

Subject: Re: IPR2024-01357 and IPR2025-00260: Request to File Motion to Dismiss Based on Recent Developments
Date: Thursday, December 4, 2025 at 11:36:23 PM Eastern Standard Time
From: McMahon, Charles
To: Andrew Brown
CC: DaMario, Thomas, Savant_IPR_Service, David Radulescu, Etai Lahav, FeitElectricIPR
Attachments: image001.jpg, image002.png, image621158.jpg

Hi Andy,

In response to your questions:

1. We do not intend to rely upon any additional discovery in support of our motion. However, we will include a request for discovery in the alternative, should the Board consider such discovery necessary to rule on the motion. Any such additional discovery would be at the Board's discretion, but we anticipate that it would be in line with the discovery taken in *Corning Optical*.
2. We anticipate two weeks for opposition briefing and two weeks for reply briefing. We are happy to shorten reply briefing to one week, if necessary to maintain the current schedule.
3. We do not anticipate any changes to the current schedule.

Best regards,
Charlie



Charles M. McMahon
Partner | Intellectual Property
Benesch Friedlander Coplan & Aronoff LLP

t: 872.302.6466 | m: 773.255.9925
CMcMahon@beneschlaw.com | www.beneschlaw.com
71 South Wacker Drive, Suite 1600, Chicago, IL 60606-4637

Confidentiality Notice to Incorrect Addressee: www.beneschlaw.com/confidentialitynotice

On Dec 4, 2025, at 16:43, Andrew Brown <andy@radip.com> wrote:

Let's do 1pm ET. I'll send a dial-in.

212-713-0356
andy@radip.com

From: DaMario, Thomas <TDaMario@beneschlaw.com>

Sent: Thursday, December 4, 2025 3:53 PM

To: Andrew Brown <andy@radip.com>; Savant_IPR_Service

<Savant_IPR_Service@radip.com>; David Radulescu <david@radip.com>; Etai Lahav <etai@radip.com>

Cc: FeitElectricIPR <FeitElectricIPR@beneschlaw.com>

Subject: RE: IPR2024-01357 and IPR2025-00260: Request to File Motion to Dismiss Based on Recent Developments

Hi Andy,

Any time other than 2-3pm ET tomorrow works. Is there a time that works for you?

We'll follow-up with the information requested below before the call.

Best,
Tom

<image001.jpg>

[vCard Bio](#)

Thomas DaMario
(he/him/his)

Senior Managing Associate | Intellectual Property
Benesch Friedlander Coplan & Aronoff LLP

t: [312.506.3436](tel:312.506.3436) | TDaMario@beneschlaw.com
www.beneschlaw.com

71 South Wacker Drive, Suite 1600, Chicago, IL 60606-4637

[Confidentiality Notice to Incorrect Addressee: www.beneschlaw.com/confidentialitynotice](http://www.beneschlaw.com/confidentialitynotice)

From: Andrew Brown <andy@radip.com>

Sent: Thursday, December 4, 2025 1:56 PM

To: DaMario, Thomas <TDaMario@beneschlaw.com>; Savant_IPR_Service

<Savant_IPR_Service@radip.com>; David Radulescu <david@radip.com>; Etai Lahav <etai@radip.com>

Cc: FeitElectricIPR <FeitElectricIPR@beneschlaw.com>

Subject: RE: IPR2024-01357 and IPR2025-00260: Request to File Motion to Dismiss Based on Recent Developments

Tom, can we set a time for tomorrow? I now have other obligations, and David is traveling today. Also, it would be helpful to know in advance of our conference: (1) what discovery Feit proposes, if any, (2) what schedule Feit proposes for discovery/briefing, and (3) what modifications to the overall schedule Feit proposes to accommodate discovery/briefing. Thanks.

212-713-0356

andy@radip.com

From: DaMario, Thomas <TDaMario@beneschlaw.com>
Sent: Thursday, December 4, 2025 2:03 PM
To: Andrew Brown <andy@radip.com>; Savant_IPR_Service <Savant_IPR_Service@radip.com>; David Radulescu <david@radip.com>; Etai Lahav <etai@radip.com>
Cc: FeitElectricIPR <FeitElectricIPR@beneschlaw.com>
Subject: RE: IPR2024-01357 and IPR2025-00260: Request to File Motion to Dismiss Based on Recent Developments

Thanks Andy,

I'll reach out around 3:30pm ET if that works for you.

Best,
Tom

<image001.jpg>

[vCard Bio](#)

Thomas DaMario
(he/him/his)
Senior Managing Associate | Intellectual Property
Benesch Friedlander Coplan & Aronoff LLP

t: [312.506.3436](tel:312.506.3436) | TDaMario@beneschlaw.com
www.beneschlaw.com
71 South Wacker Drive, Suite 1600, Chicago, IL 60606-4637

[Confidentiality Notice to Incorrect Addressee: www.beneschlaw.com/confidentialitynotice](http://www.beneschlaw.com/confidentialitynotice)

From: Andrew Brown <andy@radip.com>
Sent: Wednesday, December 3, 2025 2:34 PM
To: DaMario, Thomas <TDaMario@beneschlaw.com>; Savant_IPR_Service <Savant_IPR_Service@radip.com>; David Radulescu <david@radip.com>; Etai Lahav <etai@radip.com>
Cc: FeitElectricIPR <FeitElectricIPR@beneschlaw.com>
Subject: RE: IPR2024-01357 and IPR2025-00260: Request to File Motion to Dismiss Based on Recent Developments

Tom, I'm available tomorrow afternoon. Thanks.

212-713-0356

andy@radip.com

From: DaMario, Thomas <TDaMario@beneschlaw.com>

Sent: Wednesday, December 3, 2025 12:47 PM

To: Savant_IPR_Service <Savant_IPR_Service@radip.com>; David Radulescu <david@radip.com>; Etai Lahav <etai@radip.com>; Andrew Brown <andy@radip.com>

Cc: FeitElectricIPR <FeitElectricIPR@beneschlaw.com>

Subject: FW: IPR2024-01357 and IPR2025-00260: Request to File Motion to Dismiss Based on Recent Developments

Counsel,

Please let us know your availability today to discuss a joint email to the Board, including Petitioners' availability for a telephone conference.

Best,

Tom

<image001.jpg>

[vCard Bio](#)

Thomas DaMario

(he/him/his)

Senior Managing Associate | Intellectual Property

Benesch Friedlander Coplan & Aronoff LLP

t: [312.506.3436](tel:312.506.3436) | TDaMario@beneschlaw.com

www.beneschlaw.com

71 South Wacker Drive, Suite 1600, Chicago, IL 60606-4637

[Confidentiality Notice to Incorrect Addressee: www.beneschlaw.com/confidentialitynotice](http://www.beneschlaw.com/confidentialitynotice)

From: Trials <Trials@USPTO.GOV>

Sent: Wednesday, December 3, 2025 10:49 AM

To: McMahon, Charles <CMcMahon@beneschlaw.com>; Andrew Brown <andy@radip.com>

Cc: Trials <Trials@USPTO.GOV>; David Radulescu <david@radip.com>; Etai Lahav <etai@radip.com>; Savant_IPR_Service <Savant_IPR_Service@radip.com>; FeitElectricIPR <FeitElectricIPR@beneschlaw.com>

Subject: RE: IPR2024-01357 and IPR2025-00260: Request to File Motion to Dismiss Based on Recent Developments

Counsel,

From the Board. The parties have sent several emails that do not comply with the Scheduling Order. We have not considered the content of the emails. If either party wishes to request relief from the Board, an email that fully complies with the Scheduling Order, i.e., a joint email without argument and proposing times when both the parties are available for a telephone conference, must be submitted.

Regards,

Andrew Kellogg,
Deputy Chief Clerk, Trials
Patent Trial and Appeal Board
USPTO
andrew.kellogg@uspto.gov
(571) 272-5366

<image002.png>

From: McMahon, Charles <CMcMahon@beneschlaw.com>
Sent: Wednesday, December 3, 2025 9:57 AM
To: Andrew Brown <andy@radip.com>
Cc: Trials <Trials@USPTO.GOV>; David Radulescu <david@radip.com>; Etai Lahav <etai@radip.com>; Savant_IPR_Service <Savant_IPR_Service@radip.com>; FeitElectricIPR <FeitElectricIPR@beneschlaw.com>
Subject: Re: IPR2024-01357 and IPR2025-00260: Request to File Motion to Dismiss Based on Recent Developments

CAUTION: This email has originated from a source outside of USPTO. **PLEASE CONSIDER THE SOURCE** before responding, clicking on links, or opening attachments.

Dear Honorable Board,

For avoidance of doubt, Patent Owner seeks to file a dispositive motion, mooted the possibility of any meaningful meet and confer efforts. Petitioners will oppose Patent Owner's motion, and they have been heard. Furthermore, the arguments presented in Patent Owner's request are not fully developed in these emails, nor should they be. The place for arguments is in the motion briefing, should the Board permit Patent Owner to file the proposed motion.

As Petitioners acknowledge, the Director denied Patent Owner's request for Director Review on procedural grounds, not substantive grounds. And those

procedural grounds are inapplicable here because the time limits of Rule 42.75 do not apply to Patent Owner's proposed motion.

Patent Owner remains available for a conference call if the Board believes it would be helpful.

Respectfully submitted,
Charles McMahon
Lead Counsel for Patent Owner

<image001.jpg>

[vCard Bio](#)

Charles M. McMahon
Partner | Intellectual Property
Benesch Friedlander Coplan & Aronoff LLP
t: [872.302.6466](tel:872.302.6466) | m: [773.255.9925](tel:773.255.9925)
CMcMahon@beneschlaw.com | www.beneschlaw.com
71 South Wacker Drive, Suite 1600, Chicago, IL 60606-4637
[Confidentiality Notice to Incorrect Addressee: www.beneschlaw.com/confidentialitynotice](http://www.beneschlaw.com/confidentialitynotice)

On Dec 2, 2025, at 21:01, Andrew Brown <andy@radip.com> wrote:

Trials,

Patent Owner's email is surprising, especially given the Board's guidance to meet and confer with opposing counsel prior to initiating communications with the Board. No such meet and confer was conducted here. Patent Owner's request should be denied for that reason alone. As to the substance of Patent Owner's request, Petitioners were obviously not provided the opportunity to include their position in Patent Owner's email. Again, Patent Owner ignores the well-established practice of providing a single, joint email for consideration by the Board. As such, with apologies for the inefficiency, Petitioners will very briefly address Patent Owner's request.

Patent Owner has already pursued these same exact arguments via request for Director Review. (Paper 47, dated 11/14/25). That request was summarily denied by the Director as untimely. (Ex. 3100). Patent Owner filed a request for extension (to the Director Review inbox) the very next day, which the Director denied within

hours. (Ex. 3101). Patent Owner now appears to be appealing the Director's untimeliness decision to this panel. That is, Patent Owner is seeking a motion here on the same arguments so that it can side-step the Director's denial. Setting aside the attempt to second-guess the Director, Patent Owner's briefing fails to even mention, let alone develop, any necessary facts to support its arguments. As such, these arguments are waived in any event. (Paper 19, at 9).

Patent Owner's request should be denied.

Respectfully submitted,
Andy Brown
Counsel for Petitioners

Andrew S. Brown
Radulescu LLP | [Of Counsel](#)

212-713-0356
andy@radip.com

From: McMahon, Charles <CMcMahon@beneschlaw.com>
Sent: Tuesday, December 2, 2025 8:47 PM
To: Trials <trials@uspto.gov>
Cc: David Radulescu <david@radip.com>; Etai Lahav <etai@radip.com>;
Andrew Brown <andy@radip.com>; Savant_IPR_Service
<Savant_IPR_Service@radip.com>; FeitElectricIPR
<FeitElectricIPR@beneschlaw.com>
Subject: IPR2024-01357 and IPR2025-00260: Request to File Motion to
Dismiss Based on Recent Developments

Dear Honorable Board,

Based on newly designated directives from the Director, Patent Owner respectfully requests permission to file a motion to dismiss IPR2024-01357 and IPR2025-00260 based on the following grounds:

1. Pursuant to *Corning Optical Communications RF, LLC v. PPC Broadband Inc.*, IPR2014-00440, Paper 68 (PTAB Aug. 18, 2015) ("*Corning Optical*"), a decision the Director recently designated as precedential, the Petition in IPR2024-01357

should be dismissed because Petitioner Ledvance LLC failed to disclose its parent company, MLS Co. Ltd., which it should have named as a real party in interest (“RPI”) to IPR2024-01357. As in the newly-precedential *Corning Optical* decision, Ledvance LLC cannot cure its failure to comply with the Office’s RPI rules without incurring a new filing date for the Petition, which cannot be granted without termination of the proceeding based on the time that has passed since the parallel district court litigation commenced on February 2, 2024. *See Corning Optical* at 25-26; October 28, 2025 Memorandum from Director John A. Squires (designating *Corning Optical* as precedential).

1. Pursuant to *Revvo Techs., Inc. v. Cerebrum Sensor Techs., Inc.*, IPR2025-00632, Paper 20 (Director Nov. 3, 2025) (“*Revvo*”) and *Tesla, Inc., v. Intellectual Ventures II LLC*, IPR2025-00340, Paper 18 (Director Nov. 5, 2025) (“*Tesla*”), decisions the Director recently designated as precedential and informative, the Petitions in IPR2024-01357 and IPR2025-00260 should both be dismissed because all Petitioners (Ledvance LLC, Savant Technologies LLC d/b/a GE Lighting, Elong International USA Inc., and Xiamen Longstar Lighting Co. Ltd.) have made inconsistent invalidity challenges before the Board and three different district courts. In particular, just like the petitioner in *Tesla*, all four Petitioners here argued to the Board that the claims should be interpreted according to their plain and ordinary meaning while arguing to the district courts that the claims are indefinite and therefore have no plain and ordinary meaning. Petitioners failed to explain these inconsistent invalidity challenges to the Board, which warrants termination of the proceedings. *See Tesla* at 3-4 (terminating the proceeding because petitioner failed to explain to the Board why it should be permitted to present inconsistent invalidity challenges before the Board and the district court).

Should the Board determine that a conference call would be helpful, Patent Owner is available on December 5 and 8-12.

Respectfully submitted,

Charles M. McMahon
Lead Counsel for Patent Owner

|

[vCard](#) [Bio](#)

Charles M. McMahon
Partner | Intellectual Property
Benesch Friedlander Coplan & Aronoff LLP

t: [872.302.6466](tel:872.302.6466) | m: [773.255.9925](tel:773.255.9925)

CMcMahon@beneschlaw.com | www.beneschlaw.com

71 South Wacker Drive, Suite 1600, Chicago, IL 60606-4637

[Confidentiality Notice to Incorrect Addressee: www.beneschlaw.com/confidentialitynotice](http://www.beneschlaw.com/confidentialitynotice)