

From: [Trials](#)
To: ["Tamburo, Salvatore"; Director_Discretionary_Decision](#)
Cc: [DLA-Samsung-Maxell-EDTX2; "FW-CLIENT-Maxell-Samsung-Service"; "Pluta, Robert G."; "Siddiqui, Saqib"](#)
Bcc: [Director_DI](#)
Subject: RE: IPR2025-01311: Petitioners' Request for Authorization to File a Reply to POPR
Date: Tuesday, January 13, 2026 3:15:00 PM
Attachments: [image002.png](#)
[image003.png](#)

Counsel,

Petitioner is authorized to file a 3-page preliminary reply in IPR2025-01311, due no later than January 16, 2026, limited to addressing the issues identified below. Patent Owner is authorized to file a 3-page preliminary sur-reply due no later than January 22, 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
USPTO
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From: Tamburo, Salvatore <Salvatore.Tamburo@us.dlapiper.com>
Sent: Tuesday, December 23, 2025 1:16 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>
Subject: IPR2025-01311: Petitioners' Request for Authorization to File a Reply to POPR

You don't often get email from salvatore.tamburo@us.dlapiper.com. [Learn why this is important](#)

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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 claim construction positions on the merits that are inconsistent with its claim construction positions in its infringement contentions. For example, in its infringement contentions, Patent Owner alleges that the claimed "first operation panel" may include both linear and interactive controls. However in its POPR, referring to the first and second operation panels, Patent Owner states "the system alternates between two different operation panels – one linear and one interactive" Referring to the same first and second operation panels, Patent Owner further states "this limitation presupposes the existence of two distinct operation panels – a linear operation panel and an interactive operation panel" Thus, Patent Owner's infringement contentions allow a "first operation panel" to include both linear and interactive controls, whereas its POPR requires the "first operation panel" to have only linear or only interactive controls, not both. Petitioners also seek to clarify their statements in the Petition that Phillips, Wallis, Ellis and Uchida were not considered by the examiner during prosecution, even though they are listed on the face of the '091 patent. The '091 patent issued without an Office action and without any claims being rejected. What Petitioners meant by those statements in the Petition is that there is no evidence the examiner substantively considered those references during prosecution; e.g., Petitioners' Discretionary Denial Opposition, filed December 17, 2025, points out that Phillips, Wallis, Ellis and Uchida were all before the examiner although there is no evidence any of these references were substantively considered.

Patent Owner opposes this request for the following reasons:

First, Petitioner's explanation about its inclusion of five materially false and factually incorrect statements in the Petition should be rejected. Petitioner relies on statements in its Discretionary Denial ("DD") Brief to justify its false statements in the Petition. That brief, filed December 17, was two days late and filed two days *after* the POPR. See Interim Director Discretionary Process, Section III.B (Opposition must be filed within 3 months of NFDA). Thus, having filed its DD Brief late, Petitioner effectively granted itself leave to address its misstatements in the Petition. Petitioners request for additional briefing should be rejected on this basis alone because there is no good cause for a reply to effectively amend statements in the Petition.

Second, Petitioner continues its false statements with respect to the alleged "inconsistent" claim construction positions. For example, this statement by Petitioner in the present email is plainly false: "whereas its POPR requires the 'first operation panel' to have only linear or only interactive controls, not both." Nowhere in the POPR does

Patent Owner make any such assertion that the first operation panel is required “to have only linear or only interactive controls, not both.” Petitioner provides no citation to support its assertion. There is no inconsistency and there is no good cause for a reply. 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 any day the week of December 29, 2025, except January 1, 2026.

Respectfully,

Sal Tamburo

Of Counsel

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