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Subject: RE: IPR2025-00491 - Supplemental Paper
Date: Tuesday, June 03, 2025 8:47:37 AM

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Counsel for Patent Owner seeks leave to submit a two page paper to address the impact of *Qualcomm Inc. v. Apple Inc.*, Case: 23-1208 (Fed. Cir. April 23, 2025) on this case. Patent Owner's request is granted. Patent Owner has until June 10, 2025 to file its two page paper. No new additional arguments or evidence are permitted. Petitioner has until June 17, 2025 to likewise file a two page responsive paper. Additionally, Patent Owner is instructed to include this correspondence as an exhibit to its filing to show authorization for the supplemental papers.

Regards,

Andrew Kellogg,
Deputy Chief Clerk, Trials
Patent Trial and Appeal Board
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From: Halverson, Erik J. <Erik.Halverson@klgates.com>
Sent: Tuesday, May 27, 2025 4:41 PM
To: Trials <Trials@USPTO.GOV>
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Subject: IPR2025-00491 - Supplemental Paper

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Dear Board,

I am counsel for Patent Owner in the above referenced proceeding. Patent Owner seeks leave to submit a two page paper to address the Federal Circuit's decision in *Qualcomm Inc. v. Apple Inc.*, Case: 23-1208 (Fed. Cir. April 23, 2025). This decision recently came out and due to the transition in

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counsel by Patent Owner, the decision was not addressed in Patent Owner's Preliminary Response. The decision has significant impact on this proceeding because both of the Petitioned grounds rely expressly on Applicant Admitted Prior Art ("AAPA"), which is now prohibited under 35 U.S.C. 311. Patent Owner does not oppose a two page response paper from Petitioner on this issue.

Patent Owner conferred with Petitioner and Petitioner provided the following response:

Petitioner opposes the request. Patent Owner could have addressed *Qualcomm* in papers filed on April 28 and 30, 2025, after the *Qualcomm* case published but chose to ignore it. Patent Owner's transition of counsel also came only over three weeks after the *Qualcomm* case on May 19. Should the Board authorize Patent Owner's requests, Petitioner intends to file a response to Patent Owner's paper.

Further, to the extent that the Petition's use of AAPA is unclear, Petitioner requests authorization to file a motion to correct a clerical error under 37 C.F.R. § 42.104(c) to remove the term "AAPA" from the Petition in Section V and the heading in Section IX.A, because the Petition properly only relies on AAPA even in light of *Qualcomm*. The AAPA does not form the basis of the grounds of unpatentability.

The parties can be available to discuss via conference call if the Board would find it helpful.

Best regards,
Erik



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