

**From:** [Director Discretionary Decision](#)  
**To:** [Gordon, Lori A](#); [Piana, Jayne](#); [Director Discretionary Decision](#)  
**Cc:** [MDT-Samsung-BR](#); [DG-Samsung-MDT](#); [Birbach, Naomi](#); [Robinson, Erick](#); [Partridge, Jayme](#); [Dunn, Patrick](#); [Rafatijo, Homayoon](#)  
**Subject:** RE: IPR2025-00535: Request for Reply  
**Date:** Friday, June 13, 2025 9:21:24 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)  
[image006.png](#)

---

Patent Owner is authorized to file a 5-page reply in IPR2025-00535 due no later than Tuesday, June 17, 2025, limited to addressing the arguments raised below.

Petitioner is authorized to file a 5-page sur-reply in IPR2025-00535, due no later than Friday, June 20, 2025, limited to addressing arguments made in Patent Owner's reply brief.

---

**From:** Gordon, Lori A <LoriGordon@goodwinlaw.com>  
**Sent:** Friday, June 13, 2025 8:32 AM  
**To:** Piana, Jayne <JPiana@brownrudnick.com>; Director\_Discretionary\_Decision <Director\_Discretionary\_Decision@uspto.gov>  
**Cc:** MDT-Samsung-BR <MDT-Samsung-BR@brownrudnick.com>; DG-Samsung-MDT <DG-Samsung-MDT@goodwinlaw.com>; Birbach, Naomi <NBirbach@goodwinlaw.com>; Robinson, Erick <ERobinson@brownrudnick.com>; Partridge, Jayme <JPartridge@brownrudnick.com>; Dunn, Patrick <PDunn@brownrudnick.com>; Rafatijo, Homayoon <HRafatijo@brownrudnick.com>  
**Subject:** RE: IPR2025-00535: Request for Reply

**CAUTION:** This email has originated from a source outside of USPTO. **PLEASE CONSIDER THE SOURCE** before responding, clicking on links, or opening attachments.

## IPR2025-00535

Dear Honorable Director,

Petitioners write in response to Patent Owner's email below seeking authorization to file a reply brief in response to Petitioners' Discretionary Denial Opposition in the above-captioned IPR.

Petitioners oppose Patent Owner's request. As discussed below, none of Patent Owner's cited grounds constitute good cause for a reply. To the extent Patent Owner's request is granted, Petitioners request leave to file a sur-reply of equal length to Patent Owner's reply.

As an initial matter, the Board's *FAQs for Interim Processes for PTAB Workload Management* stated that the "Parties are encouraged to address any fact or circumstance they believe bears on whether the Office should or should not institute trial, including reasons not discussed in current Board precedent or the [March 26, 2025] Process Memorandum." (FAQ 20.) Accordingly, Patent Owner had the ability to address public policy or any other concerns it felt merited discussion in its initial brief. Patent Owner's argument that it "could not have anticipated" Petitioners' arguments belie the Board's purpose of providing Patent Owner 14,000 words for its initial brief and would necessitate the Board giving leave to reply in any instance where a Patent Owner contends that it "could not have anticipated" an argument from Petitioners. Put another way, a reply would be permissible in every case under Patent Owner's reasoning since a patent owner can never anticipate every argument a Petitioner will make.

Moreover, Patent Owner has failed to substantiate its claims that Petitioners' arguments regarding *General Plastic* or that the Patent Owner seeks to "game the system" "are contradicted by the record." Nor could it. And, in any event, as noted in its responsive brief, Petitioners' ranking of their two petitions has not changed and its arguments concerning abuse of the patent system were made in direct response to the assertions made by Patent Owner that the Petitions seek to "abuse" the IPR process.

As to *Advanced Bionics*, Patent Owner's arguments likewise do not provide good cause to reply. Petitioners were not required to set forth **any** evidence or argument concerning *Advanced Bionics* or any other procedural issue relevant to discretionary denial in its Petition. (FAQ 24.)

Finally, Patent Owner has failed to present any argument or evidence why Petitioners' arguments concerning their *Sotera* stipulation warrant a reply. As set forth in Petitioners responsive brief, Patent Owner has been fully aware of Petitioners' *Sotera* stipulation for months. Patent Owner failed to articulate any reason why the Federal Circuit's decision in *Ingenico Inc. v. Ionengine*, No. 2023-1367 (Fed. Cir. May 7, 2025) is relevant to Petitioners' *Sotera* stipulation.

Regards –

Lori A. Gordon  
Lead Counsel – Petitioners

Lori Gordon



Goodwin Procter LLP  
1900 N Street, NW  
Washington, DC 20036

o +1 202 346 4435  
f +1 202 346 4444  
[LoriGordon@goodwinlaw.com](mailto:LoriGordon@goodwinlaw.com)



---

**From:** Piana, Jayne <[JPiana@brownrudnick.com](mailto:JPiana@brownrudnick.com)>  
**Sent:** Thursday, June 12, 2025 4:56 PM  
**To:** Director\_Discretionary\_Decision <[director\\_discretionary\\_decision@uspto.gov](mailto:director_discretionary_decision@uspto.gov)>  
**Cc:** MDT-Samsung-BR <[MDT-Samsung-BR@brownrudnick.com](mailto:MDT-Samsung-BR@brownrudnick.com)>; DG-Samsung-MDT <[DG-Samsung-MDT@goodwinlaw.com](mailto:DG-Samsung-MDT@goodwinlaw.com)>; Gordon, Lori A <[LoriGordon@goodwinlaw.com](mailto:LoriGordon@goodwinlaw.com)>; Birbach, Naomi <[NBirbach@goodwinlaw.com](mailto:NBirbach@goodwinlaw.com)>; Robinson, Erick <[ERobinson@brownrudnick.com](mailto:ERobinson@brownrudnick.com)>; Partridge, Jayme <[JPartridge@brownrudnick.com](mailto:JPartridge@brownrudnick.com)>; Dunn, Patrick <[PDunn@brownrudnick.com](mailto:PDunn@brownrudnick.com)>; Rafatijo, Homayoon <[HRafatijo@brownrudnick.com](mailto:HRafatijo@brownrudnick.com)>  
**Subject:** IPR2025-00535: Request for Reply

\*\*\*EXTERNAL\*\*\*

Honorable Director,

Patent Owner MDT respectfully requests authorization to file a Reply Brief to respond to arguments presented in Petitioners' Response to Discretionary Denial in the above-captioned IPR. The specific arguments Patent Owner seeks to address and grounds for a finding of good cause to authorize the Reply are below:

1. Petitioners' public policy arguments that the interim discretionary denial process contradicts the purpose of the AIA. See Response, 10-14. Patent Owner could not have anticipated Petitioners' challenge to the Director's decision to implement the interim discretionary denial process, which gives rise to good cause.
2. Petitioners' ranking of their twin-petitions and *General Plastic* arguments. See Response, 17, 20-27. Petitioners' arguments are contradicted by the record, which gives rise to good cause.
3. Petitioners' *Advanced Bionics* second prong arguments. See Response, 27-36. Petitioners presented their second prong argument for the first time in its Response, thereby limiting Patent Owner's ability to respond, which gives rise to good cause.
4. Petitioners' arguments about the sufficiency of their *Sotera* stipulation. See Response, 47-49. The argument is premised on Federal Circuit caselaw that issued **after** Patent Owner filed its discretionary denial brief, which gives rise to good cause.

5. Petitioners' argument that Patent Owner "game[d] the system." See Response, 52-54.  
Petitioners' arguments are contradicted by the record, which gives rise to good cause.

Petitioners' counsel is copied on this email request in compliance with the April 25, 2025  
FAQs, Q.16.

Sincerely,

**brownrudnick**

**Jayne C. Piana**

Partner

Brown Rudnick LLP

M: 832.868.3379

[jpiana@brownrudnick.com](mailto:jpiana@brownrudnick.com)

[www.brownrudnick.com](http://www.brownrudnick.com)

\*\*\*\*\*

The information contained in this electronic message may be legally privileged and confidential under applicable law, and is intended only for the use of the individual or entity named above. If the recipient of this message is not the above-named intended recipient, you are hereby notified that any dissemination, copy or disclosure of this communication is strictly prohibited. If you have received this communication in error, please notify Brown Rudnick LLP, (617) 856-8200 (if dialing from outside the US, 001-(617)-856-8200) and purge the communication immediately without making any copy or distribution.

To the extent Brown Rudnick is a "controller" of the "personal data" (as each term is defined in the European General Data Protection Regulation (EU/2016/679) or in the UK's Data Protection Act 2018) you have provided to us in this and other communications between us, please see our privacy statement and summary [here](#) which sets out details of the controller, the personal data we have collected, the purposes for which we use it (including any legitimate interests on which we rely), the persons to whom we may transfer the data and when and how we intend to transfer it outside the European Economic Area.

\*\*\*\*\*

\*\*\*\*\*

This message was sent from Goodwin Procter LLP and is intended only for the designated recipient(s). It may contain confidential or proprietary information and may be subject to the attorney-client privilege or other confidentiality protections. If you are not a designated recipient, you may not review, copy or distribute this message. If you receive this in error, please notify the sender by reply e-mail and delete this message.  
Thank you.

\*\*\*\*\*