From:	Trials
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Subject:	RE: Google LLC, Samsung Electronics Co. LTD., and Samsung Electronics America, Inc. v. Cerence Operating Company, IPR2024-1464, -1465
Date:	Friday, April 4, 2025 9:53:12 AM

Counsel,

Patent Owner is authorized to file a 5-page brief, due no later than Tuesday, April 8, to address only the issue of discretionary denial based on the parallel district court proceeding discussed below. Patent Owner may also file the most recent docket control order from that proceeding. Petitioner is authorized to file a 5-page reply brief, due no later than Friday, April 11, to address Patent Owner's brief.

Regards,

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

From: Bradley Hyde <bhyde@raklaw.com>
Sent: Thursday, April 3, 2025 1:21 PM
To: Trials <Trials@USPTO.GOV>
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Subject: Google LLC, Samsung Electronics Co. LTD., and Samsung Electronics America, Inc. v. Cerence Operating Company, IPR2024-1464, -1465

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Dear Board,

I am counsel for Patent Owner Cerence Operating Company ("Patent Owner" or "Cerence") in the above captioned *Inter Partes* Review proceedings. Cerence hereby requests leave to file a five (5) page supplemental briefing to the Patent Owner's Preliminary Responses filed in each action (*i.e.*, IPR2024-1464, Paper 8; IPR2024-1465, Paper 8), and to further submit the most recent Docket Control Order from the parallel District Court matter outlining the new trial date as an exhibit to said supplemental briefing.

Cerence's request is based on the changing circumstances for discretionary denial under *Fintiv* after the USPTO's recent rescission of former Director Vidal's 2022 memo "Interim Procedure for Discretionary Denials in AIA Post-Grant Proceedings with Parallel District Court Litigation," as well as the Chief Judge Boalick's March 24, 2025 guidance regarding the rescission and Acting Director' Stewart's subsequent March 26, 2025 Interim Processes for PTAB Workload Management.

There is good cause to grant this request because both the Petitions and the Patent Owner's Preliminary Responses were filed prior to the recession of former Director Vidal's 2022 memo, meaning neither Petitioners, nor Patent Owner, were able to address this change in there respective briefings. Thus, given the Board's shift back to a more holistic application of the *Fintiv* factors, as well as the additional "relevant considerations" for discretionary denial outlined in Acting Director Stewart's March 26 memorandum, we believe that the Board would benefit from additional briefing on the discretionary denial issue.

Lead Counsel for Petitioners is included on this communication, and Petitioners have confirmed that they do not oppose this request, on the condition that they be provided the opportunity to submit a five (5) page responsive briefing. Patent Owner agrees with this compromise. Thus, in total the parties are requesting permission to file:

- A 5 page supplemental briefing from Patent Owner addressing the issue of discretionary denial in view of the new guidance from the USPTO, along with permission to submit the most recent Docket Control Order from the parallel District Court matter.
- A 5 page responsive briefing from Petitioners.

If the Board wishes to schedule a teleconference to discuss this request, Petitioners and Patent Owner are available at the following times:

- Monday, April 7, from 11am - 5pm ET
- Tuesday, April 8, after noon ET.

Respectfully submitted,

Bradley Hyde
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