From:	Director_Discretionary_Decision
To:	Richard M. Bemben; Director_Discretionary_Decision
Cc:	David ODell IPR; Calmann Clements IPR; Hong Shi IPR; dalberti@krameralberti.com; slim@krameralberti.com; Jason Fitzsimmons; Michael Specht; lmcdonough@krameralberti.com; ahamill@krameralberti.com; PTAB Account; Tyler Dutton
Subject:	RE: Request for Reply to Petitioners" Opposition | IPR2025-00515, -00516, & -00517
Date:	Thursday, June 26, 2025 10:40:15 AM
Attachments:	image001.png image002.png

Patent Owner is authorized to file a 5-page reply in IPR2025-00515, -516, and -517, due no later than Monday, June 30th, limited to addressing the issues identified in its email below.

From: Richard M. Bemben <RBEMBEN@sternekessler.com>
Sent: Thursday, June 26, 2025 8:38 AM
To: Director_Discretionary_Decision <Director_Discretionary_Decision@uspto.gov>
Cc: David ODell IPR <david.odell.ipr@haynesboone.com>; Calmann Clements IPR <Calmann.Clements.ipr@haynesboone.com>; Hong Shi IPR <Hong.Shi.ipr@haynesboone.com>; dalberti@krameralberti.com; slim@krameralberti.com; Jason Fitzsimmons <JFITZSIMMONS@sternekessler.com>; Michael Specht <MSPECHT@sternekessler.com>; lmcdonough@krameralberti.com; ahamill@krameralberti.com; PTAB Account <PTAB@sternekessler.com>; Tyler Dutton <TDUTTON@sternekessler.com>
Subject: Request for Reply to Petitioners' Opposition | IPR2025-00515, -00516, & -00517

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RE: IPR2025-00515; IPR2025-00516; IPR2025-00517

Acting Director Stewart and Honorable Board,

Patent Owner requests authorization to file a 5-page reply to Petitioners' discretionary denial opposition briefs in each of the above-noted proceedings. Patent Owner filed a discretionary denial brief in each proceeding on April 25, 2025. Petitioners filed opposition briefs on June 24, 2025.

Good cause exists at least for the following reasons. First, the circumstances regarding the underlying district court litigation have changed since Patent Owner filed its discretionary denial briefs. For example, the district court granted a motion to stay on Monday, June 23rd. Petitioners discussed the stay extensively in their oppositions, and Patent Owner should have an opportunity to respond.

Second, the Acting Director has issued decisions clarifying the new discretionary denial factors since Patent Owner filed its discretionary denial briefs. For example, decisions such as *iRhythm Technologies, Inc. v. Welch Allyn, Inc.*, IPR2025-00363, and *Dabico Airport Solutions Inc. v. AXA Power ApS*, IPR2025-00408, provide guidance on the "settled expectations" factor, which is applicable to these proceedings because the challenged patents issued between 9-11 years ago.

The parties have conferred. Petitioners indicated they oppose on the following basis: “Petitioner opposes such a request – this process is already delayed a month more than normal, no need for more delay.”

Respectfully,
Richard Bemben
Counsel for Patent Owner

Richard M. Bemben
Director, Co-Chair of PTAB Practice
Direct: 202.772.8549

Administrative Assistant: Maya Bennett
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