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Subject: IPR2025-00860 ("573 Patent) - Petitioner Request to File Exhibit
Date: Wednesday, July 15, 2026 8:56:48 AM
Attachments: [2026-07-09 Google Letter Withdrawing Preliminary Construction for Term 4.pdf](#)

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Honorable Board,

In the parties' parallel district court proceeding, *Sandpiper CDN LLC v. Google LLC*, No. 2:24-3951-AB-RAO (C.D. Cal.), Petitioner Google LLC previously contended in its May 27, 2025, contentions that claim 3 of the '573 patent was indefinite. The case has been stayed in its entirety pending IPR proceedings since July 19, 2025. On July 9, 2026, Google formally and unequivocally withdrew that position before the district court prior to any claim construction briefing. In an effort to provide the Board with accurate and timely factual information regarding the parties' updated claim construction positions, Google seeks the Board's permission to file its letter of withdrawal (attached) as an exhibit to this proceeding.

The parties have conferred, and Patent Owner Sandpiper CDN LLC opposes this request. Patent Owner's position is that Petitioner should not be allowed the benefit of taking inconsistent claim-construction positions in this IPR and in the parallel district court case for as long as doing so is tactically advantageous, and then be allowed to withdraw its district court position only after Patent Owner has expended resources arguing against that inconsistency. The Director has repeatedly found that such gamesmanship is a basis to discretionarily deny a Petition, even after institution. If a call would be helpful to the Board, the parties can be available at the Board's convenience.

Best Regards,

Daniel Tucker

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