

From: [Trials](#)
To: [Christopher, Angelo](#); [Derek Vandenburg](#); [Trials](#)
Cc: [Aaron W Pederson](#); [Nate D Louwagie](#); [Ryan Rypka](#); [Peter M Kohlhepp](#); [Hayes, Jennifer](#); [Stringfield, Daniel](#); [Zheng, Helena](#)
Subject: RE: Qualcomm Inc. v. Network Systems Technologies, LLC IPR2024-01081
Date: Friday, August 2, 2024 11:36:35 AM

Counsel,

From the Board –

In response to the July 30, 2024, email from Petitioner’s counsel and the July 31, 2024, email from Patent Owner’s counsel concerning IPR2024-01081, the Board authorizes (1) Petitioner to file within five business days of this email a Preliminary Reply no longer than three pages that addresses issue (ii) identified in the July 30 email and (2) Patent Owner to file within ten business days of this email a Preliminary Sur-reply no longer than three pages that responds to the Preliminary Reply.

Because, as Petitioner’s counsel acknowledges, issues (i) and (iii) are the same as in the Samsung IPR, the Board does not see a need for further briefing on those issues.

Regards,

Esther Goldschlager
Supervisory Paralegal Specialist
Patent Trial & Appeal Board
U.S. Patent & Trademark Office

From: Christopher, Angelo <achristopher@nixonpeabody.com>
Sent: Wednesday, July 31, 2024 12:48 PM
To: Derek Vandenburg <DVandenburg@carlsoncaspers.com>; Trials <Trials@USPTO.GOV>
Cc: Aaron W Pederson <APederson@carlsoncaspers.com>; Nate D Louwagie <NLouwagie@carlsoncaspers.com>; Ryan Rypka <RRypka@carlsoncaspers.com>; Peter M Kohlhepp <PKohlhepp@carlsoncaspers.com>; Hayes, Jennifer <jenhayes@nixonpeabody.com>; Stringfield, Daniel <dstringfield@nixonpeabody.com>; Zheng, Helena <hzheng@nixonpeabody.com>
Subject: RE: Qualcomm Inc. v. Network Systems Technologies, LLC IPR2024-01081

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Your Honors,

We write in response to Petitioner’s request below. Patent Owner provided Petitioner the explanation below for its opposition and indicated that it would request a 7-page sur-reply should the Board grant Petitioner’s request, but Petitioner did not include this in its email. We therefore write separately to provide the basis of Patent Owner’s opposition in case the Board is inclined to rule on Petitioner’s request without a conference call.

Samsung filed a preliminary reply and additional exhibits in IPR2024-00338 on April 30, 2024.

Petitioner was, or at least should have been, on notice of these issues when it filed its “substantively identical” petition on June 21, 2024, but chose not to address them or submit the exhibits. Petitioner also fails to identify with specificity what “additional exhibits” it seeks to file. For at least these reasons, Petitioner has not shown good cause. To the extent the Board grants Petitioner’s requests, Patent Owner requests authorization to file a 7 page sur-reply limited to the same issues.

Respectfully submitted,

Angelo Christopher
Counsel for Patent Owner

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From: Derek Vandenburg <DVandenburg@carlsoncaspers.com>

Sent: Tuesday, July 30, 2024 8:40 PM

To: Trials <Trials@USPTO.GOV>

Cc: Aaron W Pederson <APederson@carlsoncaspers.com>; Nate D Louwagie

<NLouwagie@carlsoncaspers.com>; Ryan Rypka <RRypka@carlsoncaspers.com>; Peter M Kohlhepp

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Zheng, Helena <hzheng@nixonpeabody.com>

Subject: Qualcomm Inc. v. Network Systems Technologies, LLC IPR2024-01081

[EXTERNAL E-MAIL]

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Dear Board,

Petitioner respectfully requests leave to file a seven-page reply to Patent Owner’s Preliminary Response in the above referenced proceeding to address the status of certain references as prior art, claim construction, and certain mischaracterizations of the Petition’s claim-mapping. In particular, Petitioner seeks to address (i) Patent Owner’s argument that Petitioner purportedly has not shown the Goossens2002 and Goossens2003 references are prior art printed publications, (ii) that the Board should deny institution because Petitioner argued in district court litigation that a certain claim term was a means plus function term and indefinite, and (iii) that Petitioner has purportedly not identified a communication manager that is distinct from the resource manager. Good cause exists to file these replies at least because these issues pertain to the status of the prior art as printed publications and claim construction issues. *See, e.g., Hulu LLC v. Sound View Innovations, LLC*, IPR2018-01039, Paper 29 (PTAB Dec. 20, 2019) (precedential board decision regarding the use of replies to support a reference’s status as a printed publication).

Additionally, Petitioner requests authorization to file additional exhibits in support of Petitioner’s arguments on these issues, including exhibits that relate to Patent Owner’s admission that Goossens2002, and Goossens2003 are prior art.

Petitioner notes that it has filed a motion to join IPR2024-00338 (“the Samsung IPR”). Petitioner further notes that many of Patent Owner’s POPR arguments in this IPR mirror the arguments it already made in the Samsung IPR, and in the Samsung IPR the Board provided leave for each party to file a seven-page brief to address the same three issues Petitioner seeks leave to address here. Petitioner requests that the Board do the same in this IPR. Specifically, issues (i) and (iii) are the same as in the Samsung IPR and Petitioner seeks to provide the same reply argument and evidence; issue (ii) is similar and Petitioner seeks to provide similar reply argument. As to issues (i) and (iii), Petitioner is also willing to simply cite to and incorporate Samsung’s corresponding argument from IPR2024-00338, Paper 8, if the Board prefers.

Patent Owner has stated it opposes Petitioner’s requests. If Petitioner is authorized to file a reply, Petitioner does not oppose a Patent Owner sur-reply of seven pages. Should the Board believe a call is necessary to discuss Petitioner’s requests, the parties are generally available at the following dates/times: Wednesday, July 31, 10-12 ET, 2-5 ET; Thursday August 1, 10-12 ET and 3-5 ET; Friday August 2, 10-3 ET.

Best regards,

Derek Vandenburg

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