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Subject: Bote v. Steamboat Paddlesports (IPR2024-00889 and IPR2024-00892) - Seeking Permission to file a "Motion to Submit Supplemental Information"
Date: Tuesday, March 18, 2025 4:22:43 PM
Attachments: [image001.png](#)
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Dear Honorable Board,

Introduction: Petitioner in the above two IPRs seeks permission to file a "Motion to Submit Supplemental Information" in each of its Motions for Adverse Judgement, pursuant to 37 CFR 42.223(c))("Other supplemental information. A party seeking to submit supplemental information not relevant to a claim for which the trial has been instituted must request authorization to file a motion to submit the information. The motion must show why the supplemental information reasonably could not have been obtained earlier, and that consideration of the supplemental information would be in the interests-of-justice.")

Factual Background: Prior to the two IPRs being filed by Petitioner, Patent Owner sued Petitioner in the Western District of Texas for infringement of two (and only two) patents – the same two patents that are the subject of these IPRs: U.S. Patent No. 9,862,466 ("the '466 Patent") and 10,479,458 ("the '458 Patent"). See Twitch LLC v. Bote, LLC, 24-cv-00233-KC (W. Tex., filed May 3, 2024); the "Litigation".

On May 13, 2024, Petitioner filed IPR Petition 2024-00889 regarding the '458 Patent.

On June 18, 2024, Petitioner filed IPR Petition 2024-00892 regarding the '466 Patent.

On February 21, 2025, following well-documented silence and missed deadlines by Patent Owner, Petitioner filed two Motions for Adverse Judgment, which motions generally argue that Patent Owner has effectively abandoned both of the IPR proceedings, and seeking attendant relief. See Doc. No. 18 in IPR2024-00889; Doc. No. 19 in IPR2025-00892.

The Specific "Supplemental Information" Petitioners Seek Permission to File:

Petitioner seeks to file certain papers filed by Patent Owner in the Litigation. Specifically, on February 19, 2025, Patent Owner filed a Motion to Dismiss its own Litigation – *with* prejudice, meaning that even if it prevailed in the instant IPRs, Patent Owner may no longer sue Petitioners for infringement of the two patents that are the subject of these IPRs. But this only applies to Petitioner's current products – it is still possible that Patent Owner may later assert the subject patents against Patent Owner's later developed products. And on March 7, 2025, Judge Kathleen Cardone granted Patent Owner's Motion with an annotated Order.

Petitioner reasonably believes these Papers further evidence Patent Owner's intention to

abandon the instant IPR proceedings.

- Consistent with its statutory obligations, Petitioner states:

1. that “the supplemental information reasonably could not have been obtained earlier” (37 CFR 42.223(c)) because the Court’s Order Granting Plaintiff’s Motion to Dismiss occurred on March 7, 2025 – well *after* Petitioners filed its Motions for Adverse Judgment on February 21, 2025 – and so the omnibus papers did not exist at the time of its original filing; and
2. that “consideration of the supplemental information would be in the interests-of-justice” (*Id.*) because the Board will have additional evidence *straight from the Patent Owner’s mouth* with which to make a more informed decision about whether to grant the instant Motions for Adverse Judgment. If Petitioner is correct and Patent Owner has, in fact, wholly abandoned these contests, the Board will not have the benefit of any other evidence sourcing directly from Patent Owner.

This email and request has been submitted *ex-parte* because as of this date and time, Patent Owner has not appointed new counsel and has not revised its Mandatory Notices to inform Petitioner whom to copy/serve with such communications.

Best regards,

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