

From: [Director_PTABDecision_Review](#)
To: [Frederic Meeker](#); [Parham Hendifar](#); [Nathan Lowenstein](#); [Kenneth Weatherwax](#); [Colette Woo](#); [Engel, Jason A.](#); [ComcastIPRService](#); [Michael Cuvillo](#); [Paul T. Qualey](#); [Joshua Davenport](#); [Craig Kronenthal](#)
Subject: RE: Patent Owner's Request to Submit New Exhibits with Director Review Request for IPR2024-00432; IPR2024-00435; IPR2024-00438
Date: Wednesday, October 29, 2025 1:37:00 PM

Counsel,

Patent Owner's request for authorization to submit exhibits in support of its requests for Director Review in the above identified proceedings is denied.

Thank you.

From: Frederic Meeker <fmeeker@bannerwitcoff.com>
Sent: Monday, October 27, 2025 4:41 PM
To: Director_PTABDecision_Review <Director_PTABDecision_Review@uspto.gov>
Cc: Parham Hendifar <hendifar@lowensteinweatherwax.com>; Nathan Lowenstein <lowenstein@lowensteinweatherwax.com>; Kenneth Weatherwax <weatherwax@lowensteinweatherwax.com>; Colette Woo <woo@lowensteinweatherwax.com>; Engel, Jason A. <jason.engel@klgates.com>; ComcastIPRService <ComcastIPRService@bannerwitcoff.com>; Michael Cuvillo <MCuvillo@bannerwitcoff.com>; Paul T. Qualey <PQualey@bannerwitcoff.com>; Joshua Davenport <JDavenport@bannerwitcoff.com>; Craig Kronenthal <CKronenthal@bannerwitcoff.com>
Subject: Re: Patent Owner's Request to Submit New Exhibits with Director Review Request for IPR2024-00432; IPR2024-00435; IPR2024-00438

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Dear Director:

Further to your request below, Petitioner objects to Patent Owner's request to submit "new exhibits" in its Director Review request because: (1) Patent Owner had an opportunity and already responded to the September 16 Memorandum before the final written decisions were issued; and (2) Patent Owner has not identified what it is requesting to submit and why it was not submitted earlier responsive to the Board's General Order.

Background:

The memorandum was issued on September 16, 2025.

The Board issued its General Order on September 19, 2025 ordering the parties in each of these proceedings to submit any developments relevant to the September 16 memorandum by September 26, 2025. See attached.

Responsive to this request, counsel for Patent Owner sent an email to the

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IPR2024-00438
Ex. 3100

undersigned counsel stating that “It is patent owner’s understanding that no relevant developments have occurred, and no relevant documents exist to be filed. Please advise if Petitioner agrees.” See attached.

Petitioner suggested disclosing additional materials to the Board. See attached.

In response, Patent owner suggested adding an additional document to the disclosures. See attached.

The parties ultimately reached an agreement of counsel on the information to disclose to the Board responsive to the September 16 memorandum, as ordered by the Board on September 19, which is reflected in a September 26th, 2025 e-mail to the Board. See attached.

Analysis:

Regarding (1), Patent Owner’s assertion that it “had no reasonable opportunity to submit its arguments and evidence earlier” is not supported by the record. On September 26, 2025, before the FWDs issued in all 3 IPRs, the parties jointly notified the Board by email of four exhibits that the parties jointly agreed were responsive to the PTAB’s general order for updates concerning developments. Patent Owner did not identify any other proceeding, exhibit, or argument it wanted to present. If there was additional relevant evidence, that was the time for Patent Owner to provide it. Waiting until now, 41 days after the Memorandum and after the final written decisions, is unreasonable.

Regarding (2), Petitioner does not agree to Patent Owner’s request to submit further evidence, given that Patent Owner has not identified the evidence it is requesting to submit now, has not explained why it was not submitted earlier, has not identified what has changed, and has not met and conferred with Petitioner about this request. To Petitioner’s knowledge, there have been no updates or new relevant proceedings since the parties jointly responded to the Memorandum.

Thus, it is clear that the Board did not fail “... to follow the reequipments [sic] set forth in the in the Director’s memorandum...” as alleged by the Patent Owner below.

Petitioner respectfully requests that Patent Owner’s request be denied.

Respectfully,

Frederic Meeker
Counsel for Petitioner

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From: Director_PTABDecision_Review <Director_PTABDecision_Review@uspto.gov>

Sent: Friday, October 24, 2025 10:11 AM

To: Parham Hendifar <hendifar@lowensteinweatherwax.com>; Nathan Lowenstein <lowenstein@lowensteinweatherwax.com>; Kenneth Weatherwax <weatherwax@lowensteinweatherwax.com>; Colette Woo <woo@lowensteinweatherwax.com>; Engel, Jason A. <jason.engel@klgates.com>; ComcastIPRService <ComcastIPRService@bannerwitcoff.com>; Frederic Meeker <fmeeker@bannerwitcoff.com>; Michael Cuiello <MCuiello@bannerwitcoff.com>; Paul T. Qualey <PQualey@bannerwitcoff.com>; Joshua Davenport <JDavenport@bannerwitcoff.com>

Subject: RE: Request to Submit New Exhibits with Director Review Request

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Counsel,

Petitioner may respond with its position as to Patent Owner's request via email by Monday, October 27th.

Thanks.

From: Parham Hendifar <hendifar@lowensteinweatherwax.com>

Sent: Thursday, October 23, 2025 11:38 PM

To: Director_PTABDecision_Review <Director_PTABDecision_Review@uspto.gov>

Cc: Nathan Lowenstein <lowenstein@lowensteinweatherwax.com>; Kenneth Weatherwax <weatherwax@lowensteinweatherwax.com>; Colette Woo <woo@lowensteinweatherwax.com>; Engel, Jason A. <jason.engel@klgates.com>; ComcastIPRService <comcastiprservice@bannerwitcoff.com>; fmeeker@bannerwitcoff.com; mcuiello@bannerwitcoff.com; pqualey@bannerwitcoff.com; jdavenport@bannerwitcoff.com

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RE: [IPR2024-00432](#); [IPR2024-00435](#); [IPR2024-00438](#)

Honorable Director:

Patent Owner in the three above referenced proceedings respectfully seeks authorization to file, as new exhibits with its anticipated Director Review Requests, documents from prosecution (including post-grant proceedings) of the subject patents and patents with substantially similar claims. The basis for this request, as explained below, is intervening changes in USPTO procedures.

The Board in the above referenced three proceedings issued final written decisions on September 29, October 1 and October 6, 2025, respectively. Just days before issuance of those decisions, and after oral argument and close of all briefing, the Director issued a memorandum titled “*PTAB consideration of prior findings of fact and conclusions of law*” on September 16, 2025. The Memorandum instructs that when the patent at issue in an inter partes review, or a patent with substantially similar claims, has been the subject of other post grant proceedings, the Board must explain why its determinations of facts or conclusions of law in the IPR differ from the ones made in the other post-grant proceeding. The memorandum further provides that “a more detailed explanation is required” from the Board where “the same or substantially the same evidence and/or arguments” is relied upon in both proceedings.

In the above referenced three proceedings, the Board failed to follow the reequipments set forth in the in the Director’s memorandum, as will be detailed in Patent Owner’s anticipated Director Review Requests. To demonstrate the Board’s error, it is necessary to reference the records of prosecutions of the patents at issue and patents with substantially similar claims. Patent Owner had no reasonable opportunity to submit its arguments and evidence earlier as the Director’s memorandum was issued after oral argument and close of all briefing, and just days before the issuance of the final written decisions.

As Patent Owner’s Director Review Request is due on October 29, 2025, Patent Owner respectfully requests the Director’s expedited attention to this request.

Respectfully submitted,

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