

From: [Zach Jacobs](#)
To: [Harper Batts](#); [Michael Matulewicz-Crowley](#)
Cc: [RJ_XtreamEdge-AMD](#); [Chris Ponder](#); [Jeffrey Liang](#); [LegalTM-AMD-Concurrent](#); [Christine E. Lehman](#)
Subject: Re: IPR2025-00223; IPR2025-00478; IPR2025-00486: Request for authorization to file Motion to Vacate the Institution Decision and Terminate the Proceeding
Date: Friday, March 13, 2026 11:33:30 AM
Attachments: [image001.png](#)

Harper,

As we said in our last email, we do not object to you filing the stipulation. The rest of your email can be discussed at Monday's meet and confer.

Best,

Zach

Zach Jacobs | 202.894.7312 | **Reichman Jorgensen Lehman & Feldberg LLP**

From: Harper Batts <hbatts@sheppard.com>
Sent: Thursday, March 12, 2026 5:56 PM
To: Zach Jacobs <zjacobs@reichmanjorgensen.com>; Michael Matulewicz-Crowley <mmatulewicz-crowley@reichmanjorgensen.com>
Cc: RJ_XtreamEdge-AMD <RJ_XtreamEdge-AMD@reichmanjorgensen.com>; Chris Ponder <cponder@sheppard.com>; Jeffrey Liang <jliang@sheppard.com>; LegalTM-AMD-Concurrent <LegalTM-AMD-Concurrent@sheppard.com>; Christine E. Lehman <clehman@reichmanjorgensen.com>
Subject: RE: IPR2025-00223; IPR2025-00478; IPR2025-00486: Request for authorization to file Motion to Vacate the Institution Decision and Terminate the Proceeding

CAUTION: EXTERNAL SENDER

Zach,

In terms of formally withdrawing the references, there are a number of possible options. The option raised by your side is amending the contentions to remove the prior art references. If we take that path, what is Patent Owners position on the two questions below?

Also, can you please confirm that Patent Owners do not object to us filing the stipulation. We realize it is a formality, but we are required to include Patent Owners' position in our e-mail to the Board asking permission to file.

Regards,

Harper

Harper Batts

Partner



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From: Zach Jacobs <zjacobs@reichmanjorgensen.com>

Sent: Thursday, March 12, 2026 1:47 PM

To: Harper Batts <hbatts@sheppard.com>; Michael Matulewicz-Crowley <mmatulewicz-crowley@reichmanjorgensen.com>

Cc: RJ_XtreamEdge-AMD <RJ_XtreamEdge-AMD@reichmanjorgensen.com>; Chris Ponder <cponder@sheppard.com>; Jeffrey Liang <jliang@sheppard.com>; LegalTM-AMD-Concurrent <LegalTM-AMD-Concurrent@sheppard.com>; Christine E. Lehman <clehman@reichmanjorgensen.com>

Subject: Re: IPR2025-00223; IPR2025-00478; IPR2025-00486: Request for authorization to file Motion to Vacate the Institution Decision and Terminate the Proceeding

Harper,

Let's proceed with the meet-and-confer on Monday—there is no benefit to discussing this issue without the district court decision-makers on the call. And to be clear, we do not object to Petitioners seeking authorization to file the new stipulation; we have repeatedly requested you do exactly that.

We also encourage you to stop mischaracterizing the record regarding Patent Owners' prior meet-and-confer request. We formally identified the *Sotera* violations weeks ago and requested a meet-and-confer in a letter sent to every attorney who has appeared for Petitioners in the IPRs, including you. Petitioners simply ignored it.

As for your questions, can you please identify what specific steps you are contemplating when you say "formally withdraw" the references?

Best,

Zach

Zach Jacobs | 202.894.7312 | **Reichman Jorgensen Lehman & Feldberg LLP**

From: Harper Batts <hbatts@sheppard.com>

Sent: Thursday, March 12, 2026 1:59 PM

To: Zach Jacobs <zjacobs@reichmanjorgensen.com>; Michael Matulewicz-Crowley <mmatulewicz-crowley@reichmanjorgensen.com>

Cc: RJ_XtreamEdge-AMD <RJ_XtreamEdge-AMD@reichmanjorgensen.com>; Chris Ponder <cponder@sheppard.com>; Jeffrey Liang <jliang@sheppard.com>; LegalTM-AMD-Concurrent <LegalTM-AMD-Concurrent@sheppard.com>; Christine E. Lehman <clehman@reichmanjorgensen.com>

Subject: RE: IPR2025-00223; IPR2025-00478; IPR2025-00486: Request for authorization to file Motion to Vacate the Institution Decision and Terminate the Proceeding

CAUTION: EXTERNAL SENDER

Counsel,

We are fine with meeting and conferring on Monday but remain available today or Friday for a PTAB meet and confer. You still haven't responded to the question raised below that would have been addressed in a meet and confer before your improper e-mail to the Board. Are Patent Owners willing to confirm that they will not seek de-institution of any of the IPR if Defendants formally withdraw the references in the district court? Similarly, if Defendants formally withdraw the references in the district court, will Patent Owners no longer seek to terminate the IPR proceedings? These are basic questions that a meet and confer before Patent Owners' e-mail to the Board would have fleshed out – the exact reason the Board requires such meet and confers.

As to filing the stipulation, we have no objection to doing so. We didn't violate the original Sotera stipulation and have nothing to hide on the second stipulation that we already referenced in the e-mail to the Board. But unlike Patent Owners, we abide by the Board's rules and regulations regarding communications with the Board and Director.

We require approval from the Board to file the new stipulation and will reach out to the Board later today. Please confirm Patent Owners do not object so we can indicate that in the e-mail.

Regards,

Harper
Lead Counsel for Petitioners

Harper Batts
Partner

1540 El Camino Real, Suite 120
Menlo Park, CA 94025-4111
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From: Zach Jacobs <zjacobs@reichmanjorgensen.com>

Sent: Thursday, March 12, 2026 7:32 AM

To: Harper Batts <hbatts@sheppard.com>; Michael Matulewicz-Crowley <mmatulewicz-crowley@reichmanjorgensen.com>

Cc: RJ_XtreamEdge-AMD <RJ_XtreamEdge-AMD@reichmanjorgensen.com>; Chris Ponder <cponder@sheppard.com>; Jeffrey Liang <jliang@sheppard.com>; LegalTM-AMD-Concurrent <LegalTM-AMD-Concurrent@sheppard.com>; Christine E. Lehman <clehman@reichmanjorgensen.com>

Subject: Re: IPR2025-00223; IPR2025-00478; IPR2025-00486: Request for authorization to file Motion to Vacate the Institution Decision and Terminate the Proceeding

Harper,

Petitioners are obligated, pursuant to the duty of candor and good faith, to file the new district court stipulation pertaining to Petitioners' altered *Sotera* commitments in each IPR to which it pertains. Please confirm that Petitioners will do so today.

As noted in my email to Lai, since the PTAB and District Court issues are inextricably linked, Patent Owners expect to participate in a single M&C on that issue.

Best,

Zach

Zach Jacobs | 202.894.7312 | **Reichman Jorgensen Lehman & Feldberg LLP**

From: Harper Batts <hbatts@sheppard.com>

Sent: Wednesday, March 11, 2026 2:41 PM

To: Zach Jacobs <zjacobs@reichmanjorgensen.com>; Michael Matulewicz-Crowley <mmatulewicz-crowley@reichmanjorgensen.com>

Cc: RJ_XtreamEdge-AMD <RJ_XtreamEdge-AMD@reichmanjorgensen.com>; Chris Ponder <cponder@sheppard.com>; Jeffrey Liang <jliang@sheppard.com>; LegalTM-AMD-Concurrent <LegalTM-AMD-Concurrent@sheppard.com>; Christine E. Lehman <clehman@reichmanjorgensen.com>

Subject: RE: IPR2025-00223; IPR2025-00478; IPR2025-00486: Request for authorization to file Motion to Vacate the Institution Decision and Terminate the Proceeding

CAUTION: EXTERNAL SENDER

Zach,

You are mixing correspondence between the PTAB proceeding and the district court. This e-mail thread is for the PTAB proceedings. Petitioners are available tomorrow to conduct the meet and confer for the PTAB proceedings tomorrow between 11-12 Pacific and 1-4:30 Pacific. We can also provide times for Friday if those times don't work for Patent Owners.

For the district court, different folks and issues are involved and I believe that's being set for 9:30 Pacific tomorrow.

Regards,

Harper

Harper Batts
Partner



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From: Zach Jacobs <zjacobs@reichmanjorgensen.com>

Sent: Tuesday, March 10, 2026 11:42 AM

To: Harper Batts <hbatts@sheppard.com>; Michael Matulewicz-Crowley <mmatulewicz-crowley@reichmanjorgensen.com>

Cc: RJ_XtreamEdge-AMD <RJ_XtreamEdge-AMD@reichmanjorgensen.com>; Chris Ponder <cponder@sheppard.com>; Jeffrey Liang <jliang@sheppard.com>; LegalTM-AMD-Concurrent <LegalTM-AMD-Concurrent@sheppard.com>; Christine E. Lehman <clehman@reichmanjorgensen.com>

Subject: Re: IPR2025-00223; IPR2025-00478; IPR2025-00486: Request for authorization to file Motion to Vacate the Institution Decision and Terminate the Proceeding

Harper,

We are available to discuss this issue and the other issues raised in our invalidity contentions deficiency letter on Thursday at 9:30 a.m. PT. Please circulate a meeting invite if that time still works for your team.

Best,

Zach

Zach Jacobs | 202.894.7312 | **Reichman Jorgensen Lehman & Feldberg LLP**

From: Harper Batts <hbatts@sheppard.com>

Sent: Tuesday, March 10, 2026 12:32 PM

To: Michael Matulewicz-Crowley <mmatulewicz-crowley@reichmanjorgensen.com>

Cc: RJ_XtreamEdge-AMD <RJ_XtreamEdge-AMD@reichmanjorgensen.com>; Chris Ponder <cponder@sheppard.com>; Jeffrey Liang <jliang@sheppard.com>; LegalTM-AMD-Concurrent <LegalTM-AMD-Concurrent@sheppard.com>; Christine E. Lehman <clehman@reichmanjorgensen.com>; Zach Jacobs <zjacobs@reichmanjorgensen.com>

Subject: RE: IPR2025-00223; IPR2025-00478; IPR2025-00486: Request for authorization to file Motion to Vacate the Institution Decision and Terminate the Proceeding

CAUTION: EXTERNAL SENDER

Counsel,

You are mixing and matching district court and PTAB proceedings. The letter you reference was for the district court proceedings, not any IPR proceedings. In that letter, Concurrent stated the relief it was seeking was withdraw or striking off the identified references. 2/20/2026 Letter at 3 (“Plaintiffs intend to move to strike these contentions should Defendants not agree to withdraw these contentions.”). Concurrent never previously mentioned in any written correspondence or meet and confer any potential motion to vacate institution of the IPRs. Nor did you request a meet confer in the IPR proceedings or even reach out to us regarding our availability for a call with the Board.

We responded to the district court letter yesterday, and we confirmed that we are complying with our *Sotera* stipulations and not deviating from them. And we do so again here. But as is typical, we expect correspondence regarding the district court proceedings between the parties and correspondence between Petitioners and Patent Owners to remain separated.

In any event, if you believe this situation has still not been resolved, we think it would be useful to conduct a meet and confer on this issue to see if we can get it resolved. For example, are Patent Owners willing to confirm that they will not seek de-institution of any of the IPR if Defendants formally withdraw the references in the district court? We have good availability for a meet and confer either Thursday or Friday on this issue.

Regards,

Harper
Lead Counsel for Petitioners

Harper Batts

Partner



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From: Michael Matulewicz-Crowley <mmatulewicz-crowley@reichmanjorgensen.com>
Sent: Monday, March 9, 2026 9:04 AM
To: Harper Batts <hbatts@sheppard.com>
Cc: RJ_XtreamEdge-AMD <RJ_XtreamEdge-AMD@reichmanjorgensen.com>; Chris Ponder <cponder@sheppard.com>; Jeffrey Liang <jliang@sheppard.com>; LegalTM-AMD-Concurrent <LegalTM-AMD-Concurrent@sheppard.com>; Christine E. Lehman <clehman@reichmanjorgensen.com>; Zach Jacobs <zjacobs@reichmanjorgensen.com>
Subject: RE: IPR2025-00223; IPR2025-00478; IPR2025-00486: Request for authorization to file Motion to Vacate the Institution Decision and Terminate the Proceeding

Harper,

Your email is inaccurate. As you know, Patent Owners did reach out to you regarding this issue more than two weeks ago. See Ltr. from Z. Jacobs to J. Liang on Feb. 20, 2026. Patent Owners explained how the Invalidity Contentions violated the *Sotera* stipulation and requested your availability to meet and confer. You did not respond.

Even now, in the email below, you still do not address the substance of the violation. Instead, you object to the fact that we requested the Board's authorization to brief the issue. Given your silence, the severe nature of the violation, and the nature of the requested relief (i.e., termination), Patent Owners acted appropriately in raising the issue so the Board could address it promptly.

We will not withdraw our request. If Petitioners choose to pursue sanctions or reprimand based on a procedural communication necessitated by your lack of response, Patent Owners will respond as appropriate.

Regards,
Michael Matulewicz-Crowley
Reichman Jorgensen Lehman & Feldberg llp
650 Fifth Avenue, Suite 2320
New York, NY 10019
(332) 208-7170

From: Harper Batts <hbatts@sheppard.com>
Sent: Monday, March 9, 2026 11:20 AM
To: Michael Matulewicz-Crowley <mmatulewicz-crowley@reichmanjorgensen.com>
Cc: RJ_XtreamEdge-AMD <RJ_XtreamEdge-AMD@reichmanjorgensen.com>; Chris Ponder

<cponder@sheppard.com>; Jeffrey Liang <jliang@sheppard.com>; LegalTM-AMD-Concurrent
<LegalTM-AMD-Concurrent@sheppard.com>; Christine E. Lehman
<clehman@reichmanjorgensen.com>; Zach Jacobs <zjacobs@reichmanjorgensen.com>
Subject: RE: IPR2025-00223; IPR2025-00478; IPR2025-00486: Request for authorization to file
Motion to Vacate the Institution Decision and Terminate the Proceeding

CAUTION: EXTERNAL SENDER

Counsel for Patent Owners,

You failed to even attempt to meet and confer with Petitioners before sending this e-mail to the Board and Director. You have until 1 p.m. EST to withdraw this request and follow proper PTAB procedures. If you have not withdrawn this request by 1 p.m. EST, we will respond to the e-mail and will be seeking sanctions and/or reprimand for your actions.

Regards,

Harper
Lead Counsel for Petitioners

Harper Batts
Partner



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From: Michael Matulewicz-Crowley <mmatulewicz-crowley@reichmanjorgensen.com>
Sent: Monday, March 9, 2026 6:25 AM
To: Director_Discretionary_Decision <director_discretionary_decision@uspto.gov>; Trials
<trials@uspto.gov>
Cc: RJ_XtreamEdge-AMD <RJ_XtreamEdge-AMD@reichmanjorgensen.com>; Harper Batts
<hbatts@sheppard.com>; Chris Ponder <cponder@sheppard.com>; Jeffrey Liang
<jliang@sheppard.com>; LegalTM-AMD-Concurrent <LegalTM-AMD-Concurrent@sheppard.com>;
Christine E. Lehman <clehman@reichmanjorgensen.com>; Zach Jacobs
<zjacobs@reichmanjorgensen.com>
Subject: IPR2025-00223; IPR2025-00478; IPR2025-00486: Request for authorization to file Motion
to Vacate the Institution Decision and Terminate the Proceeding

Dear Honorable Director and Board,

In each of the above-captioned, currently instituted IPR proceedings (IPR2025-00223; IPR2025-00478; IPR2025-00486), Patent Owners respectfully request authorization to file a

Motion to Vacate the Institution Decision and Terminate the Proceeding. In opposing Patent Owners' requests for discretionary denial, Petitioners submitted *Sotera* Stipulations in each proceeding and in the parallel district court litigation, stipulating to the Patent Office and District Court that they would not rely on any ground in the parallel district court litigation that they raised or reasonably could have raised in the IPRs. *See* IPR2025-00223, EX-1048, Paper 8 at 18-19; IPR2025-00478, Paper 8 at 18-19; IPR2025-00486, Paper 8 at 16-17. Petitioners have reneged on their stipulations. As reflected in the attached invalidity contentions, served on February 13, 2026, Petitioners are actively asserting anticipation and obviousness grounds against the patents at issue in the IPRs (the '596, '753, and '943 patents) based only on prior art patents and printed publications that reasonably could have been raised in the IPRs. *See, e.g.*, Invalidity Contentions at 6-10, 57-60, 74-78. Worse yet, Petitioners' district court invalidity contentions expressly incorporate the exact grounds that were **actually** raised in each IPR. *Id.* at 10, 44, 60, 78, 92. Patent Owners informed Petitioners of this issue on February 20, 2026, as reflected in the attached email. Petitioners have not responded or otherwise addressed the discrepancy between their actions and their previous stipulations to this Office and the District Court.

Patent Owners should be authorized to file Motions to Vacate the Institution Decisions and Terminate the Proceedings in light of Petitioners' actions. *See* 37 C.F.R. § 42.5 ("The Board may determine a proper course of conduct in a proceeding for any situation not specifically covered by this part . . ."). Petitioners' misrepresentation to the Director of their actual position (that they **will** rely on grounds that were raised or reasonably could have been raised in the IPRs) independently warrants discretionary denial. The fact that Petitioners effectively have no *Sotera* Stipulations gets to the core of the discretionary denial analysis, and also warrants denial. Petitioners are now proceeding with their invalidity arguments on two tracks—the IPR proceedings are not "true alternative[s]" to the district court proceeding, but copies of it. *Motorola Solutions, Inc. v. Stellar, LLC*, IPR2024-01205, Paper 19 at 3-4 (PTAB Mar. 28, 2025). Petitioners' failure of candor was not previously known; now that it has come to light, vacating the institution decisions and terminating the proceedings is warranted.

Patent Owners' counsel can be available for a conference call should the Director or Board request one.

Regards,
Michael Matulewicz-Crowley
Reichman Jorgensen Lehman & Feldberg LLP
650 Fifth Avenue, Suite 2320
New York, NY 10019
(332) 208-7170

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