

From: [Tucker, Daniel](#)
To: [Trials](#)
Cc: [jasone-ptab@sternekessler.com](#); [dblock-ptab@sternekessler.com](#); [kckelly-ptab@sternekessler.com](#); [xjin-PTAB@sternekessler.com](#); [PTAB Account](#); [Google-Sandpiper-IPRs](#); [Arner, Erika](#); [Specht, Kara](#); [Regan, Cara](#); [Kestle, Sydney](#); [Berlenbach, Anthony](#)
Subject: RE: IPR2025-00860 ("573 Patent) - Petitioner Request to File Exhibit
Date: Wednesday, August 5, 2026 7:03:43 AM
Attachments: [image001.png](#)

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Honorable Board,

The parties thank the Board for its time and consideration during the August 4, 2026 conference. Pursuant to the Board's request, the parties jointly confirm that:

- <!--[if !supportLists]-->1. <!--[endif]-->Petitioner withdraws its request for authorization to submit its July 9, 2025 letter of withdrawal as an exhibit in this proceeding.
- <!--[if !supportLists]-->2. <!--[endif]-->Patent Owner withdraws its opposition to that request.

Petitioner further confirms that it will file as an exhibit the transcript of the conference when it receives it.

Best Regards,
Dan Tucker for Petitioner
Jason Eisenberg for Patent Owner

From: Trials <Trials@USPTO.GOV>
Sent: Monday, August 3, 2026 4:22 PM
To: Tucker, Daniel <Daniel.Tucker@finnegan.com>; Trials <Trials@USPTO.GOV>
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Subject: RE: IPR2025-00860 ('573 Patent) - Petitioner Request to File Exhibit

Counsel,

The Board will convene a call concerning this request on Tuesday, August 4 at 2:30 PM ET. The dial in number is 540-566-5633 and the passcode is 898051038#

If the parties are unavailable, please provide two alternate mutually-agreed upon times for the call.

Regards,

Andrew Kellogg,
Deputy Chief Clerk, Trials
Patent Trial and Appeal Board
USPTO
andrew.kellogg@uspto.gov
(571) 272-5366



From: Tucker, Daniel <Daniel.Tucker@finnegan.com>

Sent: Wednesday, July 15, 2026 8:56 AM

To: Trials <Trials@USPTO.GOV>

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Subject: IPR2025-00860 ('573 Patent) - Petitioner Request to File Exhibit

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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

Counsel for Petitioner

Daniel C. Tucker | [Bio](#)
Partner

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