

From: [Director Discretionary Decision](#)
To: [Kyle Friesen](#); [Director Discretionary Decision](#)
Cc: [Gordon-ptab@goodwinlaw.com](#); [Ong, Andrew](#); [jessecheng@goodwinlaw.com](#); [fpapadatos@goodwinlaw.com](#); [tkonstantakopoulos@goodwinlaw.com](#); [Russ Chorush](#); [Chris Limbacher](#); [Lily Glick](#); [Michael Heim](#)
Subject: RE: Case Nos. IPR2025-00828 through -832
Date: Friday, August 15, 2025 10:34:08 AM

Patent Owner is authorized to file a 5-page reply in IPR2025-00828 through -00832, due no later than Tuesday, August 19, 2025, limited to addressing the arguments raised below.
Petitioner is authorized to file a 5-page sur-reply, due no later than Friday, August 22, 2025.

From: Kyle Friesen <kfriesen@hpcllp.com>
Sent: Thursday, August 14, 2025 6:42 PM
To: Director_Discretionary_Decision <Director_Discretionary_Decision@uspto.gov>
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Subject: Case Nos. IPR2025-00828 through -832

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Dear Honorable Director:

Patent Owner respectfully requests authorization to file a 5-page Reply Brief to Petitioner's Opposition to Discretionary Denial in the above-referenced proceedings. The proposed Reply Briefs would be due three (3) business days from the date of this request, on Tuesday, August 19, 2025, would be limited to the following issues and their proper impact on the discretionary denial decision, and would be identical to one another, except as indicated for Issue Nos. 3 & 4 below:

1. The new stipulations, entered in the district court litigation by Petitioner and by UMC (petitioner in a separate set of IPRs involving the same patents);
2. Petitioner's new evidence regarding time-to-trial statistics and other predictors of trial timing;
3. Petitioner's new argument regarding allegations of "unfair dealing" conduct" (which differ among the respective IPRs and may require non-identical Reply arguments) relating to the challenged patents;
4. Petitioner's new arguments (which are different in the respective IPRs and will require non-identical Reply arguments) regarding the Examiner's alleged material error during prosecution and on the merits;

5. Petitioner's new arguments about the importance of foreign third-party discovery, including Petitioner's omission of important facts regarding the foreign third-party discovery being sought in the district court that is relevant to the claims and Grounds at issue in these proceedings;
6. Petitioner's new arguments that it and its customers have "settled expectations" that are threatened by the lawful enforcement in court of the challenged patents;
7. Petitioner's new arguments about national security interests, the supply chain, and the economy; and
8. The impact of the Director's decision granting discretionary denial in IPR2025-00682 and IPR2025-00683, which involve (a) the same parties and (b) the same parallel litigation

Good cause exists for additional briefing on all of the above-listed issues, at least because due process requires Patent Owner be given the opportunity to respond to any evidence or argument on which a decision may be based. Good cause exists as to Issue No. 8, as well, because it is a development that occurred after both the parties' briefs on discretionary denial in these proceedings. Counsel for Patent Owner conferred with Counsel for Petitioner, and Petitioner does not oppose the requested Reply Brief on issues 1–7 (except as to the underlined portion of Issue No. 4, on which Petitioner opposes further briefing). Petitioner's non-opposition is subject to Petitioner having the opportunity to file a Sur-reply of up to five (5) pages within a like number of calendar days.

In addition, Patent Owner has not had the opportunity to ascertain Petitioner's position on additional briefing regarding Issue No. 8. Given the time-sensitive nature of a request for a Reply brief, Patent Owner invites Petitioner's counsel to advise the Director of Petitioner's position regarding Issue No. 8 in response to this correspondence.

Counsel for Petitioner are copied on this correspondence.

Respectfully,

Kyle Friesen

Heim, Payne & Chorush, L.L.P.

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