

From: [Director_PTABDecision_Review](#)
To: ["Collins-Chase, Charles"](#); [Director_PTABDecision_Review](#); [Kaiser, Jessica](#); [Rosato, Michael](#); [Medley, Patrick](#); [Argenti, Matthew](#); [Marando, Christopher](#); [kaiser-ptab@perkinscoie.com](#); [Marando-ptab@perkinscoie.com](#); [McCammon, Luke](#); [Magdun, Melanie](#); [Howarth, Kyle](#); [Stach, Jason](#)
Subject: RE: ClearCorrect v. Align, IPR2025-00818-821: Request for Stay and Extension of Deadline to File Requests for Director Review- Denied
Date: Tuesday, July 21, 2026 6:57:00 AM
Attachments: [image001.png](#)

Counsel,

Patent Owner's request for extension of time to seek Director Review of the Board's Decision granting institution in the above identified proceedings is denied.

Thanks,

IPR2025-00818
Ex. 3103

From: Collins-Chase, Charles <Charles.Collins-Chase@finnegan.com>
Sent: Thursday, July 16, 2026 4:45 PM
To: Director_PTABDecision_Review <Director_PTABDecision_Review@uspto.gov>; Kaiser, Jessica <jessica.kaiser@ashurstperkins.com>; Rosato, Michael <mrosato@wsgr.com>; Medley, Patrick <pmedley@wsgr.com>; Argenti, Matthew <margenti@wsgr.com>; Marando, Christopher <christopher.marando@ashurstperkins.com>; kaiser-ptab@perkinscoie.com; Marando-ptab@perkinscoie.com; McCammon, Luke <Luke.McCammon@finnegan.com>; Magdun, Melanie <Melanie.Magdun@finnegan.com>; Howarth, Kyle <Kyle.Howarth@finnegan.com>; Stach, Jason <Jason.Stach@finnegan.com>
Subject: RE: ClearCorrect v. Align, IPR2025-00818-821: Request for Stay and Extension of Deadline to File Requests for Director Review

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

Dear Director Squires:

Align's request should be denied because: (1) Align's "one request for Director Review," 37 C.F.R. § 42.75(c), was denied March 3, 2026, and its attempt to obtain the same relief from the panel was denied March 26, 2026; (2) Align reaped the benefit of ClearCorrect's *Sotera* stipulation and faced no prior-art invalidity challenge at trial; and (3) although the Acting Director found that ClearCorrect "persuasively demonstrate[d] that the Office erred" in its consideration of prior art in the IPR grounds (Paper 14 at 4), granting Align's request would bar any obviousness challenge in ClearCorrect's chosen forum even while Align continues to challenge the non-enablement verdict in district court.

No "exceptional circumstances" exist, and to the contrary: (1) ClearCorrect has explained since the outset (Petition, 22 n.4) that there is no inconsistency between following express prior-art guidance to make *an embodiment* within the claims (ClearCorrect's obviousness grounds) and noting Align's failure to enable the *full scope* of its expansive claims; and (2) ClearCorrect

never raised indefiniteness at trial and, moreover, never argued any claim constructions for these patents in district court or the IPRs (and no terms were construed).

This case is additionally unlike *Light & Wonder* because: (1) IPR briefing is now complete (Align's stay request coming the day before its sur-reply deadline), with only the oral hearing and FWD remaining; (2) post-trial briefing has not begun and will not be decided for months (particularly given Judge Albright's impending August 31 retirement); and (3) the IPRs involve several claims that have not been dismissed with prejudice or adjudicated at trial.

Respectfully,
Charles

Charles T. Collins-Chase

Partner | [Bio](#)

Finnegan, Henderson, Farabow, Garrett & Dunner, LLP
901 New York Avenue, NW, Washington, DC 20001-4413

+1 202 408 4108 | fax: +1 202 408 4400 | charles.collins-chase@finnegan.com | www.finnegan.com

FINNEGAN

From: Director_PTABDecision_Review <Director_PTABDecision_Review@uspto.gov>

Sent: Wednesday, July 15, 2026 8:02 AM

To: Kaiser, Jessica <jessica.kaiser@ashurstperkins.com>; Rosato, Michael <mrosato@wsgr.com>; Medley, Patrick <pmedley@wsgr.com>; Argenti, Matthew <margenti@wsgr.com>; Marando, Christopher <christopher.marando@ashurstperkins.com>; kaiser-ptab@perkinscoie.com; Marando-ptab@perkinscoie.com; Collins-Chase, Charles <Charles.Collins-Chase@finnegan.com>; McCammon, Luke <Luke.McCammon@finnegan.com>; Magdun, Melanie <Melanie.Magdun@finnegan.com>; Howarth, Kyle <Kyle.Howarth@finnegan.com>; Stach, Jason <Jason.Stach@finnegan.com>

Subject: RE: ClearCorrect v. Align, IPR2025-00818-821: Request for Stay and Extension of Deadline to File Requests for Director Review

Counsel,

Petitioner may respond with no more than three sentences on its position as to Patent Owner's request via email by Thursday, July 16th.

Thank you.

From: Kaiser, Jessica <jessica.kaiser@ashurstperkins.com>

Sent: Tuesday, July 14, 2026 4:34 PM

To: Director_PTABDecision_Review <Director_PTABDecision_Review@uspto.gov>

Cc: Rosato, Michael <mrosato@wsgr.com>; Medley, Patrick <pmedley@wsgr.com>; Argenti, Matthew <margenti@wsgr.com>; Marando, Christopher

<christopher.marando@ashurstperkins.com>; kaiser-ptab@perkinscoie.com; Marando-ptab@perkinscoie.com; Charles.Collins-Chase@finnegan.com; Luke.McCammon@finnegan.com; Melanie.Magdun@finnegan.com; Kyle.Howarth@finnegan.com; jason.stach@finnegan.com

Subject: ClearCorrect v. Align, IPR2025-00818-821: Request for Stay and Extension of Deadline to File Requests for Director Review

You don't often get email from jessica.kaiser@ashurstperkins.com. [Learn why this is important](#)

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

Dear Director Squires,

Patent Owner respectfully requests that the Director stay the above-referenced IPRs and grant an extension for Patent Owner to file new requests for Director Review within three (3) business days of receiving authorization based on exceptional circumstances (as described in *Light & Wonder, Inc. v. Evolution Malta, Ltd.*, IPR2025-01072 et al., Paper 30 (June 22, 2026) (precedential)).

Exceptional circumstances for Patent Owner's requests exist here because a jury in the co-pending district court litigation between the same parties recently rendered a verdict (over four months before FWDs are expected here) finding the asserted claims of the patents challenged in these IPRs invalid, the IPRs have not progressed meaningfully (Patent Owner has not yet filed its sur-reply, oral argument has not been held, and final written decisions have not issued), and the jury verdict results from Petitioner's strategy of pursuing inconsistent positions in parallel forums (e.g., arguing that combining material layers would have had predictable results to gain institution here while arguing the opposite to convince the jury that the claims were not enabled).

The jury verdict along with Petitioner's improper tactics (e.g., inconsistent positions on predictability, inconsistent positions on indefiniteness, and use of multiple grounds under competing claim interpretations) show that Petitioner has and continues to use these IPRs for an improper purpose, and it would not be an appropriate or efficient use of the Office's resources to continue with them.

Respectfully,

Jessica Kaiser

Partner, Chair Global Patent Litigation Practice

D: +1 303 454 2907

Ashurst Perkins Coie

1900 Sixteenth Street Suite 1400
Denver, CO 80202-5255
ashurstperkinscoie.com

Please follow Ashurst Perkins Coie on [LinkedIn](#)

This email and any attachments are confidential and may be privileged. If you have received it in error, please notify the sender immediately and delete it without copying or disclosing its contents.

We do not warrant that this email is virus-free; recipients should carry out their own checks. We reserve the right to monitor email communications through our networks.

"Partner" refers to a partner or member of a partnership in the Ashurst Perkins Coie group, or an employee or consultant of equivalent standing.

Ashurst Perkins Coie US LLP is a limited liability partnership established under the laws of Washington State and is part of the Ashurst Perkins Coie Group.

This communication is sent on behalf of Ashurst Perkins Coie. Ashurst Perkins Coie is a global group of separate legal entities, some providing legal services and some non-legal services. Different legal entities in the group may operate in the same jurisdictions. Further details about the Ashurst Perkins Coie Group can be found at www.ashurstperkinscoie.com.

This e-mail message is intended only for individual(s) to whom it is addressed and may contain information that is privileged, confidential, proprietary, or otherwise exempt from disclosure under applicable law. If you believe you have received this message in error, please advise the sender by return e-mail and delete it from your mailbox. Thank you.

This e-mail message is intended only for individual(s) to whom it is addressed and may contain information that is privileged, confidential, proprietary, or otherwise exempt from disclosure under applicable law. If you believe you have received this message in error, please advise the sender by return e-mail and delete it from your mailbox. Thank you.