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Subject: RE: IPR2025-00087 - Permission to File Reply to POPR
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Attachments: [image001.png](#)
[image002.png](#)

Counsel, the Panel has considered Petitioner's request for supplemental briefing. After reviewing the current record and considering the parties' positions, the Panel determines that supplemental briefing is not necessary and good cause has not been shown. Accordingly, Petitioner's request for supplemental briefing is denied. A teleconference is not necessary.

Regards,

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

From: BriggsH@gtlaw.com <BriggsH@gtlaw.com>
Sent: Wednesday, March 12, 2025 11:03 AM
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Dear Honorable Board:

In the above-identified proceeding, Petitioner seeks a 3-page preliminary Reply to the Patent Owner Preliminary Response (POPR) to address Petitioner's unforeseeable position regarding the scope of "management device" recited in the preamble and the related "LAN interface" and "WAN interface" terms. Good cause exists to address the unforeseeable arguments raised in the POPR at pp. 46-51, where Patent Owner offers positions that are inconsistent with Patent Owner's positions on infringement in the related litigation. Petitioner's preliminary Reply would include as evidence a

public copy of Patent Owner's infringement contention chart evidencing the inconsistent positions. Patent Owner's Amended Complaint (Ex-1013) does not reflect Patent Owner's infringement contentions regarding the "management device," "LAN interface," and "WAN interface" terms. Petitioner agrees Patent Owner would be allowed a 3-page preliminary Sur-Reply to address Petitioner's preliminary Reply.

Petitioner has conferred with Patent Owner, who opposes Petitioner's request. Patent Owner's position is that (i) the arguments are not inconsistent with positions taken in the parallel litigation; (ii) the arguments merely track the language of the claims, so the arguments were foreseeable; and (iii) to the extent the Board is interested in seeing ASSIA's infringement arguments on this point the Board can do so because Petitioner submitted the Amended DCT complaint as Exhibit 1013 with the Petition. The Amended Complaint (EX1013) not only shows Patent Owner's infringement positions on these limitations in ¶¶119-124, but it also shows that the positions are consistent.

If necessary, the Parties are available for a teleconference with the Board this Friday (3/14) from 10-11 AM ET. The parties will provide additional availability for a teleconference, should it be required.

Sincerely,

Heath Briggs

Global Co-Chair of Patents and Innovation Group

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