

From: [Director Discretionary Decision](#)
To: [Kyle Friesen](#); [Director DI](#); [Director Discretionary Decision](#)
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Subject: RE: Capital One v. WAPP Tech (IPR2025-01325) - Patent Owner's Request for Reply to Petitioner's Opposition to DD Brief
Date: Friday, November 7, 2025 11:28:47 AM

Patent Owner is authorized to file a 3-page reply in IPR2025-01325, due no later than Monday, November 10, 2025, limited to addressing the arguments raised below. Petitioner is authorized to file a 3-page sur-reply, due no later than Wednesday, November 12, 2025.

From: Kyle Friesen <kfriesen@hpcllp.com>
Sent: Thursday, November 6, 2025 8:06 PM
To: Director_DI <Director_DI@uspto.gov>; Director_Discretionary_Decision <Director_Discretionary_Decision@uspto.gov>
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Subject: Capital One v. WAPP Tech (IPR2025-01325) - Patent Owner's Request for Reply to Petitioner's Opposition to DD Brief

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To the Honorable Director:

Patent Owner requests a Reply to Petitioner's Opposition to Patent Owner's Discretionary Denial Brief, filed on Friday, October 31 in the above referenced proceeding. The requested Reply would be filed on Tuesday, November 11, and would be limited to 3 pages responding to Petitioner's argument that the *Proxsense* decision applies on the facts of this case. Patent Owner contends that good cause exists because Petitioner's opposition misstates the Director's statements in *Proxsense* and presents a misleadingly incomplete statement of the facts.

Patent Owner has informed Petitioner's counsel of this request. Petitioner's provided the following statement:

Petitioner opposes Patent Owner's request, as Patent Owner has not shown good cause for further discretionary briefing. Patent Owner's characterization of Petitioner's Opposition is baseless and the Director can evaluate the evidence and arguments of record without further briefing. Further, good cause cannot be established by Patent Owner belatedly requesting to address a decision that issued long before its brief was filed: the *Proxsense* decision issued in

June 2025, and Patent Owner could have, but chose not to, address it in its discretionary denial brief filed in September 2025. If Patent Owner is granted a reply, Petitioner respectfully requests the opportunity to file a sur-reply of equal length.

Respectfully submitted,

Kyle Friesen

Lead Counsel for Patent Owner WAPP Tech Inc.

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