

From: [Trials](#)
To: [Limbach, Alan](#); [DLA-Samsung-Maxell-EDTX2](#); ["FW-CLIENT-Maxell-Samsung-Service"](#); ["Pluta, Robert G."](#); ["Siddiqui, Saqib"](#); [Kim, Daniel](#); [asbonner@mayerbrown.com](#)
Cc: [Trials](#)
Subject: RE: IPR2025-01309: Petitioners' Request for Authorization to File a Reply to POPR
Date: Friday, January 23, 2026 11:46:21 AM
Attachments: [image002.png](#)
[image003.png](#)

Counsel,

Petitioner is authorized to file a 3-page preliminary reply in IPR2025-01309, due no later than January 28, 2026, limited to addressing the issues identified below. Patent Owner is authorized to file a 3-page preliminary sur-reply in each proceeding due no later than February 2, 2026, limited to addressing the same issues.

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

Regards,

Andrew Kellogg,
Deputy Chief Clerk, Trials
Patent Trial and Appeal Board
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From: Limbach, Alan <alan.limbach@us.dlapiper.com>
Sent: Thursday, January 15, 2026 4:42 PM
To: Director_DI <Director_DI@uspto.gov>; Director_Discretionary_Decision <Director_Discretionary_Decision@uspto.gov>
Cc: [DLA-Samsung-Maxell-EDTX2](#) <DLA-Samsung-Maxell-EDTX2@us.dlapiper.com>; 'FW-CLIENT-Maxell-Samsung-Service' <Maxell-Samsung-Service@mayerbrown.com>; 'Pluta, Robert G.' <RPluta@mayerbrown.com>; 'Siddiqui, Saqib' <SSiddiqui@mayerbrown.com>; Kim, Daniel <dkim@mayerbrown.com>; [asbonner@mayerbrown.com](#)
Subject: IPR2025-01309: Petitioners' Request for Authorization to File a Reply to POPR

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Dear Honorable Director:

IPR2025-01309 was referred for consideration on the merits on December 18, 2025. See Paper 12. Petitioners seek leave from the Director to file a short Reply of no more than one page, along with a certified English translation of a Japanese prior art reference (Japanese Patent No. 3179054, published as H11 1999-73237), to Patent Owner's Preliminary Response ("POPR") to address Patent Owner's proposed construction of "mobile terminal." In the POPR, Patent Owner argues that "mobile terminal" should be narrowly construed to mean "cellular phone," allegedly to be consistent with the intrinsic record. However, the background section of the '417 patent states that the Japanese prior art reference discloses a "mobile terminal." The English translation confirms the disclosed device in the Japanese prior art reference is not a cellular phone. Petitioner's one page Reply will establish that Patent Owner's proposed construction is contrary to the intrinsic record.

Patent Owner disagrees that good cause exists for Petitioner's reply to Patent Owner's Preliminary Response for the expired '417 Patent. Petitioner was required to explain how the challenged claim is to be construed and how the construed claim is unpatentable. 37 CFR 42.104. Petitioner failed to explain in the Petition why the prior art disclosure of a laptop discloses the claimed "mobile terminal" when the specification consistently and repeatedly identifies the mobile terminal as a cellular phone. POPR at 8-17. This is just like in *GPNE Corp. v. Apple Inc.*, where the Court found that the specification "repeatedly and exclusively uses these words [pager] to refer to the devices in the patented system." 830 F.3d 1365, 1370 (Fed. Cir. 2016). Petitioner has not demonstrated good cause exists to expand the petition arguments now when this could have (and should have) been addressed in the Petition. To the extent a reply is authorized, Patent Owner requests a sur-reply of equal length.

Separately, Patent Owner requests authorization to file as an exhibit, the parties' proposed terms and constructions exchanged in the district court case, which includes terms found in the '417 Patent, including "mobile terminal," which were not proposed by Petitioner for construction before the Board.

Petitioners do not object to a Patent Owner sur-reply of equal length, and do not object to Patent Owner's request to file as an exhibit the parties' proposed terms and constructions exchanged in the district court case.

The parties are available for a conference call should the Director so desire (Friday 1/16 or any day next week).

Respectfully submitted,

Alan A. Limbach

Partner

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