

From: [Director Discretionary Decision](#)
To: [Director Discretionary Decision](#); [Kenneth Darby](#)
Cc: [Rick Botos](#); [Ray Churchill](#); [IPR39898-0051IP1](#); [IPR39898-0052IP1](#); [IPR39898-0051IP1](#); [David Hoffman](#)
Subject: RE: IPR2026-00039 (US Patent No. 7,640,332), IPR2025-01490 (US Patent No. 7,120,832), and IPR2025-01491 (US Patent No. 7,904,686)
Date: Monday, February 9, 2026 12:00:30 PM

Correction:

Petitioner is authorized to file a 1-page brief in IPR2026-00039, IPR2025-01490 and IPR2025-01491, due no later than Tuesday, February 10, 2026, limited to addressing the matters raised below. Patent Owner is authorized a 1-page reply, due no later than Thursday, February 12, 2026.

From: Kenneth Darby <kdarby@fr.com>
Sent: Thursday, February 5, 2026 3:36 PM
To: Director_Discretionary_Decision <Director_Discretionary_Decision@uspto.gov>
Cc: Rick Botos <rbotos@bciplaw.com>; Ray Churchill <rchurchill@bciplaw.com>; IPR39898-0051IP1 <IPR39898-0051IP1@fr.com>; IPR39898-0052IP1 <IPR39898-0052IP1@fr.com>; IPR39898-0051IP1 <IPR39898-0051IP1@fr.com>; David Hoffman <Hoffman@fr.com>
Subject: RE: IPR2026-00039 (US Patent No. 7,640,332), IPR2025-01490 (US Patent No. 7,120,832), and IPR2025-01491 (US Patent No. 7,904,686)

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To the Director and Members of the Board:

Petitioners write to report a critical change in circumstances material to the pending discretionary denial issues in the above-captioned proceedings and to request authorization to address this development.

Changed Circumstances: On February 3, 2026, Patent Owner filed a notice of settlement in a parallel district court litigation (the Home Depot Litigation) involving the challenged patents in IPR2026-00039, IPR2025-01490, and IPR2025-01491. *See Valtrus Innovations Ltd. v. The Home Depot, Inc.*, Case No. 2:25-cv-00081, Document 73 (E.D.Tex.).

JOINT MOTION TO STAY ALL DEADLINES AND NOTICE OF SETTLEMENT

Plaintiffs Valtrus Innovations Ltd. and Key Patent Innovations Ltd. (collectively, "Valtrus" or "Plaintiffs") and Defendants The Home Depot, Inc. and Home Depot U.S.A., Inc. (collectively, "Home Depot" or "Defendants") (collectively, the "Parties") hereby file this Joint Motion to Stay All Deadlines and Notice of Settlement pursuant to the Court's standing order regarding proper notification of settlement.

The Parties have settled, in principle, all matters in controversy in the above-captioned action. The Parties respectfully request a stay of all case deadlines for thirty (30) days while the Parties finalize settlement and dismissal papers.

Patent Owner has relied on the Home Depot Litigation's earlier scheduled trial date as a basis for discretionary denial in all three of these IPRs—including in a brief filed on January 29th, just days before the February 3rd settlement notice. *See* IPR2026-00039, Paper 11. That alleged basis for denial now no longer exists.

Request for Relief: Petitioners request a one-page brief in each of IPR2026-00039, IPR2025-01490, and IPR2025-01491 to address Patent Owner's settlement notice in the Home Depot Litigation. Petitioners are prepared to file this brief within one business day of receiving authorization.

If a brief is not authorized, Petitioners ask that this email and the notice of settlement be added to the record as exhibits for the Director's consideration in each of IPR2026-00039, IPR2025-01490, and IPR2025-01491.

Meet and Confer: The parties conferred regarding this request, and Patent Owner articulated its position as follows:

With regard to IPR2025-01490 and IPR2025-01491 we submit that such briefs are not timely, since we are several months in from the discretionary denial decision and Petitioners have already filed rehearing motions. So, we will oppose any further briefing on new issues in IPR2025-01490, and IPR2025-01491.

Given the different status of IPR2026-00039, we do not oppose your filing of a one-page brief, if you agree to us having an equal opportunity to respond to what you file.

Respectfully,

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

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