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Paper 8
Date: March 6, 2025

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD. AND SAMSUNG ELECTRONICS AMERICA, INC.,
Petitioners,
v.

KP INNOVATIONS 2, LLC,
Patent Owner.

IPR2025-00101
Patent 10,499,168 B2

Before BRIAN J. MCNAMARA, JOHN F. HORVATH, and LISA A. MURRAY, *Administrative Patent Judges*.

MURRAY, *Administrative Patent Judge*.

ORDER
Denying Petitioner's Request for
Authorization to File a Preliminary Reply
37 C.F.R. §§ 42.20(b), 42.23

On March 5, 2025, Petitioners contacted the Board to request authorization to file a Preliminary Reply "addressing claim construction issues in Patent Owner's Preliminary Response." Ex. 3001. Patent Owner does not agree to the request and has submitted a lengthy statement in opposition. *Id.*

A petitioner "seek[ing] leave to file a reply to the preliminary response . . . must make a showing of good cause." 37 C.F.R. § 42.108(c) (2023). "However, the Board does not expect that such a reply will be granted in many cases due to the short time period the Board has to reach a decision on institution." Patent Trial and Appeal Board Consolidated Trial Practice Guide ("CTPG") at 52.[1]

After reviewing the Petition and Preliminary Response, we determine that additional briefing is not necessary regarding claim construction. At this time the Board believes it has sufficient information to weigh both parties' arguments without further briefing. Accordingly, Petitioner's request for further briefing is denied as not required at this time.

In closing, we note that Patent Owner's e-mail response to Petitioner's request is an inappropriate attempt to brief the issue without prior authorization. The content of Patent Owner's e-mail will not be considered. We encourage Patent Owner's counsel to review our rules in 37 C.F.R. §§ 42.1 *et seq.*, the CTPG, and the Notice of Filing Date (Paper 3) in this proceeding concerning communications with the Board. Compliance with

[1] Patent Trial and Appeal Board Consolidated Trial Practice Guide (Nov. 2019), *available at* http://www.uspto.gov/sites/default/files/documents/tpgnov.pdf.

our rules and practices is expected and deviations from those rules and practices may result in adverse consequences.

ORDER

It is:

ORDERED that Petitioners' motion for authorization to file a Preliminary Reply responding to Patent Owner's Preliminary Response is denied.

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