

From: [Director Discretionary Decision](#)
To: [Ziemian, Robert](#); [Director Discretionary Decision](#)
Cc: [Robert Ziemian IPR](#); [Foster, Theo](#); [Rainey, Ian](#); [Kenneth Darby](#); [Christopher Dillon](#); [Kenneth Hoover](#)
Subject: RE: IPR2025-00559 - Authorization request for supplemental paper on discretionary denial
Date: Wednesday, June 11, 2025 3:00:28 PM

Patent Owner is authorized to file a 2-page reply in IPR2025-00559, due no later than Thursday, June 12, 2025, limited to addressing *iRhythm Techs., Inc. v. Welch Allyn, Inc.*

From: Ziemian, Robert <Robert.Ziemian@haynesboone.com>
Sent: Tuesday, June 10, 2025 5:09 PM
To: Director_Discretionary_Decision <Director_Discretionary_Decision@uspto.gov>
Cc: Robert Ziemian IPR <Robert.Ziemian.ipr@haynesboone.com>; Foster, Theo <Theo.Foster@haynesboone.com>; Rainey, Ian <Ian.Rainey@haynesboone.com>; Kenneth Darby <kdarby@fr.com>; Christopher Dillon <cwd@fr.com>; Kenneth Hoover <hoover@fr.com>
Subject: IPR2025-00559 - Authorization request for supplemental paper on discretionary denial

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Madame Director:

Patent Owner ControlTec, LLC respectfully requests authorization in IPR2025-00559 to file a two-page supplemental paper explaining how this case presents the same facts that supported discretionary denial in *iRhythm Techs., Inc. v. Welch Allyn, Inc.*, IPR2025-00363, Paper 10 (June 6, 2025). Good cause exists for this request because the Office's guidance had not previously identified the petitioner's delay from its first knowledge of a patent as a basis for discretionary denial, and the *iRhythm* decision indicates that such delay "outweighs" other considerations. *Id.* at 3. Patent Owner is prepared to file the supplemental paper promptly (within 1 day) of receiving authorization.

Patent Owner has consulted with counsel for Petitioner, which opposes as follows: "Petitioner opposes Patent Owner's untimely request for a reply brief that is not responsive to arguments raised in Petitioner's opposition brief (Paper 9). Patent Owner also cannot establish good cause based on an *iRhythm* decision that does not create a new factor for discretionary denial but instead addresses the "settled expectations" factor identified in the Acting Director's preexisting memorandum, which Patent Owner already discussed in its original brief on discretionary denial (Paper 7 at 17-18)."

Best regards,

Robert P. Ziemian

HAYNES BOONE

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