

From: [Director_PTABDecision_Review](#)
To: "Marando, Christopher (WDC)"; rmirzaie@raklaw.com; Amazon-Headwater-IPR@perkinscoie.com; mfenster@raklaw.com; dchang@raklaw.com; nrubin@raklaw.com; pwang@raklaw.com; rak_headwater@raklaw.com; [Jim Milkey](#)
Cc: [Director_DI](#); [Director_Discretionary_Decision](#)
Subject: RE: Amazon.com Services LLC v. Headwater Research LLC, IPR2025-01571 | Request for Authorization to Submit New Argument/Evidence - Response Denied
Date: Tuesday, March 10, 2026 7:30:00 PM

Counsel,

Petitioner's request for authorization to submit new argument and evidence in connection with its request for Director Review in the above identified proceeding is denied.

Thanks.

IPR2025-01571
Ex. 3102

From: Marando, Christopher (WDC) <CMarando@perkinscoie.com>
Sent: Tuesday, March 10, 2026 3:06 PM
To: Director_PTABDecision_Review <Director_PTABDecision_Review@uspto.gov>; Director_DI <Director_DI@uspto.gov>; Director_Discretionary_Decision <Director_Discretionary_Decision@uspto.gov>
Cc: rmirzaie@raklaw.com; mfenster@raklaw.com; dchang@raklaw.com; nrubin@raklaw.com; pwang@raklaw.com; rak_headwater@raklaw.com; [Jim Milkey <jmilkey@raklaw.com>](mailto:jmilkey@raklaw.com); Amazon-Headwater-IPR@perkinscoie.com
Subject: Amazon.com Services LLC v. Headwater Research LLC, IPR2025-01571 | Request for Authorization to Submit New Argument/Evidence

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Dear Director Squires,

Petitioner respectfully requests authorization to submit new argument and evidence in connection with a request for Director review of the decision to discretionarily deny institution in IPR2025-01571 challenging U.S. Patent No. 8,667,571 ("571 patent"). Specifically, Petitioner seeks authorization to submit new argument and supporting exhibits demonstrating that the Examiner committed material error by failing to conduct an adequate prior art search during prosecution.

Petitioner's request for Director review is due to be filed by Thursday, 3/12/26. If the Office requires additional time to consider Petitioner's request, Petitioner respectfully requests an extension of the deadline to file its Director review request until two

business days after the Office has reached a decision.

On 2/10/26, the Office discretionarily denied institution in IPR2025-01571.

Subsequently, on 2/24/26, the Office declined to discretionarily deny institution in two IPRs challenging patents in the same family as the '571 patent (IPR2026-00049 and IPR2026-00050). The petitioner argued in IPR2026-00049 and IPR2026-00050 that the Examiner committed error by failing to perform an adequate search under MPEP § 904.02.

The latter two decisions constitute intervening guidance indicating how petitioners may demonstrate material error. The new argument and evidence Petitioner seeks to submit in its Director review request will address Examiner search error in view of this intervening guidance. Thus, there is good cause for Petitioner's request. See <https://www.uspto.gov/patents/ptab/decisions/director-review-process> ("[T]he submission of new evidence or arguments may be warranted in cases addressing issues of first impression or issues involving intervening changes in the law or USPTO procedures, guidance, or decisions.").

Petitioner has conferred with Patent Owner, and Patent Owner opposes this request. Contrary to Petitioner's assertion, there is no "intervening guidance indicating how petitioners may demonstrate material error," because the Director did not make any finding of (or even reference to) examiner error in the orders declining to exercise discretion in IPR2026-0049 or IPR2026-0050. Accordingly, because there is no intervening guidance, there is no good cause for new argument or evidence. Furthermore, although Petitioner alleges that the patents at issue in IPR2026-00049 and IPR2026-00050 (U.S. Patent Nos. 9,179,359 and 8,631,102) are "in the same family as the '571 patent," the claims are dissimilar such that any reasoning underlying the referral decisions in those proceedings would not be applicable here.

If the Director needs additional information regarding good cause to grant this request, Petitioner requests a conference call, and the parties will confer and provide times of mutual availability.

Respectfully,

Christopher Marando
PARTNER

Perkins Coie

700 Thirteenth Street, N.W. Suite 800

Washington, DC 20005-3960
[+1.202.654.6227](tel:+12026546227)
cmarando@perkinscoie.com
perkinscoie.com

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