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To: [Jordan Riviello](#); [Trials](#)
Cc: [James Murphy](#); [Bill Di Bianca](#); [Josh Rayes](#); pmatos@malloylaw.com; vbruzos@malloylaw.com; rasrar@malloylaw.com; tlitwak@malloylaw.com; johneagan@malloylaw.com
Subject: RE: Authorization to file a motion to strike Exhibits 2015 and 2016 in IPR2025-00705, -00706, -00707
Date: Friday, June 5, 2026 3:19:14 PM
Attachments: [image001.png](#)

Counsel:

Petitioner's request for authorization to file motions to strike in each proceeding is *granted*. Any motions are limited to 10 substantive pages each (not including any table of contents and table of authorities) and are due on June 15, 2026.

Patent Owner must file any oppositions on or before June 22, 2026. Any opposition is also limited to 10 substantive pages each.

No reply is authorized at this time.

Regards,

Andrew Kellogg,
Deputy Chief Clerk, Trials
Patent Trial and Appeal Board
USPTO
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From: Jordan Riviello <jriviello@polsinelli.com>
Sent: Monday, June 1, 2026 5:01 PM
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Subject: Authorization to file a motion to strike Exhibits 2015 and 2016 in IPR2025-00705, -00706, -00707

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IPR2025-00705

IPR2025-00706

IPR2025-00707

Dear Honorable Board,

Petitioner seeks authorization to file a motion to strike Exhibit 2015 in IPR2025-00705, -00706, -00707 and Exhibit 2016 in IPR2025-00706, -00707 as well as any portions of the replies and revised motions to amend that cite to these exhibits. Exhibits 2015 and 2016 are supplemental expert declarations submitted in violations of multiple IPR rules.

Exhibit 2015 in all proceedings and Exhibit 2016 in IPR2025-00706 are only cited in Patent Owner's sur-reply, but a sur-reply "may not be accompanied by new evidence other than deposition transcripts of the cross-examination of any reply witness." 37 CFR §42.23. Exhibit 2016 in IPR2025-00707 is cited in Patent Owner's revised motion to amend, but there are no pinpoint citations or "a detailed explanation of the significance of the evidence" as required by the rules. 37 C.F.R. § 42.22(a)(2), 42.23(a); see *Cisco Sys., Inc. v. C-Cation Techs., LLC*, IPR2024-00454, Paper 12 at 10 (PTAB Aug. 29, 2014) (informative). In addition, Exhibit 2015 was served supplemental evidence but supplemental evidence "is filed only in support of an opposition to a motion to exclude" – which is not the case here. PTAB Trial Practice Guide at See 37 (citing 37 C.F.R. §§ 42.64(a), 42.64(b)(2)).

Patent Owner has indicated that it opposes this motion and asserts that the exhibits are not improper under the Trial Practice Guide or Board's case law.

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