

From: [Director_PTABDecision_Review](#)
To: [Kenneth Darby](#); [Dennis Courtney](#); [IPR60246-0006IP1](#); [Kenneth Weatherwax](#); [Parham Hendifar](#); [Nathan Lowenstein](#); [Colette Woo](#)
Subject: RE: IPR2025-01171 - Patent Owner Request For Authorization - Denied
Date: Friday, December 19, 2025 5:24:00 PM

Counsel,

Patent Owner's request for authorization to submit an exhibit in support of its request for Director Review is denied.

Thanks.

IPR2025-02271
Ex. 3103

From: Kenneth Darby <kdarby@fr.com>
Sent: Monday, December 15, 2025 4:02 PM
To: Director_PTABDecision_Review <Director_PTABDecision_Review@uspto.gov>; Dennis Courtney <Courtney@lowensteinweatherwax.com>; IPR60246-0006IP1 <IPR60246-0006IP1@fr.com>; Kenneth Weatherwax <weatherwax@lowensteinweatherwax.com>; Parham Hendifar <hendifar@lowensteinweatherwax.com>; Nathan Lowenstein <lowenstein@lowensteinweatherwax.com>; Colette Woo <woo@lowensteinweatherwax.com>
Subject: RE: IPR2025-01171 - Patent Owner Request For Authorization

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To the Director and Board:

Petitioner opposes Patent Owner's request because it is untimely. The *Tesla* and *Revo* decisions issued weeks before the Director referred this IPR for a preliminary merits review, and Patent Owner also possessed the claim construction brief it presently seeks to submit nearly a month before the referral.

Moreover, unlike in *Tesla* and *Revo*, Patent Owner did not complain about Petitioner's district court claim construction positions in either of its pre-institution briefs. Although it did not possess Petitioner's claim construction brief until October 27th, Patent Owner was informed of Petitioner's positions far earlier, including in the proposed constructions served on September 11th (before the preliminary response).

Respectfully,

Kenneth Darby :: Principal :: Fish & Richardson P.C.
512 226 8126
Counsel for Petitioner

From: Director_PTABDecision_Review <Director_PTABDecision_Review@uspto.gov>
Sent: Friday, December 12, 2025 12:51 PM
To: Dennis Courtney <Courtney@lowensteinweatherwax.com>; IPR60246-0006IP1 <IPR60246-0006IP1@fr.com>; Kenneth Weatherwax <weatherwax@lowensteinweatherwax.com>; Parham Hendifar <hendifar@lowensteinweatherwax.com>; Nathan Lowenstein <lowenstein@lowensteinweatherwax.com>; Colette Woo <woo@lowensteinweatherwax.com>
Subject: RE: IPR2025-01171 - Patent Owner Request For Authorization

[This email originated outside of F&R.]

Counsel,

Petitioner may respond with its position as to Patent Owner's request via email by Monday, December 15th.

Thanks

From: Dennis Courtney <Courtney@lowensteinweatherwax.com>
Sent: Friday, December 12, 2025 1:05 PM
To: Director_PTABDecision_Review <Director_PTABDecision_Review@uspto.gov>
Cc: IPR60246-0006IP1 <ipr60246-0006ip1@fr.com>; Kenneth Weatherwax <weatherwax@lowensteinweatherwax.com>; Parham Hendifar <hendifar@lowensteinweatherwax.com>; Nathan Lowenstein <lowenstein@lowensteinweatherwax.com>; Colette Woo <woo@lowensteinweatherwax.com>
Subject: IPR2025-01171 - Patent Owner Request For Authorization

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Honorable Director and Board,

Patent Owner requests authorization to enter an exhibit in support of a request for Director Review of the December 1 decision to institute trial in IPR2025-01171. The proposed exhibit would be a copy of Petitioner's opening claim construction brief (Dkt. 44) in the co-pending litigation *MOSAID Techs. Inc. v. Infineon Techs. AG, et al.*, No. 1:25-cv-00358 (W.D. Tex.).

Good cause exists because Patent Owner's request would be based on intervening changes in USPTO guidance, including but not limited to the Director decisions in *Tesla, Inc. v. Intellectual Ventures II LLC*, IPR2025-00340, Paper 18 (Dir. Nov. 5, 2025) (informative) and *Revvo Techs., Inc. v. Cerebrum Sensor Techs., Inc.*, IPR2025-00632, Paper 20 (Dir. Nov. 3,

2025) (precedential). This guidance had yet to be issued on October 8, 2025, when Patent Owner's Preliminary Response was due. Similarly, Patent Owner did not have the document that it proposes to file as an exhibit (which was filed by Petitioner in the district court on October 27, 2025) when Patent Owner's Preliminary Response was due.

Best,

Dennis Courtney | [Lowenstein & Weatherwax LLP](#)

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