

From: [Director Discretionary Decision](#)
To: [Daniel Kiang](#); [Director Discretionary Decision](#)
Cc: [Buroker, Brian M.](#); [GDC-AvidbotsIPR@gibsondunn.com](#); [ncurtis@gibsondunn.com](#); [Kieckhefer, L. Kieran](#); [ElDessouki, Ahmed](#); [BoxBRAIL.002LP3](#)
Subject: RE: IPR2025-01601 | Request to file reply brief re discretionary denial
Date: Monday, March 9, 2026 3:57:46 PM

No additional briefing is authorized at this time. Pages 7-10 of the Preliminary Response will be considered.

From: Daniel Kiang <Daniel.Kiang@knobbe.com>
Sent: Friday, March 6, 2026 4:38 PM
To: Director_Discretionary_Decision <Director_Discretionary_Decision@uspto.gov>
Cc: Buroker, Brian M. <bburoker@gibsondunn.com>; GDC-AvidbotsIPR@gibsondunn.com; ncourtis@gibsondunn.com; Kieckhefer, L. Kieran <kkieckhefer@gibsondunn.com>; ElDessouki, Ahmed <aeldessouki@gibsondunn.com>; BoxBRAIL.002LP3 <BoxBRAIL.002LP3@knobbe.com>
Subject: IPR2025-01601 | Request to file reply brief re discretionary denial

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Dear Director Squires,

Pursuant to Section IV of the Interim Director Discretionary Process, Patent Owner Brain Corporation respectfully requests an additional 2-page reply brief in response to Petitioners' Brief Opposing Discretionary Denial filed March 4, 2026 in IPR2025-01601.

Good cause exists for requesting the reply brief. In Petitioners' Brief Opposing Discretionary Denial, Petitioners represented that it "is not seeking different claim constructions in the Litigation compared to the IPR, nor is it seeking a construction of indefiniteness for any claim term among the patents that [Patent Owner] Brain asserted in the Litigation, contrary to Brain's claim." IPR2025-01601, Paper 13 at 17. Patent Owner seeks to file a reply in view of subsequent communications from Petitioners, who are maintaining their right to pursue indefiniteness in district court. Because there is a potential inconsistency between Petitioners' representations to the Board and those to Patent Owner, Patent Owner requests a short brief to address Petitioners' representations.

Alternatively, in lieu of filing a separate brief, Patent Owner would like to direct the Director's attention to pages 7-10 of the Preliminary Response (Paper 15) addressing the same issue.

Counsel for Petitioners have been copied on this email.

Best regards,
Daniel

Daniel Kiang

Partner

Daniel.Kiang@knobbe.com

(949) 760-0404 Main

Knobbe Martens

2040 Main St., 14th Fl.

Irvine, CA 92614

www.knobbe.com/daniel-kiang

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