

From: [Director Discretionary Decision](#)
To: [Jason Eisenberg](#); [Director Discretionary Decision](#)
Cc: [Arner, Erika](#); [Specht, Kara](#); [Regan, Cara](#); [Kestle, Sydney](#); [Neer, William](#); [Tucker, Daniel](#); [Anderson, Christopher](#); [Google-Sandpiper-IPRs](#); [Daniel Block](#); [Kristina Caggiano Kelly](#); [Steve Pappas](#); [Xinxiang Zhang](#); [Simran Parmar](#); [PTAB Account](#); [Arner, Erika](#); [Specht, Kara](#); [Regan, Cara](#); [Kestle, Sydney](#); [Neer, William](#); [Tucker, Daniel](#); [Boyer, Alexander](#); [Google-Sandpiper-IPRs](#)
Subject: RE: IPR2025-00806, -00826 - Request for Reply to Petitioner Opposition Brief
Date: Friday, August 22, 2025 11:57:06 AM
Attachments: [image001.png](#)
[image002.png](#)

Patent Owner is authorized to file a 5-page reply in IPR2025-00806 and IPR2025-00826, due no later than Tuesday, August 26, 2025, limited to addressing the arguments raised below.

From: Jason Eisenberg <jasone@sternekessler.com>
Sent: Thursday, August 21, 2025 9:28 PM
To: Director_Discretionary_Decision <Director_Discretionary_Decision@uspto.gov>
Cc: Arner, Erika <erika.arnner@finnegan.com>; Specht, Kara <Kara.Specht@finnegan.com>; Regan, Cara <Cara.Regan@finnegan.com>; Kestle, Sydney <Sydney.Kestle@finnegan.com>; Neer, William <William.Neer@finnegan.com>; Tucker, Daniel <Daniel.Tucker@finnegan.com>; Anderson, Christopher <Christopher.Anderson@finnegan.com>; Google-Sandpiper-IPRs <Google-Sandpiper-IPRs@finnegan.com>; Daniel Block <DBLOCK@sternekessler.com>; Kristina Caggiano Kelly <kckelly@sternekessler.com>; Steve Pappas <SPAPPAS@sternekessler.com>; Xinxiang Zhang <XZhang@sternekessler.com>; Simran Parmar <SPARMAR@sternekessler.com>; PTAB Account <PTAB@sternekessler.com>; Arner, Erika <erika.arnner@finnegan.com>; Specht, Kara <Kara.Specht@finnegan.com>; Regan, Cara <Cara.Regan@finnegan.com>; Kestle, Sydney <Sydney.Kestle@finnegan.com>; Neer, William <William.Neer@finnegan.com>; Tucker, Daniel <Daniel.Tucker@finnegan.com>; Boyer, Alexander <Alexander.Boyer@finnegan.com>; Google-Sandpiper-IPRs <Google-Sandpiper-IPRs@finnegan.com>
Subject: IPR2025-00806, -00826 - Request for Reply to Petitioner Opposition Brief

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

Dear Board,

Sandpiper requests authorization to file a Reply to respond to Petitioner's "material error" arguments. Good cause exists because Sandpiper could not reasonably foresee the arguments Petitioner would make about "material error" since Sandpiper did not raise 325(d) in their discretionary brief, yet Petition relies on 325(d) based "material error" arguments for institution. Such briefing would be consistent with the prior approach in which patent owner was allowed the last briefing to address arguments on material error (in the similar context of 325(d)) in its preliminary response. Further, Sandpiper requests authorization to briefly address Petitioner's mischaracterization of the *Globus* decision on settled expectations for expired patents.

Thank you

Best regards,
Jason Eisenberg for Patent Owner



Jason Eisenberg (He/Him/His)
Director, Chair Reissue, Reexamination and Supplemental Examination
Practice

Sterne, Kessler, Goldstein & Fox P.L.L.C.
1101 K Street, NW, 10th Floor., Washington, DC 20005

Email: jasone@sternekessler.com

Direct: 202.772.8645;

Mobile: 301.448.9871

Notice: The information in this electronic transmission (including any attachments) may contain confidential or legally privileged information and is intended solely for the individual(s) or entity(ies) named above. If you are not an intended recipient or an authorized agent, you are hereby notified that reading, distributing, or otherwise disseminating or copying, or taking any action based on the contents of this transmission is strictly prohibited. Any unauthorized interception of this transmission is illegal under the law. If you have received this transmission in error, please immediately notify the sender by return email and then destroy all copies of the transmission.