

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AYLO FREESITES LTD,
Petitioner,

v.

DISH TECHNOLOGIES L.L.C.,
Patent Owner.

IPR2024-00940
Patent 11,991,234 B2

Before THU A. DANG, MICHELLE N. WORMMEESTER, and
JOHN A. HUDALLA, *Administrative Patent Judges*.

HUDALLA, *Administrative Patent Judge*.

ORDER
Authorizing Briefing Regarding Petitioner's
Identification of Real Parties-in-Interest
37 C.F.R. § 42.5

On October 31, 2025, counsel for Patent Owner emailed the Board seeking "authorization to file a motion to dismiss the Petition for failure to name all real parties-in-interest, or, in the alternative, to seek targeted

discovery into Petitioner Aylo Freesites Ltd.’s corporate structure and the decision-making leading to the filing of this proceeding.” Ex. 3004 (Patent Owner’s email). Patent Owner made its request in the wake of the Director’s October 28, 2025, memorandum (“Director memo”) designating *Corning Optical Communications RF, LLC v. PPC Broadband, Inc.*, IPR2014-00440, Paper 68 (PTAB Aug. 18, 2015), as precedential (except for § II.E.1). On November 3, 2025, Petitioner sent a separate email responding to Patent Owner’s email. Ex. 3005 (Petitioner’s email).

Having considered the Director memo and the parties’ emails, we find good cause to authorize further briefing regarding whether Petitioner has identified all real parties-in-interest and, if not, whether the Petition should be dismissed in accordance with *Corning Optical*. The parties should address the interplay of *Corning Optical* with other precedential decisions of the Board regarding the identification of real parties-in-interest, including *Proppant Express Investments, LLC v. Oren Technologies, LLC*, IPR2017-01917, Paper 86 (PTAB Feb. 13, 2019) (precedential), and *Lumentum Holdings, Inc. v. Capella Photonics, Inc.*, IPR2015-00739, Paper 38 (PTAB Mar. 4, 2016) (precedential). The parties should also address the timing of Patent Owner’s request and whether Patent Owner could have or should have sought its requested relief earlier.

Patent Owner is authorized to file an opening brief of no more than 7 pages that is due no later than 10 business days after the date of this Order. Petitioner is authorized to file a responsive brief of no more than 7 pages that is due no later than 10 business days after the filing date of Patent Owner’s opening brief. Patent Owner is authorized to file a reply brief of no more than 5 pages that is due 5 business days after the filing date of

Petitioner's responsive brief. The panel will not consider any arguments made outside of the authorized briefing (such as in the parties' emails). The parties are authorized to file relevant exhibits with their briefs.

Given that the trial is in its final stages, we deny Patent Owner's request for authorization to seek discovery regarding Petitioner's corporate structure.

Accordingly, it is

ORDERED that Patent Owner is authorized to file an opening brief of no more than 7 pages that is due no later than 10 business days after the date of this Order;

FURTHER ORDERED that Petitioner is authorized to file a responsive brief of no more than 7 pages that is due no later than 10 business days after the filing date of Patent Owner's opening brief;

FURTHER ORDERED that Patent Owner is authorized to file a reply brief of no more than 5 pages that is due 5 business days after the filing date of Petitioner's responsive brief;

FURTHER ORDERED that the papers authorized in this Order shall be limited to addressing Petitioner's identification of real parties-in-interest and whether the Petition should be dismissed in the event that Petitioner has failed to identify all real parties-in-interest; and

FURTHER ORDERED that Patent Owner's request for authorization to seek discovery into Petitioner's corporate structure is *denied*.

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