

From: [Director Discretionary Decision](#)
To: [Gordon, Lori A](#); [Director Discretionary Decision](#)
Cc: [David Hecht](#); [James Zak](#); [Proxense](#); [Larochelle, Christie](#)
Subject: RE: IPR2025-00327, -00328, -00329: Authorization to File Motion for Entry of Stipulated Judgment and Order as Exhibits
Date: Monday, June 23, 2025 9:57:57 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)

Petitioner may file documents identified below as exhibits, and should do so as soon as possible. No additional briefing is authorized at this time.

From: Gordon, Lori A <LoriGordon@goodwinlaw.com>
Sent: Friday, June 20, 2025 8:40 PM
To: Director_Discretionary_Decision <Director_Discretionary_Decision@uspto.gov>
Cc: David Hecht <dhecht@hechtpartners.com>; James Zak <jzak@hechtpartners.com>; Proxense <proxense@hechtpartners.com>; Larochelle, Christie <CLarochelle@goodwinlaw.com>
Subject: IPR2025-00327, -00328, -00329: Authorization to File Motion for Entry of Stipulated Judgment and Order as Exhibits

CAUTION: This email has originated from a source outside of USPTO. **PLEASE CONSIDER THE SOURCE** before responding, clicking on links, or opening attachments.

IPR2025-00327: U.S. Patent 9,265,043
IPR2025-00328: U.S. Patent 8,219,129
IPR2025-00329: U.S. Patent 8,457,672

Honorable Director:

Petitioner and Patent Owner seek leave to file the following documents from the co-pending litigation as Petitioner's exhibits:

1. the Joint Motion for Entry of Stipulated Judgment of Non-Infringement and the draft Order for Judgement of Non-Infringement which also dismisses Intel's counterclaim of invalidity without prejudice, filed this week in the co-pending district court litigation; and
2. the signed Order when issued by Judge Albright.

Patent Owner concedes that the removal of the trial date directly impacts *Fintiv* factor 2.

Patent Owner additionally requests leave to file in each proceeding a three-page brief due one-day

after authorization granted regarding how the stipulated judgement contradicts Petitioner's position that QoS meets an element of the claims. Patent Owner does not oppose a three-page reply brief filed no later than two days following Petitioner's brief.

Petitioner opposes the filing of additional briefing on this issue. As stated in each Petition, Petitioner presented Grounds 2-3 in IPR2025-00327 (the '043 Patent), Grounds 3-6 in IPR2025-00328 (the '129 Patent), and Grounds 2-3 in IPR2025-00329 (the '672 Patent) under the proper construction of the "class" term. These grounds do not rely QoS to satisfy the "class" term and do not conflict with the stipulated judgment of non-infringement. The stipulation of non-infringement in the district court impacts only Ground 1 in IPR2025-00327, Grounds 1-2 in IPR2025-00328, and Ground 1 in IPR2025-00329, which relied on QoS data and were presented because the district court had not yet construed the "class" term when the Petitions were filed. These issues have been addressed in the discretionary denial briefings filed by both parties and in PO's POPRs.

Should the Director desire a conference call, the parties are available Monday, June 23 – Friday, June 27 from 9am to 4pm EDT.

Regards-
Lori A. Gordon

Lori Gordon



Goodwin Procter LLP
1900 N Street, NW
Washington, DC 20036
o +1 202 346 4435
f +1 202 346 4444
LoriGordon@goodwinlaw.com



This message was sent from Goodwin Procter LLP and is intended only for the designated recipient(s). It may contain confidential or proprietary information and may be subject to the attorney-client privilege or other confidentiality protections. If you are not a designated recipient, you may not review, copy or distribute this message. If you receive this in error, please notify the sender by reply e-mail and delete this message. Thank you.
