

From: [Trials](#)
To: [Erickson, Brian](#); [Pluta, Robert G.](#); [Minutoli, Gianni](#); [FW-CLIENT-Maxell-Samsung-Service](#)
Cc: [Trials](#)
Subject: RE: Request for Board Authorization to File Reply to Patent Owner's Preliminary Response in IPR2024-00906, -00907
Date: Friday, October 18, 2024 10:50:33 AM
Attachments: [image001.png](#)

Counsel,

Petitioner's request pursuant to 35 U.S.C. § 301(a)(2), (b) and (c), for leave to file a 2-page Reply addressing the relevance of claim construction arguments made by Patent Owner in the related district court litigation and to file relevant portions of the claim construction briefs, hearing transcript, expert deposition and exhibits related to the challenged claims of the '590 and '241 patents is granted for good cause shown. The deadline for Petitioner to file its Reply is one week from the date of this authorization. Patent Owner may file a 2-page Sur-Reply responding to Petitioner's Reply within one week of Petitioner's filing. No conference call needs to be scheduled.

Regards,

Franchesca I. Alicea Villanueva
Supervisory Paralegal
Patent Trial & Appeal Board
U.S. Patent & Trademark Office

From: Erickson, Brian <Brian.Erickson@us.dlapiper.com>
Sent: Wednesday, October 16, 2024 11:04 AM
To: Trials <Trials@USPTO.GOV>
Cc: Pluta, Robert G. <RPluta@mayerbrown.com>; Minutoli, Gianni <gianni.minutoli@us.dlapiper.com>; FW-CLIENT-Maxell-Samsung-Service <Maxell-Samsung-Service@mayerbrown.com>
Subject: Request for Board Authorization to File Reply to Patent Owner's Preliminary Response in IPR2024-00906, -00907

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Dear Honorable Board,

Pursuant to 35 U.S.C. § 301(a)(2), (b) and (c), Petitioners in IPR2024-00906 and IPR2024-00907 seek leave to file a 2-page Reply addressing the relevance of claim construction arguments made by Patent Owner in the related district court litigation and file therewith the relevant portions of the claim construction briefs, hearing transcript, expert deposition and exhibits thereto related to the challenged claims of the '590 and '241 patents. The Petitions set forth multiple invalidity theories related to how the controller controls the radios to address the various inconsistent (but only implicit) claim construction positions previously advanced by Patent Owner prior to the filing of the Petitions. See, e.g., -906 Pet., 4-5 (construction of [1i]), 29-32 ([1g]), 58-61 ([1i]). After the Petitions were filed, Patent Owner explicitly argued in the litigation for the broadest construction, which encompasses each theory of invalidity and, in particular, the theory presented in Ground 3. Should the Board

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grant leave for Petitioner to file a Reply, Petitioner proposes it file its 2-page Reply within one week of receiving the Board's authorization and that Patent Owner be permitted to file a 2-page Sur-Reply within one week of Petitioner filing its Reply.

Patent Owner opposes this request. Patent Owner contends a Reply is not warranted because, for purposes of the Preliminary Responses, Patent Owner applied Petitioner's own constructions to show how Petitioner has not met its burden under 37 CFR § 42.104(b)(4). See -906 and -907 POPR at 20. Further, Petitioner notes above that it set forth "multiple invalidity theories" to address Patent Owner's allegedly inconsistent claim construction positions, and specifically that Ground 3 (and all of Petitioner's invalidity theories) already accounts for Patent Owner's litigation arguments.

Counsel for Petitioners and Patent Owner are available Oct. 17 (from 12-5pm ET) and Oct. 21 (9am-5pm ET).

Respectfully submitted,

Brian K. Erickson

Partner

T +1 512 457 7059
F +1 512 721 2263
M +1 512 426 6316
brian.erickson@us.dlapiper.com

DLA Piper LLP (US)
303 Colorado Street
Suite 3000
Austin, TX 78701-4653



dlapiper.com

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