

From:

To: RE: Request for Authorization to File Motion for Sanctions and to Vacate Institution of/Terminate IPR2025-00230
Cc: and IPR2025-00232, and for Sanctions in IPR2025-00231
Wednesday, November 5, 2025 3:55:15 PM

Subject:

Date:

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To the Board:

Petitioners dispute that they have failed to comply with any rules, “abused the IPR process,” “harassed Patent Owner,” “caused unnecessary delay [or] cost,” or engaged in any misrepresentations or misconduct. In addition, Petitioners object to Patent Owner’s including significant substantive argument in its e-mail.

Should the Board grant Patent Owner leave to file its 15-page motion, Petitioners request leave to file a 15-page response to address at least the following:

- Patent Owner waived the issue by not raising it in its POR or raising it back in June in conjunction with the RPI briefing in the companion ‘231 case, especially as there is no estoppel/time-bar issue in the ‘230 and ‘232 cases.
- Petitioner disputes that Lectrosonics is an RPI, and it was not found to be so in the companion ‘231 case.
- Even if Lectrosonics is determined to be an RPI, the appropriate remedy would be to permit Petitioners to file an updated mandatory notice under 37 CFR 42.8(a)(3) and 37 CFR § 42.5(b) for each proceeding given, *inter alia*, that there is no dispute that each Petition was correct as filed, post-petition mandatory notices are regulatory and not statutorily required (unlike the situations addressed in *Corning* and the Director’s memorandum), good cause exists to do so, and there has been no prejudice to Patent Owner.

Regards,

Michael A. Fisher

Counsel for Petitioners RØDE Microphones, LLC and Freedman Electronics Pty Ltd.

From: Rita C. Chipperson <rcc@chippersonlaw.com>

Sent: Tuesday, November 4, 2025 6:15 PM

To: Trials <Trials@USPTO.GOV>

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Subject: Request for Authorization to File Motion for Sanctions and to Vacate Institution of/Terminate IPR2025-00230 and IPR2025-00232, and for Sanctions in IPR2025-00231

To the Honorable Board:

Pursuant to 37 C.F.R. §§ 42.20(b) and 42.12(a), Patent Owner respectfully requests authorization to file a motion for sanctions and to vacate institution or terminate IPR2025-00230 and IPR2025-00232, and a motion for sanctions in IPR2025-00231, based on Petitioner's failure to comply with 37 C.F.R. § 42.8(a)(3) and its abuse of process. Specifically, Petitioner failed to identify Lectrosonics, Inc. ("Lectrosonics") as a real party-in-interest ("RPI") within twenty-one (21) days of, at a minimum, Petitioner's acquisition of Lectrosonics, and failed to update the mandatory notices to include Lectrosonics prior to institution in these proceedings.

Under 37 C.F.R. § 42.12, the Board may impose sanctions for misconduct including failure to comply with applicable rules, advancing frivolous arguments, misrepresentation of fact, dilatory tactics, abuse of process, or other improper use of the proceeding including actions that unnecessarily increase the cost of a proceeding. Petitioner's ongoing failure to list Lectrosonics as an RPI, coupled with factual misrepresentations in prior RPI/privity briefings that contradict continually emerging, publicly available facts further establishing Lectrosonics' RPI status, constitutes precisely the type of misconduct contemplated by § 42.12. This conduct has abused the IPR process, harassed Patent Owner, and caused unnecessary delay and cost.

Further, Commissioner Squires' October 28, 2025, memorandum reaffirms the Office's commitment to strict compliance with RPI disclosure obligations. The memorandum expressly clarifies that (i) petitioners must promptly update RPI information when relationships change after filing but before institution, and (ii) failure to do so constitutes a national security concern and authorizes the Board to impose sanctions and terminate proceedings to deter abuse of process. This guidance squarely applies to the misconduct established here.

In view of the Director's October 20, 2025, denial of Director Review in IPR2025-00231, the subsequent October 28, 2025, Director memorandum, and continual emergence of facts indicating Lectrosonics' RPI status, Patent Owner respectfully seeks authorization to file a

fifteen-page motion for sanctions in IPR2025-00230, IPR2025-00231, and IPR2025-00232. Patent Owner will request (1) monetary relief in the form of attorney's fees and costs incurred in investigating, briefing, and litigating the undisclosed RPI/privity issue, consistent with *Atlanta Gas Light Co. v. Bennett Regulator Guards*, IPR2015-00826, Paper 39 at 4–9 (PTAB Dec. 6, 2016) and (2) termination of IPR2025-00230 and IPR2025-00232 pursuant to 37 C.F.R. § 42.12, the October 28th memorandum, and *Corning Optical Communications RF, LLC v. PPC Broadband, Inc.*, IPR2014-00440, Paper 68 (Aug. 18, 2015) (designated Precedential on Oct. 28, 2025, except for section II.E.1).

Petitioner opposes this request. The parties have met and conferred but were unable to reach agreement. Patent Owner and Petitioner are available for a teleconference with the Board to discuss this request at the Board's convenience, including the following proposed (ET) times:

- Thursday, November 6, between 1:00 p.m. and 3:00 p.m.; or
- Friday, November 7, between 11:00 a.m. and 3:00 p.m.

Respectfully submitted,

Rita C. Chipperson

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