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Sent: Friday, September 5, 2025 12:05 PM
To: Fisher, Michael; Director_PTABDecision_Review@uspto.gov
Cc: Plies, Jeffrey; Morgan Golightly; Docketing; gorourke@okorlaw.com; Sean O'Kelly; All Rode-Dechert; Laura Carrig
Subject: RØDE Microphones, LLC, et al. v. Zaxcom, Inc., IPR2025-00231 - Request for Authorization to Submit Evidence with Response to Director Review Request (Due September 11, 2025)

To the Honorable Director,

Pursuant to 37 C.F.R. § 42.75, Patent Owner respectfully requests authorization to submit limited evidence in connection with its response to Petitioner's Request for Director Review in IPR2025-00231 (Paper 34) ("Petitioners' Request"), which response was authorized on September 4, 2025, by the Director, and is due on September 11, 2025 (Ex. 3101).

Petitioners' Request introduces three problematic factual allegations:

1. The corporate form has not been ignored by Lectrosonics, Inc. ("Lectrosonics") and Petitioners (Paper 34 at 6 and 13);
2. The previously accused Lectrosonics product will not be brought back to market (Paper 34 at 12-13); and
3. Patent Owner's argument, summarized by the Board, that Lectrosonics could add certain features to its products or "potentially" resume sale of its previously accused product is naked speculation (Paper 34 at 12).

These allegations are directly contradicted by recent factual evidence that was not yet available (and therefore not available to Patent Owner) when the Motion to Terminate (Papers 15 (unredacted), 16 (redacted)) was filed on June 2, 2025.

If these problematic factual allegations are left unrebutted, it would materially mislead the Director.

Patent Owner seeks leave to file narrowly tailored evidence consisting of:

1. A video of a June 26, 2025 joint television interview of Lectrosonics and Rode personnel in which Lectrosonics and Rode personnel discuss, at a minimum, the various engineering, manufacturing, technology, IP, and personnel integrations between the companies and announce that Lectrosonics is "actively working on" a product that would perform the same functions as the product that was previously accused of infringing Zaxcom's '902 Patent in the prior Zaxcom, Inc. vs. Lectrosonics, Inc. litigation ("Prior Litigation").
2. An August 26, 2025 Lectrosonics, Inc. Press Release announcing the release of a simultaneous record and transmit firmware upgrade, which is a feature that Zaxcom believes infringes Zaxcom's patents and was at issue in the Prior Litigation.

This evidence (1 and 2) would be introduced solely to refute factual allegations (1-3) above.

This request is consistent with the Director's discretion under 37 CFR § 42.5(b) and § 42.75 and is necessary to ensure that both parties are afforded a fair opportunity to be heard.

Respectfully submitted,

Rita C. Chipperson

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