

From: [Director Discretionary Decision](#)
To: [Davis, George B.](#); [Director Discretionary Decision](#)
Cc: [Levine, Howard](#); [Wong, Ky-Yen](#); [Feigenbaum, David](#); [Swan, Jennifer](#); [LNH IPRs](#)
Subject: RE: IPR2025-00248 & IPR2025-00249 -- Request by Patent Owner to file Replies to Petitioner's Oppositions
Date: Thursday, June 5, 2025 3:10:34 PM

Patent Owner is authorized to file a 5-page Reply in IPR2025-00248 and IPR2025-00249, due no later than Monday, June 9, 2025, limited to addressing : (1) Petitioner's arguments that the prior art applied in the Petitions is not cumulative to that presented to the Office during prosecution; (2) use of expert testimony and the Director's consideration of merits arguments; and (3) new PTAB precedent in *Ecto World, LLC v. RAI Strategic Holdings, Inc.*

From: Davis, George B. <GDavis@mcguirewoods.com>
Sent: Thursday, June 5, 2025 12:10 PM
To: Director_Discretionary_Decision <Director_Discretionary_Decision@uspto.gov>
Cc: Levine, Howard <howard.levine@hoganlovells.com>; Wong, Ky-Yen <ky-yen.wong@hoganlovells.com>; Feigenbaum, David <david.feigenbaum@hoganlovells.com>; Swan, Jennifer <Jennifer.Swan@hoganlovells.com>; LNH IPRs <LNH_IPRs@mcguirewoods.com>
Subject: IPR2025-00248 & IPR2025-00249 -- Request by Patent Owner to file Replies to Petitioner's Oppositions

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Dear Honorable Director,

Patent Owner LifeNet Health ("LNH") requests authorization to file 5-page Replies to Petitioner's Oppositions to LNH's Requests for Discretionary Denial in IPR2025-00248 and IPR2025-00249.

LNH seeks to address: (1) Petitioner's arguments that the prior art applied in the Petitions is not cumulative to that presented to the Office during prosecution; (2) factors identified in the Office's April 25, 2025, [FAQs](#) regarding the bifurcated discretionary denial process, including the appropriate use of expert testimony and the Director's consideration of merits arguments; and (3) new PTAB precedent, *Ecto World, LLC v. RAI Strategic Holdings, Inc.*, IPR2024-01280, Paper 13 (May 19, 2025).

Good cause exists because, e.g., Petitioner presents unforeseeable arguments regarding cumulativeness. Moreover, because the Office issued the FAQs and *Ecto World* after Patent Owner's Requests were filed (on April 4, 2025), LNH did not have an opportunity to address that new guidance. Moreover, although LNH did not raise arguments regarding the merits in its Requests for Discretionary Denial, Petitioner devotes three pages of its Opposition to the

merits, attempting to cure defects identified in Patent Owner's Preliminary Response. LNH requests an opportunity to respond by no later than June 9.

The undersigned sought agreement from Petitioner's counsel, and Petitioner's counsel has indicated that they oppose Patent Owner's request.

Regards,
George B. Davis
Counsel for Patent Owner LifeNet Health

George B. Davis

Counsel
McGuireWoods LLP
Gateway Plaza
800 East Canal Street
Richmond, VA 23219-3916
T: +1 804 775 1129
M: +1 925 813 2320
gdavis@mcguirewoods.com
[Bio](#) | [VCard](#) | www.mcguirewoods.com



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