

From: [Director Discretionary Decision](#)
To: [Director Discretionary Decision](#); [Brandon R. Theiss](#)
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Subject: RE: IPR2025-01511 - Patent Owner's Request for Authorization to Respond to Petitioners' Brief in Opposition to Patent Owner's Request for Discretionary Denial
Date: Wednesday, January 14, 2026 12:20:23 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)

Patent Owner is authorized to file a 5-page reply in IPR2025-01511, due no later than Friday, January 17, 2026, limited to addressing the arguments raised below. Petitioner is authorized a 5-page sur-reply, due no later than Tuesday, January 21, 2026.

From: Brandon R. Theiss <BTheiss@vklaw.com>
Sent: Tuesday, January 13, 2026 9:07 AM
To: Trials <Trials@USPTO.GOV>
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Subject: IPR2025-01511 - Patent Owner's Request for Authorization to Respond to Petitioners' Brief in Opposition to Patent Owner's Request for Discretionary Denial

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Dear Honorable Board:

Patent Owner respectfully requests authorization to file a 5-page Reply to "Petitioners' Brief in Opposition to Patent Owner's Request for Discretionary Denial" ("Opposition Brief") (Paper # 7), limited to addressing the arguments advanced by Petitioners on pages 8-9 of the Opposition Brief in support of their position that "[t]here is no risk of inconsistent arguments before the district court proceedings and this proceeding that would disfavor institution."

Good cause exists for Patent Owner's request to file a Reply. While the Opposition Brief noted that Petitioner Southwest did not advance an indefiniteness position directed to the subject patent (USP 7,712,080) in Southwest's Opening Claim Construction Brief in the district court, the Opposition Brief *failed to inform the Board* that, in its Opening Claim Construction Brief in the district court for the subject patent, Petitioner Southwest introduced a different inconsistent claim construction by proposing a specific, narrow construction for "distributed sequential computing" (in independent claims 1 and 7 of USP 7,712,080) and opposing Patent Owner's proposal that the phrase be given its "plain and ordinary" meaning. The Opposition Brief (at 9) misleadingly cites to Ex. 1014 as Southwest's Opening Claim Construction Brief *for USP 7,712,080*. However, Ex. 1014 corresponds to Southwest's Opening Claim Construction Brief for 5 different patents, *none of which corresponds to USP 7,712,080*. In connection with the 5-page Reply being requested, Patent Owner requests leave to submit as an exhibit Southwest's actual Opening Claim Construction Brief *in connection with USP 7,712,080* so that the record is clear.

Patent Owner therefore requests authorization to file a Reply not exceeding five (5) pages, limited to addressing the arguments advanced by Petitioners on pages 8-9 of the Opposition Brief in support of their position that "[t]here is no risk of inconsistent arguments before the district court proceedings and this proceeding that would disfavor institution," together with the actual Opening Claim Construction Brief filed by Petitioner Southwest in the district court concerning USP 7,712,080. Patent Owner further requests that the Reply be due within five (5) business days of the Board's authorization, or on such schedule as the Board deems appropriate. Patent Owner does not object to Petitioners' being authorized to file a Sur-Reply of equal length.

Patent Owner attempted to confer with Petitioner. However, Petitioner did not respond to Patent Owner's email.

Regards,



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