

From: [Trials](#)
To: [Joshua Wyde](#); [Trials](#)
Cc: [Gregory Cordrey](#); [Stan M. Gibson](#); [IPR2025-00351](#); [IPR2025-00349](#); [IPR2025-00350](#); [Masood Anjom](#); [Michael McBride](#)
Subject: RE: IPR2025-00349, -00350, & -00351 | Request for Additional Briefing re Discretionary Denial
Date: Wednesday, April 2, 2025 3:00:55 PM

Counsel,

The Board grants Petitioner's unopposed request to file a seven-page preliminary reply to Patent Owner's preliminary response. Petitioner's reply must be limited to responding to the arguments for discretionary denial raised in Patent Owner's preliminary response. The Board authorizes Patent Owner to file a preliminary sur-reply of no more than seven pages. The parties are authorized to file documentary evidence in support of any facts asserted in the preliminary reply or preliminary sur-reply but are not authorized to file additional declarations.

Petitioner's reply must be filed no later than April 16, 2025. Patent Owner's sur-reply must be filed no later than April 30, 2025.

Regards,

Andrew Kellogg,
Deputy Chief Clerk, Trials
Patent Trial and Appeal Board
USPTO
andrew.kellogg@uspto.gov
(571) 272-5366

From: Joshua Wyde <JWyde@aatriallaw.com>
Sent: Tuesday, April 1, 2025 12:36 PM
To: Trials <Trials@USPTO.GOV>
Cc: Gregory Cordrey <GCordrey@JMBM.com>; Stan M. Gibson <SMG@JMBM.com>; IPR2025-00351 <IPR2025-00351@aatriallaw.com>; IPR2025-00349 <IPR2025-00349@aatriallaw.com>; IPR2025-00350 <IPR2025-00350@aatriallaw.com>; Masood Anjom <MANjom@aatriallaw.com>; Michael McBride <MMcBride@aatriallaw.com>
Subject: IPR2025-00349, -00350, & -00351 | Request for Additional Briefing re Discretionary Denial

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Your Honors:

In light of changes in law and facts subsequent to the petition filing dates

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IPR2025-00349,-00350, -00351

in the above referenced IPRs, Petitioners request an additional seven (7) pages of briefing in each IPR to address Patent Owner's argument that the Board should discretionarily deny the petitions under *Fintiv*. See, e.g., Order Granting Director Review, *Motorola Solns., Inc. v. Stellar, LLC*, IPR2024-01205-19 (PTAB Mar. 28, 2025); Guidance on USPTO's rescission of "Interim Procedure for Discretionary Denials in AIA Post-Grant Proceedings with Parallel District Court Litigation," (Mar. 24, 2025), https://www.uspto.gov/sites/default/files/documents/guidance_memo_on_interim_procedure_rescission_20250324.pdf.

Petitioners conferred with Patent Owner, and Patent Owner indicated that "Patent Owner will not oppose [Petitioners'] request provided that the reply addresses only the *Fintiv* analysis and patent owner can submit a sur-reply of no more than a 7-pages responding to the reply within two weeks of the filing of petitioners reply."

Petitioners are generally available over the next two weeks should the Board wish to discuss the matter via teleconference. Patent Owner is generally available over the same period from 9 am to 5 pm PST, except for Wednesday, April 2, 2025, from 11–12am PST, and Tuesday, April 8, 2025, all day.

JoshuaWyde

ALAVI & ANAIPAKOS PLLC, OF COUNSEL

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