

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAP AMERICA, INC.,
Petitioner,

v.

CYANDIA, INC.,
Patent Owner.

Case IPR2024-01432
U.S. Patent No. 8,751,948

**PATENT OWNER'S UPDATED MANDATORY NOTICES
UNDER 37 C.F.R. § 42.8(a)(3)**

In accordance with 37 C.F.R. § 42.8(a)(3), Patent Owner, Cyandia, Inc., updates its Mandatory Notices to inform the Board of events occurring in the parallel district court litigation and a recent Federal Circuit decision that affect Petitioner's pending Request for Director Review. *See* Paper at 15.

On May 7, 2025, the Federal Circuit issued an opinion holding that “IPR estoppel does not preclude a petitioner from relying on the same patents and printed publications as evidence in asserting a ground that could not be raised during the IPR, such as that the claimed invention was known or used by others, on sale, or in public use.” *Ingenico Inc. v Ioengine, LLC*, 2023-1367, 2025 WL 1318188, at *7 (Fed. Cir. May 7, 2025). On May 16, 2025, Petitioner served its opening invalidity expert report that relies on WebSphere system art and related printed publications to challenge U.S. Patent No. 8,751,948. These developments are relevant to Petitioner's statement that the Board “speculated without basis in the record that Petitioner would seek to assert in the district court the same [WebSphere] publications asserted here.” Paper 15 at 1.

I. Real Party in Interest (Unchanged)

The real party-in-interest for Patent Owner is Cyandia, Inc.

II. Related Matters (Unchanged)

The '948 Patent is currently asserted in *Cyandia, Inc. v. SAP America, Inc. et al.*, Case No. 2:24-cv-00096-JRG (E.D. Tex. Feb. 12, 2024). The '948 Patent is

in the same family as U.S. Patent Nos. 8,578,285 and 8,595,641. Petitioner has filed IPR Petitions against those patents. Additionally, Petitioner has filed parallel petitions against U.S. Patent No. 8,751,948.

III. Lead and Backup Counsel (Unchanged, except changes shown in BOLD)

Patent Owner hereby designates the following counsel:

Lead Counsel: James Hannah, KRAMER LEVIN NAFTALIS & FRANKEL LLP, 333 Twin Dolphin Drive, Suite 700, Redwood Shores, CA 94065. Phone: (650) 752-1700. Fax: (650) 752-1800. Email: jhannah@kramerlevin.com.
USPTO Reg. No. 56,369.

Backup Counsel: Jeffrey H. Price, KRAMER LEVIN NAFTALIS & FRANKEL LLP, 1177 Avenue of the Americas, New York, NY 10036. Phone: (212) 715-7502. Fax: (212) 715-8302. Email: jprice@kramerlevin.com. USPTO Reg. No. 69,141.

Backup Counsel: Kristopher Kastens, KRAMER LEVIN NAFTALIS & FRANKEL LLP, 333 Twin Dolphin Drive, Suite 700, Redwood Shores, CA 94065. Phone: (650) 752-1700. Fax: (650) 752-1800. Email: kkastens@kramerlevin.com. USPTO Reg. No. 57,517.

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9398. Fax: (212) 715-8000. Email: jfuller@kramerlevin.com. USPTO Reg. No. 74,212.

Backup Counsel: Charles Keller (*pro hac vice* forthcoming), KRAMER LEVIN NAFTALIS & FRANKEL LLP, 333 Twin Dolphin Drive, Suite 700, Redwood Shores, CA 94065. Phone: (650) 752-1700. Fax: (650) 752-1800. Email: ckeller@kramerlevin.com.

IV. Service Information (Unchanged)

Patent Owner may be served through its counsel identified above by email. Electronic service of documents should be sent to the email addresses of the counsel identified above and additionally sent to the following email address: svdocketing@kramerlevin.com.

Respectfully submitted,

Dated: May 19, 2025

/James Hannah/
James Hannah
Registration No. 56,369
Lead Counsel for Patent Owner

CERTIFICATE OF SERVICE

The undersigned certifies, in accordance with 37 C.F.R. § 42.6(e), and pursuant to agreement by the parties that filing with the Board through the P-TACTS constitutes electronic service if Patent Owner sends an email notifying Petitioner of the filing, service was made on Petitioner as detailed below.

<i>Date of service</i>	May 19, 2025
<i>Manner of service</i>	Electronic Filing with the Board (roy.chamcharas@klarquist.com; andrew.mason@klarquist.com; todd.siegel@klarquist.com; samuel.thacker@klarquist.com; SAP_Cyandia_IPRs@klarquist.com)
<i>Documents served</i>	PATENT OWNER'S UPDATED MANDATORY NOTICES UNDER 37 C.F.R. § 42.8(a)(3)
<i>Persons Served</i>	KLARQUIST SPARKMAN, LLP, Roy Chamcharas, Andrew M. Mason, Todd M. Siegel, Samuel B. Thacker

/James Hannah/
James Hannah
Registration No. 56,369
Lead Counsel for Patent Owner