From:	Director_PTABDecision_Review
To:	"Hrycyszyn, Gerald B."; Michelle Armond; Director_PTABDecision_Review
Cc:	PTAB Gerald Hrycyszyn; Douglas Wilson; Josepher Li; Monica Arnold; Amy Han; IPR; Wichman, Adam R.; McKeown, Scott A.; Rush, MacAulay; Del Rosario, Dara; PTAB Rich Giunta
Subject:	RE: Western Digital v. IP Bridge, IPR2024-01447, IPR2024-01493, and IPR2024-01494
Date:	Monday, June 23, 2025 9:04:00 AM
Attachments:	image001.png

Counsel,

Patent Owner's request for authorization to file supplemental briefing with regard to Patent Owner's Request for Director Review in the above-captioned proceedings is denied.

Thank you.

From: Hrycyszyn, Gerald B. <Gerald.Hrycyszyn@WolfGreenfield.com>
Sent: Friday, June 13, 2025 9:55 AM
To: Michelle Armond <michelle.armond@armondwilson.com>; Director_PTABDecision_Review <Director_PTABDecision_Review@uspto.gov>
Cc: PTAB Gerald Hrycyszyn <GHrycyszyn-PTAB@WolfGreenfield.com>; Douglas Wilson <doug.wilson@armondwilson.com>; Josepher Li <Josepher.li@armondwilson.com>; Monica Arnold <Monica.arnold@armondwilson.com>; Amy Han <amy.han@armondwilson.com>; IPR <ipr@armondwilson.com>; Wichman, Adam R. <Adam.Wichman@WolfGreenfield.com>; McKeown, Scott A. <Scott.McKeown@WolfGreenfield.com>; Rush, MacAulay <MacAulay.Rush@WolfGreenfield.com>; Del Rosario, Dara <Dara.DelRosario@WolfGreenfield.com>; PTAB Rich Giunta <RGiunta-PTAB@WolfGreenfield.com>
Subject: RE: Western Digital v. IP Bridge, IPR2024-01447, IPR2024-01493, and IPR2024-01494

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Honorable Board,

Petitioner's email inappropriately cites Federal Circuit caselaw and evidence and highlights the need for a complete record that includes Patent Owner's evidence and position. The assertion that Patent Owner's allegation that Petitioner was aware of the patent family "does not pass cursory review" ignores that the evidentiary showing will be made in Patent Owner's forthcoming brief.

Among the evidence that will accompany Patent Owner's brief will be evidence relating to the prosecution of Petitioner's U.S Patent No. 8,514,527. The '527 patent was filed by Hitachi Global Storage which was acquired by Petitioner Western Digital (in 2012) before the '527 patent issued. The USPTO assignment records reflect that Petitioner Western Digital is the owner of the '527 Patent. During prosecution of the '527 Patent, an IDS was submitted on November 29, 2010 that cited US 2007/0195592, which ultimately issued as U.S. Patent No. 7,884,403. The '403 Patent was the first issued patent in a family of nine patents (from a series of straight continuations) that includes the patent at issue in this proceeding. The nine-patent family is the subject of district court litigation and nine IPRs between the parties. Petitioner's citation of a pending application in the patent family is on all fours with the facts in *Irhythm* and establishes "Petitioner's awareness of Patent Owner's applications" in the same manner as in *Irhythm*. *Irhythm* is the relevant authority here, not the *State Indus*. case Petitioner cites which relates to providing notice to establish willful infringement.

Patent Owner renews its request for briefing so that both parties can present their evidence and arguments and allow the Director to make a decision on a fully developed record.

Respectfully submitted,

Gerald Hrycyszyn
Shareholder
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From: Michelle Armond <michelle.armond@armondwilson.com>
Sent: Thursday, June 12, 2025 7:16 PM
To: Director_PTABDecision_Review <Director_PTABDecision_Review@uspto.gov>
Cc: PTAB Gerald Hrycyszyn <GHrycyszyn-PTAB@WolfGreenfield.com>; Hrycyszyn, Gerald B. <Gerald.Hrycyszyn@WolfGreenfield.com>; Douglas Wilson <doug.wilson@armondwilson.com>; Josepher Li <Josepher.li@armondwilson.com>; Monica Arnold <Monica.arnold@armondwilson.com>; Amy Han <amy.han@armondwilson.com>; IPR <ipr@armondwilson.com>; Wichman, Adam R. <Adam.Wichman@WolfGreenfield.com>; McKeown, Scott A. <Scott.McKeown@WolfGreenfield.com>; Rush, MacAulay <MacAulay.Rush@WolfGreenfield.com>; Del Rosario, Dara <Dara.DelRosario@WolfGreenfield.com>; PTAB Rich Giunta <RGiunta-PTAB@WolfGreenfield.com>
Subject: Re: Western Digital v. IP Bridge, IPR2024-01447, IPR2024-01493, and IPR2024-01494

Dear Honorable Board,

Additional briefing is unnecessary because IP Bridge still shows no reason to cancel the IPRs underway, and the Director's decision in *iRhythm* is inapplicable here.

IP Bridge's hazy allegation that Western Digital was aware of "the pending patent family since at least 2010" does not pass a cursory review and contradicts what it told the district court. IP Bridge identified no knowledge by Western Digital of these three patents before its July 2024 amended complaint. EX1067 ¶¶127, 200-02, 206. The three patents did not issue until 2013, 2020, and 2024, and it is black letter law that knowledge of a patent application does not establish knowledge of a later-issued patent. *E.g.*, *State Indus. v. A.O. Smith*, 751 F.2d 1226, 1236 (Fed. Cir. 1985).

IP Bridge had no settled expectations these patents would not be subject to IPR. *See iRhythm,* IPR2025-00363, Paper 10 at 3. IP Bridge admits it did not acquire the patents until 2021. EX1067 ¶13.

Best regards,

Michelle Armond
Counsel for Petitioner Western Digital

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From: Director_PTABDecision_Review <Director_PTABDecision_Review@uspto.gov>
Date: Thursday, June 12, 2025 at 5:00 AM
To: Hrycyszyn, Gerald B. <Gerald.Hrycyszyn@WolfGreenfield.com>
Cc: PTAB Gerald Hrycyszyn <GHrycyszyn-PTAB@WolfGreenfield.com>, Douglas Wilson <doug.wilson@armondwilson.com>, Josepher Li <Josepher.li@armondwilson.com>, Monica Arnold <Monica.arnold@armondwilson.com>, Amy Han <amy.han@armondwilson.com>, IPR <ipr@armondwilson.com>, Wichman, Adam R. <Adam.Wichman@WolfGreenfield.com>, McKeown, Scott A. <Scott.McKeown@WolfGreenfield.com>, Rush, MacAulay <MacAulay.Rush@WolfGreenfield.com>, Del Rosario, Dara <Dara.DelRosario@WolfGreenfield.com>, PTAB Rich Giunta <RGiunta-PTAB@WolfGreenfield.com>, Michelle Armond <michelle.armond@armondwilson.com>
Subject: RE: Western Digital v. IP Bridge, IPR2024-01447, IPR2024-01493, and IPR2024-01494

Counsel,

Petitioner may respond with its position as to Patent Owner's request via email by Friday, June 13th.

From: Hrycyszyn, Gerald B. <Gerald.Hrycyszyn@WolfGreenfield.com>
Sent: Wednesday, June 11, 2025 1:42 PM
To: Director_PTABDecision_Review <Director_PTABDecision_Review@uspto.gov>
Cc: PTAB Gerald Hrycyszyn <GHrycyszyn-PTAB@WolfGreenfield.com>; Douglas Wilson <doug.wilson@armondwilson.com>; Josepher Li <Josepher.li@armondwilson.com>; Monica Arnold <Monica.arnold@armondwilson.com>; Amy Han <amy.han@armondwilson.com>; IPR <ipr@armondwilson.com>; Wichman, Adam R. <Adam.Wichman@WolfGreenfield.com>; McKeown, Scott A. <Scott.McKeown@WolfGreenfield.com>; Rush, MacAulay <MacAulay.Rush@WolfGreenfield.com>; Del Rosario, Dara <Dara.DelRosario@WolfGreenfield.com>; PTAB Rich Giunta <RGiunta-PTAB@WolfGreenfield.com>; Michelle Armond <michelle.armond@armondwilson.com>
Subject: Western Digital v. IP Bridge, IPR2024-01447, IPR2024-01493, and IPR2024-01494

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Honorable Board,

Patent Owner requests authorization to submit, in the above-referenced IPRs, a three-page paper to supplement the currently-pending Director Review requests by addressing the relevance of the Director's recently-issued decision in *Irhythm Technologies, Inc. v. Welch Allyn, Inc.* IPR2025-000363, Paper 10 at 3 (Director's Decision) (June 6, 2025) (finding that "Petitioner's awareness of Patent Owner's applications and failure to seek early review of the patents favors [discretionary] denial"). The facts here are on all fours with the *Irhythm* decision because the patent family has been in force since early 2011, Petitioner was aware of the pending patent family since at least 2010, and Petitioner did not file its IPRs until almost 14 years later.

Patent Owner will submit its brief within two business days of authorization and does not object to Petitioner being granted a response of equal length.

Respectfully submitted,

Gerald Hrycyszyn
Shareholder
Admitted to Practice: MA, CA, TX, USPTO
gerald.hrycyszyn@wolfgreenfield.com
617.646.8313

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