

From: [Director Discretionary Decision](#)
To: [DGolub@vklaw.com](#); [BTheiss@vklaw.com](#); [rrigby@intven.com](#); [Bowser, Jonathan](#); [Scott.Jarratt@haynesboone.com](#)
Cc: [Director Discretionary Decision](#)
Subject: RE: IPR2025-00340 / U.S. Patent No. 6,894,639
Date: Wednesday, July 2, 2025 3:18:31 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)

Patent Owner's request for additional briefing is denied.

From: Daniel H. Golub <DGolub@vklaw.com>
Sent: Tuesday, July 1, 2025 6:23 PM
To: Trials <Trials@USPTO.GOV>
Cc: Brandon R. Theiss <BTheiss@vklaw.com>; Russ Rigby <rrigby@intven.com>; 'Bowser, Jonathan' <Jonathan.Bowser@haynesboone.com>; Jarratt, Scott <Scott.Jarratt@haynesboone.com>
Subject: IPR2025-00340 / U.S. Patent No. 6,894,639

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RE: IPR2025-00340

Dear Honorable Board,

Patent Owner requests leave to file 3-page Reply and supporting documents in response to Petitioner's Opposition To Patent Owner's Request For Discretionary Denial Brief (Paper #9) in order to address Petitioner's misleading allegations that (i) Patent Owner did not own the '639 Patent in 2020 when Patent Owner sent Petitioner a notice letter alleging infringement, and (ii) that there is a "gap in the ownership chain of the '639 patent." Patent Owner seeks leave to submit evidence and argument demonstrating that Petitioner understood Patent Owner's rights in the '639 Patent in 2020 when Patent Owner sent Petitioner the notice letter, and that there is no "gap" in the ownership chain of the '639 Patent. The documents Patent Owner is prepared to submit include either agreements between Patent Owner and Petitioner, documents that Patent Owner provided to Petitioner in 2020, or documents previously recorded with the Patent Office. In light of the information evidenced by these documents and known to Petitioner, Patent Owner could not reasonably have foreseen the allegations made by Petitioner in its Brief which purport to refute the settled expectations of the parties.

Patent Owner is prepared to file its 3-page Reply and supporting documents with two business days of receiving authorization to do so from the Board.

Patent Owner has conferred with Petitioner, and Petitioner has indicated that it opposes Patent Owner's request. Petitioner requested that the following be included in the communication to the Board:

Petitioner opposes Patent Owner's request as Patent Owner has not shown there is good cause. Because the public USPTO assignment records show that IV did not own the '639 patent at the time of the demand letter, it was incumbent upon IV to file any documents showing otherwise with its original request for discretionary denial. This is especially true if such documents are not available to the public. Similarly, it is improper to call Petitioner's arguments "misleading" when those arguments are based upon the only public ownership records of the '639 patent. There is no justification for allowing a reply now based on documents that Patent Owner could have and should have presented in its request for discretionary denial.

Should the Board wish to convene a conference call to discuss Patent Owner's request for leave, Patent Owner will make itself available at any time later this week. Petitioner did not indicate when it would be available for a call with the Board.

Respectfully submitted,

Daniel H. Golub
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Counsel for Patent Owner



IPR2025-00340
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