

From: [Director_PTABDecision_Review](#)
To: [Cox, Brady](#); [James Stein](#); [Kevin Yao](#); [jasone-PTAB@sternekessler.com](#); [jfitzsimmons-PTAB@sternekessler.com](#); [COSMX-PTAB](#); [PTAB@sternekessler.com](#); [Douglas, Christopher](#); [Byrd, Maddy](#); [Sooter, Miranda](#); [Hickey, Casey](#); [ATL-CosMX-IPRs](#); [Steven Philbin](#)
Subject: RE: Zhuhai CosMX v. Ningde Amperex Tech. | IPR2025-00431 - Request for authorization to file supplemental brief
Date: Wednesday, October 22, 2025 4:42:00 PM

Counsel,

Patent Owner's request for authorization to file a supplemental brief in support of its request for Director Review is denied.

Thanks.

IPR2025-00431
Ex. 3101

From: Cox, Brady <Brady.Cox@alston.com>
Sent: Friday, October 17, 2025 4:08 PM
To: Director_PTABDecision_Review <Director_PTABDecision_Review@uspto.gov>
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Subject: Zhuhai CosMX v. Ningde Amperex Tech. | IPR2025-00431 - Request for authorization to file supplemental brief

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Dear Director,

Patent Owner respectfully requests authorization to file a three-page supplemental brief to its pending *Request for Director Review* (Paper 19) in IPR2025-00431 (regarding U.S. Patent No. 11,799,131) to address the impact of the Director's recent *Order Granting Director Review, Vacating the Decision Granting Institution, and Denying Institution of Inter Partes Review* (Paper 24) in IPR2025-00405 (regarding U.S. Patent 11,769,910) on Patent Owner's Request. If authorized, Patent Owner does not oppose a three-page response from Petitioner to be filed five business days after it files its supplemental brief.

The '910 Patent is a continuation of the later-issued '131 Patent. Petitioner relies on identical prior art references in both IPR2025-00431 and the now-denied IPR2025-00405. Both Petitions rely on Zeng and Zhou as primary references and Sunose, Matsuoka, Kim, and Su as secondary references across 12 or 15 different grounds, raising 5 or 6 grounds against each challenged claim, adopting similar approaches to their Petitions that the Director has now criticized. IPR2025-00405 (Paper 24) at 2-3. With the denial of institution of the '910 Patent, common issues of fact regarding the application of these same prior art references to the claims are

certain to be decided in the underlying district court case with respect to the '910 Patent before the Final Written Decision issues in IPR2025-00431. Furthermore, the same CosMX products are accused of infringing both the '910 and '131 Patent in the underlying district court case.

Accordingly, Patent Owner respectfully requests authorization to file a three-page supplemental brief addressing the impact of the Director's recent Order on its Request for Director Review.

Petitioner opposes this request and has requested this addition to Patent Owner's email:

"Petitioner opposes Patent Owner's request. Petitioner further objects to Patent Owner's inclusion of arguments in this email communication as inappropriate. As Patent Owner did not agree to remove the inappropriate arguments, Petitioner includes the following brief response:

"No additional briefing should be permitted, as the issues relied upon for the Director's denial of institution of the '910 Patent were foreseeable when the '131 Patent Director Review request was filed. Therefore, Patent Owner could have briefed the same issues in their '131 Patent Director Review brief, and did not. Moreover, further briefing is unnecessary because Director Squires is aware that the '910 and '131 Patents are related, has decided the '910 Patent Director Review Request, and will also decide the pending '131 Patent Director Review Request. Patent Owner should instead use already-available procedure of filing updated Mandatory Notices regarding the status of IPR2025-00405. Finally, the '131 Patent Petition is different from the '910 Patent Petition at least because it has fewer grounds and lacks any issue corresponding to '910 Patent claim 20 for a subset of grounds. Regarding references to the products accused in the parallel district court litigation, that is irrelevant to the invalidity of the '131 Patent. If Patent Owner's request is granted over Petitioner's opposition, Petitioner submits that a one-page brief is more than sufficient to address Patent Owner's issues."

All best,
-Brady Cox

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