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To: [Trials](#)
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Subject: IPR2024-00996
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Dear Board,

Pursuant to the General Order (Paper 19) in IPR2024-00996, Patent Owner requests authorization to file a September 23, 2025 summary judgment hearing transcript from the underlying district court litigation that occurred on September 23, 2025. The transcript relates to how the parties are interpreting the prior art currently before the Board. Alternatively, Patent Owner seeks authorization to file this supplemental information pursuant to 37 C.F.R. 42.123(b). The information could not have reasonably been obtained earlier—the hearing only occurred on September 23, 2025. Consideration of the supplemental information would be in the interests-of-justice because statements (party admissions) made by Petitioner in the district court are inconsistent with positions it takes in this proceeding. There is no prejudice to Petitioner because Patent Owner agrees that Petitioner may briefly respond to the issue after Patent Owner's sur-reply.

Regarding Patent Owner's request pursuant to the "General Order (Paper 19)," Petitioner opposes Patent Owner's request to submit a PDF copy of a transcript from a hearing for summary judgment of non-infringement because such a hearing transcript is not a district court's "adjudication" under the General Order (Paper 19) and instead the parties will promptly submit the district court's summary judgment decision soon after such adjudication is issued. Regarding Patent Owner's "alternative" request under 37 C.F.R. 42.123(b) ("supplemental information"), Petitioner opposes because Patent Owner does not satisfy the heightened "interests of justice" standard and Petitioner will suffer prejudice if Patent Owner is permitted to discuss new evidence in its sur-reply without a fair opportunity for Petitioner to equally address such new evidence in any paper. The parties conferred and agreed that this "prejudice" would be resolved if the Board authorizes Petitioner to file a 2-page additional brief after the sur-reply for the limited purposes of addressing the proposed new exhibit."

The parties are available for a conference call on October 2 (11:30am-5pm Eastern) and October 3 (9-11am, and 3-5pm Eastern).

Respectfully submitted,

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