioners, Qualcomm Inc. and Samsung Electronics Co., Ltd. (collectively "Petitioners") in the above-captioned proceeding. Petitioners seek leave to file an eight (8) page reply to Patent Owner's Preliminary Response. Petitioners submit that good cause exists to respond

to the Section 325(d) and claim construction issues raised in the POPR, particularly in view of Patent Owner's decision to submit testimonial evidence with its preliminary response brief.

Petitioners have conferred with Patent Owner. Patent Owner demanded that we include verbatim the following Statement regarding their position:

Patent Owner's Position

Patent Owner does not oppose Petitioner's request to file a preliminary reply addressing discretionary denial under § 325.

Patent Owner opposes Petitioner's request with respect to claim construction. The mere fact that the Preliminary Response discusses claim construction and offers expert testimony does not constitute good cause for a reply. Petitioners do not allege that they could not have reasonably anticipated Patent Owner's claim constructions, which are the same as in co-pending district court litigation, when filing the Petition. The lack of particularized good cause is underscored by Petitioners' inability to identify which claim term(s) they intends to address in reply when asked during the meet and confer process.

To the extent the Board grants Petitioners' request (either in full or in part), Patent Owner requests authorization to file a preliminary sur-reply of equal length as the reply limited to the same issues.

End of Patent Owner's Position

Petitioners do not object to Patent Owner's request to file a sur-reply of equal length to Petitioners' reply limited to the issues addressed by Petitioners.

The parties are available for a teleconference with the Board to discuss this request any time between 9-5 Eastern on Thursday, April 25 and 9-noon and 2-5 eastern on Friday April 26.

Patent Owner's lead counsel is copied on this communication.

Regards,
Derek Vandenburg

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