

From: [Trials](#)
To: [Wolfe, Joseph](#); [Director_DI](#); [Director_Discretionary_Decision](#); [Trials](#)
Cc: [FW-CLIENT-Maxell-Samsung-Service](#); [Siddiqui, Saqib](#); [Bonner, Amanda Streff](#); [Kim, Daniel](#); [DLA-Samsung-Maxell-EDTX2](#); [Pluta, Robert G.](#)
Subject: RE: IPR2025-01308: Petitioners' Request for Authorization to File a Reply to POPR
Date: Monday, December 1, 2025 3:11:58 PM
Attachments: [image002.png](#)
[image003.png](#)

Counsel,

Petitioner is authorized to file a 3-page preliminary reply in IPR2025-01308, due no later than December 4, 2025, limited to addressing the issues identified below. Patent Owner is authorized to file a 3-page preliminary sur-reply due no later than December 9, 2025, limited to addressing the same issues.

The parties should file their briefs as papers in P-TACTS.

Regards,

Andrew Kellogg,
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Patent Trial and Appeal Board
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From: Wolfe, Joseph <Joseph.Wolfe@us.dlapiper.com>
Sent: Thursday, November 20, 2025 2:30 PM
To: Director_DI <Director_DI@uspto.gov>; Director_Discretionary_Decision <Director_Discretionary_Decision@uspto.gov>; Trials <Trials@USPTO.GOV>
Cc: FW-CLIENT-Maxell-Samsung-Service <maxell-samsung-service@mayerbrown.com>; Siddiqui, Saqib <ssiddiqui@mayerbrown.com>; Bonner, Amanda Streff <asbonner@mayerbrown.com>; Kim, Daniel <dkim@mayerbrown.com>; DLA-Samsung-Maxell-EDTX2 <DLA-Samsung-Maxell-EDTX2@us.dlapiper.com>; Pluta, Robert G. <rpluta@mayerbrown.com>
Subject: IPR2025-01308: Petitioners' Request for Authorization to File a Reply to POPR

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Dear Honorable Director:

Petitioners seek leave from the Director to file a short Reply of no more than three pages to Patent Owner's Preliminary Response ("POPR") to address how Patent Owner's POPR takes positions on the

merits that are inconsistent with its infringement contentions, served after the petition was filed. For example, in its infringement contentions, Patent Owner asserts the “association information” limitation of claim 1 is met by a “device ID.” However, in its POPR, Patent Owner asserts Shindo’s trigger information, index information, and management information, collectively, cannot be the “association information” despite including a device ID as one of the fields in the management information. Patent Owner also asserts that Futa’s judgment tables cannot be the “association information” despite the judgment tables storing the device IDs. Further, in the POPR, Patent Owner argues that the association information “must define a specific link between one specific content and one specific subsidiary terminal for the purpose of determining where to transmit that content.” However, this is incompatible with Patent Owner’s position that a lone device ID satisfies this limitation. Finally, Patent Owner attempts to read into limitation [1h] a requirement that is not present – namely, that the association information must be stored in “the storage” of limitation [1c]. Good cause for such a Reply exists because Petitioners could not have anticipated that Patent Owner would take positions in its POPR that are inconsistent with its infringement contentions.

Patent Owner’s Position: Patent Owner opposes this request. Setting aside Petitioner’s improper argumentative email, no good cause exists for a reply. The issues Petitioner identifies were foreseeable. There is no inconsistency because Petitioner mischaracterizes the infringement contentions which were served on 8/12. Rather, Petitioner is attempting to conflate Patent Owner’s infringement **theories** with Patent Owner’s arguments about the deficiencies in Petitioner’s contentions about the prior art and Petitioner’s failure to meet its burden in the Petition. Patent Owner’s preliminary infringement contentions are based on public information, and discovery is ongoing. Thus, comparing the contentions to actual element-by-element analysis for invalidity is improper. The Director can determine what the references disclose and what the Petition presents without the need for additional briefing or reference to Patent Owner’s preliminary infringement contentions. Patent Owner further notes that routine disputes about the references do not constitute good cause for a reply. *See, e.g., Unified Patents, Inc. v. Uniloc Luxembourg S.A.*, IPR2017-02148, Paper 8 at 3 (P.T.A.B. March 14, 2018); *Cree, Inc. v. Optolum, Inc.*, IPR2017-01260, Paper 11 at 1 (P.T.A.B. Sept. 13, 2017). If the Director nevertheless authorizes additional briefing, Patent Owner requests equal pages and timing to address Petitioner’s arguments. The parties are available for a conference call should the Director so desire on Monday (11/24).

Best regards,

Joe

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Of Counsel

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