

From: [Trials](#)
To: [John McKee](#); [KLG-MBB-IPR](#); [QE-SAMSUNG-MBL-IPR](#); [McElhinny, Patrick](#); [Knedeseisen, Mark G.](#); [Rotolo, Anthony](#); [Bozzo, Brian P.](#)
Cc: [Trials](#)
Subject: RE: IPR2025-01565
Date: Thursday, January 29, 2026 8:39:49 AM
Attachments: [image001.png](#)

Counsel,

Petitioner's request is denied as moot.

Regards,

Andrew Kellogg,
Deputy Chief Clerk, Trials
Patent Trial and Appeal Board
USPTO
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(571) 272-5366



From: John McKee <johnmckee@quinnemanuel.com>
Sent: Friday, January 23, 2026 10:03 AM
To: Director_DI <Director_DI@uspto.gov>
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Subject: IPR2025-01565

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Your Honorable Director:

I am counsel of record for Petitioner in the above-captioned matter. Petitioner respectfully seeks leave to submit a preliminary reply of no more than 10 pages to be due within 7 days of a

IPR2025-01565
Ex. 3100

decision granting leave. The reply will address Patent Owner's Preliminary Response (IPR2025-01565) statements that (1) "actively tuned antenna" means "electronic adjustment that transforms the electrical properties of an antenna;" and (2) an antenna is "tuned" within the meaning of the claims only by electronic adjustment that "transform[s] the frequency response or impedance of the antenna," such that an antenna whose "frequency bands are fixed by physical structure and not electronically adjustable at run time" is excluded from claim scope.

Petitioner is mindful of both the Board's prohibition against argumentative emails to *Trials* and of 37 CFR § 42.108(c), which requires a request for a pre-institution reply to "make a showing of good cause." Good cause exists because Petitioner could not have foreseen Patent Owner's claim construction positions, which limit the meaning of "actively tuned antenna" and narrow the scope of the claim.

The parties have conferred, and Patent Owner opposes Petitioner's request. Patent Owner's position is that good cause does not exist because Petitioner could have foreseen Patent Owner's reliance on plain and ordinary meanings for the cited terms, consistent with the intrinsic record, coupled with the Petition's failure to meaningfully address claim construction in the Petition, such that the Petition does not propose constructions for the disputed terms or explain how their plain and ordinary meanings would be derived from the intrinsic record. If the Board nonetheless grants leave, Patent Owner submits that five pages are sufficient to address this narrow issue and requests leave to file a sur-reply of equal length, due within 14 days of Petitioner's preliminary reply, given that Petitioner raised this issue two weeks after the POPR was filed. See *Equistar Chems. LP v. ExxonMobile Chem. Patents Inc.*, IPR2017-01534, Paper 13 (PTAB Oct. 20, 2017).

Petitioner does not oppose Patent Owner receiving an equal-length sur-reply to be due within an equal time period.

To the extent the Board wishes to hold a hearing on this request, the parties will revert with their availability upon request.

Respectfully submitted,

John McKee

Partner

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