

From: [Trials](#)
To: [Greg Gulliver](#); [Trials](#)
Cc: [Arner, Erika](#); [Specht, Kara](#); [Anderson, Christopher](#); [Aguilar, Safiya](#); [Doku, Daniel](#); [Sue Tucker](#); [Meredith Addy](#); robert@addyhart.com
Subject: RE: IPR2024-01322 – Google LLC v. DH International LTD.
Date: Wednesday, October 1, 2025 12:40:12 PM
Attachments: [image002.png](#)

Dear Counsel:

The Board has considered Petitioner's email request for authorization to file a motion to strike certain arguments in Patent Owner's Sur-Reply, and Patent Owner's responsive email. Petitioner's request is denied. The Board is capable of identifying new issues or arguments when weighing the evidence at the close of trial and disregarding any new issues or arguments that exceed the proper scope. See Consol. Tr. Prac. Guide 80. We look forward to hearing oral argument from Counsel on December 18.

Regards,

Andrew Kellogg,
Deputy Chief Clerk, Trials
Patent Trial and Appeal Board
USPTO
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(571) 272-5366



From: Greg Gulliver <gbgulliver@addyhart.com>
Sent: Monday, September 29, 2025 6:02 PM
To: Trials <Trials@USPTO.GOV>
Cc: Arner, Erika <erika.arnner@finnegan.com>; Specht, Kara <Kara.Specht@finnegan.com>; Anderson, Christopher <Christopher.Anderson@finnegan.com>; Aguilar, Safiya <Safiya.Aguilar@finnegan.com>; Doku, Daniel <Daniel.Doku@finnegan.com>; Greg Gulliver <gbgulliver@addyhart.com>; Sue Tucker <sue@addyhart.com>; Meredith Addy <meredith@addyhart.com>; robert@addyhart.com
Subject: IPR2024-01322 – Google LLC v. DH International LTD.

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Dear Honorable Board,

Patent Owner opposes Petitioner's request for authorization to file a motion to strike any of the Patent Owner's Sur-Reply arguments. It seems that Petitioner is raising an issue with headings in the Sur-Reply rather than the Patent Owner's actual discussions. With regards to the issues raised in Petitioner's email, Patent Owner points out that:

1. As stated in the Sur-reply, the close-proximity discussion is in response to, and cites to page 6 of Petitioner's Reply. See Sur-Reply p.1.
2. The Petitioner's Reply discusses elements 1.e, 1.f, and 1.h, and the Sur-reply addresses elements 1.e, 1.f, and 1.h raised by the Petitioner.
3. Dialing a phone number along with the quality of the resulting connection is not an activation; it is a heading for a section of the Sur-Reply discussing assertions Petitioner made in the Reply, and Patent Owner cites to Reply p.12 in that section of the Sur-Reply. See Sur-Reply p.4.
4. With regards to Ground 2 in the Sur-Reply, Patent Owner addresses Petitioner's Rely (see Sur-Reply p. 6), which discusses logic to connect to Bluetooth or cellular network, see Reply 26.

No new arguments were raised; instead, arguments were put correctly forward in the Patent Owner's Sur-reply that addressed the issues raised by the Petitioner in their Reply. Also, the Board would be able to identify new matter without additional briefing from the parties, if such new matter actually existed. If the Board requires a telephone conference to discuss this matter further, Patent Owner is available on Tuesday, 9/30, 10am-Noon EST; Wednesday, 10/1, 1-4pm EST; Thursday, 10/2, 1-4 EST; and Friday, 10/3, 2-4 EST.

From: Neer, William <William.Neer@finnegan.com>

Sent: Monday, September 29, 2025 1:38 PM

To: Greg Gulliver <gbgulliver@addyhart.com>; Sue Tucker <sue@addyhart.com>; Meredith Addy <meredith@addyhart.com>; Robert Hart <robert@addyhart.com>

Cc: Arner, Erika <erika.arnner@finnegan.com>; Specht, Kara <Kara.Specht@finnegan.com>; Anderson, Christopher <Christopher.Anderson@finnegan.com>; Aguilar, Safiya <Safiya.Aguilar@finnegan.com>; Doku, Daniel <Daniel.Doku@finnegan.com>

Subject: IPR2024-01322 – Google LLC v. DH International LTD.

Counsel,

Petitioner believes that the Patent Owner's Sur-Reply contains new arguments, violating 37 C.F.R. § 42.23(b). In particular, Patent Owner argues that: 1) the term “close proximity” must be different from the range term used in the claims; 2) Petitioner fails to identify where all claim elements are found in Mooney and instead improperly relies on expert testimony; 3) dialing a phone number along *with* the quality of the resulting connection is not an activation cue; and 4) related to Lee in Ground 2, there is no “Bluetooth signal” that exists until after a call is made and a communication link is established. These arguments are new and not responsive to Petitioner's Reply.

Petitioner plans to seek the Board's authorization to file a motion to strike these arguments later today.

Sincerely,

William Neer
Counsel for Petitioner

William C. Neer
Associate

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