

From: [Director Discretionary Decision](#)
To: [Berlenbach, Anthony](#); [Jason Eisenberg](#); [Director Discretionary Decision](#)
Cc: [Arner, Erika](#); [Tucker, Daniel](#); [Specht, Kara](#); [Regan, Cara](#); [Kestle, Sydney](#); [Google-Sandpiper-IPRs](#); [Daniel Block](#); [Kristina Caggiano Kelly](#); [Xiaowei Jin](#); [PTAB Account](#)
Subject: RE: IPR2025-00860 - Request for Reply to Petitioner Opposition Brief
Date: Monday, September 22, 2025 6:38:44 PM
Attachments: [image002.png](#)
[image003.png](#)

Petitioner is authorized to file a 2-page sur-reply in IPR2025-00860 due no later than Wednesday, September 24, 2025.

From: Berlenbach, Anthony <Anthony.Berlenbach@finnegan.com>
Sent: Monday, September 22, 2025 1:07 PM
To: Jason Eisenberg <jasone@sternekessler.com>; Director_Discretionary_Decision <Director_Discretionary_Decision@uspto.gov>
Cc: Arner, Erika <erika.arnner@finnegan.com>; Tucker, Daniel <Daniel.Tucker@finnegan.com>; Specht, Kara <Kara.Specht@finnegan.com>; Regan, Cara <Cara.Regan@finnegan.com>; Kestle, Sydney <Sydney.Kestle@finnegan.com>; Google-Sandpiper-IPRs <Google-Sandpiper-IPRs@finnegan.com>; Daniel Block <DBLOCK@sternekessler.com>; Kristina Caggiano Kelly <kckelly@sternekessler.com>; Xiaowei Jin <XJin@sternekessler.com>; PTAB Account <PTAB@sternekessler.com>; Berlenbach, Anthony <Anthony.Berlenbach@finnegan.com>
Subject: RE: IPR2025-00860 - 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,

Petitioner requests authorization to file a 2-page sur-reply to address discrete *Fintiv* issues raised in Patent Owner's reply brief on discretionary denial in IPR2025-00860. Good cause for a sur-reply exists to clarify the District Court's Order regarding a stay and continuance of certain interim deadlines, the likely impact of this stay in light of pending IPRs which have already been referred to the Board on patents asserted in the same district court case (e.g., '517 and '112 patents in IPR2025-00806 and IPR2025-00826, respectively), and Patent Owner's misplaced reliance on *Amazon.com, Inc. v. Kaifi LLC*, IPR2025-00624 et seq., Paper 16 (P.T.A.B. July 29, 2025).

Best regards,
Anthony Berlenbach for Petitioner

Anthony Berlenbach

IPR2025-00860
Ex. 3102

Associate

Finnegan, Henderson, Farabow, Garrett & Dunner, LLP
901 New York Avenue, NW, Washington, DC 20001-4413
+1 202 408 4135 | fax +1 202 408 4400 | anthony.berlenbach@finnegan.com | www.finnegan.com

FINNEGAN

From: Jason Eisenberg <jasone@sternekessler.com>
Sent: Wednesday, September 17, 2025 12:12 PM
To: Director_Discretionary_Decision <Director_Discretionary_Decision@uspto.gov>
Cc: Arner, Erika <erika.arners@finnegan.com>; Tucker, Daniel <Daniel.Tucker@finnegan.com>;
Specht, Kara <Kara.Specht@finnegan.com>; Regan, Cara <Cara.Regan@finnegan.com>; Kestle,
Sydney <Sydney.Kestle@finnegan.com>; Berlenbach, Anthony
<Anthony.Berlenbach@finnegan.com>; Google-Sandpiper-IPRs <Google-Sandpiper-IPRs@finnegan.com>; Daniel Block <DBLOCK@sternekessler.com>; Kristina Caggiano Kelly
<kkelly@sternekessler.com>; Xiaowei Jin <XJin@sternekessler.com>; PTAB Account
<PTAB@sternekessler.com>
Subject: RE: IPR2025-00860 - Request for Reply to Petitioner Opposition Brief

Dear Board,
Thank you
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.
Email: jasone@sternekessler.com
Mobile: 301.448.9871 **Office Direct:** 202.772.8645

From: Director_Discretionary_Decision <Director_Discretionary_Decision@uspto.gov>
Sent: Wednesday, September 17, 2025 11:26 AM
To: Jason Eisenberg <jasone@sternekessler.com>; Director_Discretionary_Decision
<Director_Discretionary_Decision@uspto.gov>
Cc: Arner, Erika <erika.arners@finnegan.com>; Tucker, Daniel <Daniel.Tucker@finnegan.com>;
Specht, Kara <Kara.Specht@finnegan.com>; Regan, Cara <Cara.Regan@finnegan.com>; Kestle,
Sydney <Sydney.Kestle@finnegan.com>; Berlenbach, Anthony
<Anthony.Berlenbach@finnegan.com>; Google-Sandpiper-IPRs <Google-Sandpiper-IPRs@finnegan.com>; Daniel Block <DBLOCK@sternekessler.com>; Kristina Caggiano Kelly
<kkelly@sternekessler.com>; Xiaowei Jin <XJin@sternekessler.com>; PTAB Account
<PTAB@sternekessler.com>
Subject: RE: IPR2025-00860 - Request for Reply to Petitioner Opposition Brief

EXTERNAL EMAIL: Use caution before clicking links or attachments.

Patent Owner is authorized to file a 4-page reply in IPR2025-00860 due no later than Friday, September 19, 2025, limited to addressing the arguments raised below.

From: Jason Eisenberg <jasone@sternekessler.com>
Sent: Tuesday, September 16, 2025 8:11 PM
To: Director_Discretionary_Decision <Director_Discretionary_Decision@uspto.gov>
Cc: Arner, Erika <erika.arner@finnegan.com>; Tucker, Daniel <Daniel.Tucker@finnegan.com>; Specht, Kara <Kara.Specht@finnegan.com>; Regan, Cara <Cara.Regan@finnegan.com>; Kestle, Sydney <Sydney.Kestle@finnegan.com>; Berlenbach, Anthony <Anthony.Berlenbach@finnegan.com>; Google-Sandpiper-IPRs <Google-Sandpiper-IPRs@finnegan.com>; Daniel Block <DBLOCK@sternekessler.com>; Kristina Caggiano Kelly <kckelly@sternekessler.com>; Xiaowei Jin <XJin@sternekessler.com>; PTAB Account <PTAB@sternekessler.com>
Subject: IPR2025-00860 - 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 4-page reply to Petitioner's discretionary denial opposition brief in IPR2025-00860 to respond to Petitioner's *Fintiv* arguments.

Good cause exists at least for the following reasons. Since Sandpiper filed its opposition brief, the Acting Director has issued a discretion decision in *Amazon v. Kaifi* (IPR2025-00624 et seq.) addressing the effect of a temporary stay on the discretionary denial analysis, which is relevant here. Sandpiper also requests authorization to respond to Petitioner's *Fintiv* arguments, including addressing Petitioner's mischaracterizations on the likelihood of a stay being granted and the effect of the adjustment of certain interim dates not affecting the trial date (thus not affecting the duration between FWD and trial). Such briefing would also be consistent with fairness and the prior approach in which a patent owner was allowed the last briefing to respond to a petitioner's *Fintiv* arguments.

Thank you,
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.

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.