

Beamer, Norman

From: Trials
Sent: Wednesday, April 2, 2025 2:03 PM
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Subject: RE: IPR2025-00177 - Lenovo (United States), Inc. v. Telefonaktiebolaget LM Ericsson

Counsel,

Petitioner is authorized to file within ten days a three-page reply to the Patent Owner Preliminary Response to address *Fintiv* issues.

Patent Owner may file a three-page sur-reply in response within ten days of service of the reply.

Petitioner's request to reply to "claim mapping" issues is denied.

Regards,

Andrew Kellogg,
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Patent Trial and Appeal Board
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From: Ryan L. Frei, Ph.D. <Ryan.Frei@klarquist.com>
Sent: Friday, March 28, 2025 6:01 PM
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Subject: IPR2025-00177 - Lenovo (United States), Inc. v. Telefonaktiebolaget LM Ericsson

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Dear Honorable Board,

In IPR2025-00177, Petitioner Lenovo (United States), Inc. respectfully requests authorization to file an eight-page reply to the Patent Owner Preliminary Response (Paper 6, "POPR"), in order to address *Fintiv* and certain misrepresentations of the grounds presented by the Petition.

Good cause exists for this reply at least because (1) the POPR argues for discretionary denial under *Fintiv* and neither these arguments nor the Board's recent rescission of "Interim Procedure for Discretionary Denials in AIA Post-Grant Proceedings with Parallel District Court Litigation" was foreseeable when the Petition was filed; (2) the POPR unexpectedly confuses and mischaracterizes several of the claim mappings presented by the Petition, which was not foreseeable when the Petition was filed; (3) given the lack of foreseeability, prior to the Board rendering an institution decision Lenovo should be allowed to explain how the POPR misrepresents the Petition and why that is material to the outcome; (4) further briefing on these issues will aid the Board in rendering a decision on institution; and (5) Lenovo acted expeditiously, indicating its intended request and asking for Patent Owner's position on March 26, 2025, just one week after receiving the POPR.

Should a conference call be necessary, counsel for Petitioner Lenovo can be available at the Board's convenience.

When contacted about Lenovo's request, Patent Owner Ericsson provided the following statement for the Board:

Patent Owner agrees to a 3-page reply responding to Patent Owner's *Fintiv* arguments only.

Petitioner does not have good cause for a reply as to the remaining issues in its request. 37 C.F.R. § 42.108(c). Patent Owner's arguments in the preliminary response and supporting evidence are directly responsive to the arguments Petitioner presented in the petition and thus were entirely foreseeable. Moreover, whether the preliminary response "mischaracterizes" the arguments set forth in the petition is something the Board can readily and should decide on its own after reading both the petition and preliminary response. *See, e.g., Fidelity Info. Servs., LLC v. Mirror Imaging, LLC*, Nos. CBM2017-00064, -00065, -00066, and -00067, Paper 9, 2018 Pat. App. LEXIS 7644, at *3 (P.T.A.B. Feb. 7, 2018) ("To the extent alleged factual mischaracterizations or disputes raise a dispositive issue, the panel will weigh those appropriately without such a reply.").

To the extent Petitioner is allowed a reply, Patent Owner requests authorization to file a sur-reply of similar length.

Respectfully submitted,

Ryan Frei
Lead Counsel for Petitioner



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