

From: [Director_PTABDecision_Review](#)
To: "[Kapadia, Aashish](#)"; [Josh Griswold](#); [Oaks, Brian](#); [Kenneth Darby](#)
Subject: RE: IPR2025-00257: Director Review Request
Date: Thursday, June 26, 2025 6:34:00 PM

Counsel,

Petitioner's request for authorization to submit new evidence with its authorized response to the request for Director Review is denied.

Thanks.

IPR2025-00257
Ex. 3101

From: Kapadia, Aashish <Akapadia@mwe.com>
Sent: Wednesday, June 25, 2025 10:28 AM
To: Director_PTABDecision_Review <Director_PTABDecision_Review@uspto.gov>; Josh Griswold <griswold@fr.com>; Oaks, Brian <Boaks@mwe.com>; Kenneth Darby <kdarby@fr.com>
Subject: RE: IPR2025-00257: Director Review Request

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Director Stewart,

Patent Owner opposes Petitioner's request to submit a broader stipulation as an exhibit.

First, Petitioner's request is untimely as it was offered weeks after the panel's Institution Decision and long after the effect of such a stipulation could be briefed by the parties. As the USPTO clarified nearly three months ago, when it issued the March 24, 2025 Guidance on the USPTO's Rescission of the 2022 Interim Procedure Memo, the Board will consider a stipulation as part of its holistic analysis under *Fintiv*. However, the stipulation must be timely filed for such consideration prior to the Board's decision on institution. If Petitioner wanted this *third* stipulation it has offered in this matter to be considered, it should have done so long ago in the process.

Second, the authorization below states that "[n]o new evidence is permitted" with Petitioner's response to Patent Owner's request for Director Review. And the submission of such new evidence is neither warranted or justified. Petitioner has not justified its request, as it is required to do under Section 3.E of the Director Review Process. See <https://www.uspto.gov/patents/ptab/decisions/director-review-process>. It has not identified an issue of first impression or an issue involving legal or administrative changes that occurred after the Institution Decision. Nor can it be given that the USPTO's rescission of the June 2022 Memo that changed the effect of stipulations was issued long ago on February 28, 2025. And the USPTO issued its March 2025 Guidance months ago to clarify that stipulations must be timely filed for the Board's consideration.

Respectfully submitted,
Aashish Kapadia, counsel for Patent Owner

AASHISH KAPADIA
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From: Director_PTABDecision_Review <Director_PTABDecision_Review@uspto.gov>
Sent: Tuesday, June 24, 2025 9:03 AM
To: Josh Griswold <griswold@fr.com>; Oaks, Brian <Boaks@mwe.com>; Kapadia, Aashish <Akapadia@mwe.com>; Kenneth Darby <kdarby@fr.com>
Subject: RE: IPR2025-00257: Director Review Request

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[External Email]

Counsel,

Patent Owner may respond with its position as to Petitioner's request via email by Wednesday, June 25th.

Thanks.

From: Josh Griswold <griswold@fr.com>
Sent: Monday, June 23, 2025 6:29 PM
To: Director_PTABDecision_Review <Director_PTABDecision_Review@uspto.gov>; boaks@mwe.com; akapadia@mwe.com; Kenneth Darby <kdarby@fr.com>
Subject: RE: IPR2025-00257: Director Review Request

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Acting Director Stewart,

Prior to Patent Owner's request for Director Review, Petitioner had served upon Patent Owner a stipulation that is broader than a Sotera stipulation. Patent Owner's request for Director Review acknowledged and discussed this broader stipulation, and Petitioner will also discuss the stipulation in the response authorized below. This broader stipulation is not yet an exhibit in this proceeding, even though both parties acknowledge it.

Therefore, Petitioner requests authorization to submit the broader stipulation as an exhibit along

with the response authorized below.

Best regards,
Joshua Griswold, counsel for Petitioner

Joshua A. Griswold

Office Managing Principal ■ Fish & Richardson P.C.

T: 214 292 4034 | griswold@fr.com | [Bio](#)

From: Director_PTABDecision_Review <Director_PTABDecision_Review@uspto.gov>
Sent: Monday, June 23, 2025 9:56 AM
To: Josh Griswold <griswold@fr.com>; boaks@mwe.com; akapadia@mwe.com; Kenneth Darby <kdarby@fr.com>
Subject: IPR2025-00257: Director Review Request

[This email originated outside of F&R.]

Counsel,

Patent Owner's request for Director Review has been received in the above-referenced case. Petitioner is authorized to submit a response limited to the issues raised in the Director Review request, of no more than five pages, to be filed within five business days of this email. Any such response must be filed in P-TACTS, i.e., by selecting the "Other: other" paper type and the paper must be titled "Authorized Response to Director Review Request" or it may not be considered. No new evidence is permitted. No further briefing is authorized at this time.

The Director will determine whether review will be granted or denied and the parties will be notified of the result of the Director Review request.

Thank you.

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