

From: [Collins-Chase, Charles](#)
To: [Argenti, Matthew](#); [Trials](#)
Cc: [Rosato, Michael](#); [Medley, Patrick](#); [Thomas, Tasha](#); [McCammon, Luke](#); [Magdun, Melanie](#); [Howarth, Kyle](#)
Subject: RE: IPR2025-00818, -00819, -00820, -00821
Date: Wednesday, March 11, 2026 3:31:25 PM
Attachments: [image001.png](#)

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Dear Honorable Board,

To ensure Petitioner's position is not inadvertently overlooked given that Patent Owner's counsel pasted the text below the signature block in his email, Petitioner's position is copied below:

Petitioner opposes Patent Owner's request for authorization. Though styled as a "motion to vacate," Patent Owner's filing would amount to an untimely second rehearing request. Patent Owner already challenged the institution decisions via Requests for Director Review and argued that Bay Materials is a real party in interest. *See, e.g.*, IPR2025-00818, Paper 19 at 10-14. The Director denied those requests on March 3, 2026.

Patent Owner's filing thus would circumvent 37 C.F.R. §§ 42.75 and 42.71, which permit either *one* request for Director review or a *single* rehearing request within 14 days after institution. Patent Owner has not identified any good cause for departing from these rules to permit a second challenge to the institution decisions four months after the Board issued them. Nor has Patent Owner addressed its prior position urging the Director to discretionarily deny the petitions because "Petitioner is a **defendant** in the parallel litigation, **as is each real party-in-interest**" *See, e.g.*, IPR2025-00818, Paper 7 at 18. Bay Materials has never been a defendant in the parallel litigation.

Sincerely,
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: Argenti, Matthew <margenti@wsgr.com>
Sent: Wednesday, March 11, 2026 2:58 PM
To: Trials <trials@uspto.gov>

Cc: Rosato, Michael <mrosato@wsgr.com>; Medley, Patrick <pmedley@wsgr.com>; Thomas, Tasha <tthomas@wsgr.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>
Subject: IPR2025-00818, -00819, -00820, -00821

Dear Board,

Patent Owner Align Technologies, Inc. requests authorization to file a motion to vacate the institution decision and terminate each of IPR2025-00818, -00819, -00820, and -00821. Good cause for such a motion exists because the petition fails to identify all real parties in interest, including Bay Materials LLC, and this failure to identify a real party in interest cannot be cured. See *Corning Optical Commc'ns RF, LLC v. PPC Broadband, Inc.*, IPR2014-00440, Paper 68 (Aug. 18, 2015) (designated precedential Oct. 28, 2025).

The proposed briefing is a ten-page motion, opposition of equal length, and a five-page reply.

Petitioner opposes the request and provides the argumentative comments below. In response, Align disagrees with the mischaracterization and notes that Petitioner's opposition to Align's request for director review of the institution decision argued that real party in interest was "improper for Director review" because "Patent Owner never disputed Petitioner's RPI identification before institution." Paper 22 at 3. The Director then denied Align's request without explanation on March 3, 2026. Paper 29.

No conference call is believed necessary to authorize the requested briefing. However, should the Board find it helpful to discuss this request the parties are available between 3:00-5:00 pm eastern on Thursday, March 12, and between 11:00 am-1:00 pm eastern on Friday, March 13.

Respectfully,

Matthew A. Argenti

Counsel for Patent Owner Align Technology, Inc.
Wilson Sonsini Goodrich & Rosati
650 Page Mill Rd., Palo Alto, CA 94304
Direct: (650) 354-4154
Fax: (650) 493-6811

Petitioner's position:

Petitioner opposes Patent Owner's request for authorization. Though styled as a "motion to vacate," Patent Owner's filing would amount to an untimely second rehearing request. Patent Owner already challenged the institution decisions via Requests for Director Review and argued that Bay Materials is a real party in interest. See, e.g., IPR2025-00818, Paper 19 at 10-14. The Director denied those requests on March 3, 2026.

Patent Owner's filing thus would circumvent 37 C.F.R. §§ 42.75 and 42.71, which permit either *one* request for Director review or a *single* rehearing request within 14 days after institution. Patent Owner has not identified any good cause for departing from these rules to permit a second challenge to the institution decisions four months after the Board issued them. Nor has Patent Owner addressed its prior position urging the Director to discretionarily deny the petitions because "Petitioner is a *defendant* in the parallel litigation, *as is each real party-in-interest . . .*" See, e.g., IPR2025-00818, Paper 7 at 18. Bay Materials has never been a defendant in the parallel litigation.

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