

From: [Director Discretionary Decision](#)
To: [Trials](#); [Director Discretionary Decision](#); [Scott W. Hejny](#)
Cc: [Nokia-Asus-IPR](#); [jim@fr.com](#); [leung@fr.com](#); [colaanni@fr.com](#); [lwzhang@fr.com](#); [jwilson@fr.com](#)
Subject: RE: PO Request for Leave to File Reply to Petitioner's Opposition to PO's Discretionary Denial Brief
Date: Friday, October 24, 2025 5:08:59 PM
Attachments: [image001.png](#)
[image002.png](#)

The request is denied, as there is insufficient time for additional briefing.

From: Scott W. Hejny <shejny@McKoolSmith.com>
Sent: Friday, October 24, 2025 4:22 PM
To: Trials <Trials@USPTO.GOV>
Cc: IPR54587-0016IP1 <IPR54587-0016IP1@fr.com>; Nokia-Asus-IPR <Nokia-Asus-IPR@mckoolsmith.com>
Subject: RE: IPR2025-01153 - PO Request for Leave to File Reply to Petitioner's Opposition to PO's Discretionary Denial Brief

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Dear Honorable Board,

I am resubmitting this email in view of an error in the "Subject" line of the email. This email relates to **IPR2025-01153**.

Respectfully,
Scott Hejny

McKool Smith

Scott W. Hejny
Principal
Dallas, TX
Tel: (214) 978-4241
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From: Scott W. Hejny <shejny@McKoolSmith.com>
Sent: Friday, October 24, 2025 3:19 PM
To: Trials (Trials@USPTO.GOV) <Trials@USPTO.GOV>
Cc: IPR54587-0016IP1 <IPR54587-0016IP1@fr.com>; Nokia-Asus-IPR <Nokia-Asus-IPR@mckoolsmith.com>

IPR@mckoolsmith.com>

Subject: IPR2025-01345 - PO Request for Leave to File Reply to Petitioner's Opposition to PO's Discretionary Denial Brief

IPR2025-01153

Dear Honorable Board,

Patent Owner respectfully requests permission to file a short, 3-page Reply to Petitioner's Opposition to Patent Owner's Request for Discretionary Denial of Institution. Good cause for this request exists because Patent Owner could not have reasonably foreseen that Petitioner would suggest that the Examiner "materially erred" during prosecution by failing to use the Rusert prior art reference as a basis for rejecting pending claims of the '714 patent in view of prior deposition testimony provided by Petitioner's expert in IPR2024-00604. This issue is fully briefed and submitted in Patent Owner's Preliminary Response, Paper 12 at 43-52. However, the issue is important to the discretionary denial analysis in view of Petitioner's "material error" argument.

Patent Owner has conferred with counsel for Petitioner, and Petitioner does not oppose Patent Owner's request provided Petitioner is given an equal-length response. Patent Owner does not object to Petitioner being given an equal-length response.

Petitioner objected to the improper arguments that Patent Owner included in its email. Because Patent Owner refused to remove the improper arguments from its request, Petitioner requests an opportunity to respond to the arguments at Paper 12 at 43-52 referenced in Patent Owner's email.

The parties are available for a conference call with the Board, if necessary, on the following dates and times:

- Monday, October 27, 2025 before 3 PM ET
- Tuesday, October 28, 2025 between 10 AM – 1:30 PM and 3-5 PM ET

Respectfully,

Scott Hejny
Counsel for Patent Owner Nokia

Principal | Dallas | (214) 978-4241