

From: [Director_DI](#)
To: [Matthew Smith](#); [Director_DI](#)
Cc: [Frederic Meeker](#); [John R. Hutchins](#); [Simon C. Lasker](#); [John Peloquin](#); [Beth Laughton](#)
Subject: RE: IPR2026-00097, Magnolia v. Kurin
Date: Friday, February 13, 2026 9:31:11 AM

Patent Owner may file the updated request for discretionary denial and exhibits. The current brief (Paper 8) has been expunged.

From: Matthew Smith <smith@smithbaluch.com>
Sent: Wednesday, February 11, 2026 2:35 PM
To: Director_DI <Director_DI@uspto.gov>
Cc: Frederic Meeker <fmeeker@bannerwitcoff.com>; John R. Hutchins <JHutchins@bannerwitcoff.com>; Simon C. Lasker <SLasker@bannerwitcoff.com>; John Peloquin <JPeloquin@bannerwitcoff.com>; Beth Laughton <laughton@smithbaluch.com>
Subject: IPR2026-00097, Magnolia v. Kurin

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Honorable Director,

Patent Owner seeks authorization to file an updated request for discretionary denial that adds four pinpoint citations, together with a new exhibit that just became available. Petitioner has indicated it does not oppose the request.

Background: In its original request for discretionary denial (“DD Request”, filed Monday, January 26, 2026), Patent Owner argued that the Petition for inter partes review employed claim constructions inconsistent with those applied by Petitioner in a recent trial between the parties. In footnote 4 of the DD Request (p. 18), Patent Owner stated “The version of the transcript from trial proceedings that parties are authorized to cite is not yet available. When it becomes available, Patent Owner will request authorization to submit the transcript as an exhibit and provide pinpoint citations to that transcript.”

The official trial transcript was published on Friday, February 6, 2026. The same day, Patent Owner contacted Petitioner, provided a draft updated DD Request and exhibit, and asked whether Petitioner would oppose the update to Patent Owner’s DD Brief. Today (Wednesday, February 11), Petitioner responded that it would not oppose.

Patent Owner thus requests authorization to file an updated brief that would (1) provide an additional exhibit containing relevant portions of the trial transcript; (2) add four pinpoint citations in the DD Request, citing to the new exhibit; (3) delete footnote 4 (the footnote stating

that Patent Owner would request an update); (4) update the table of exhibits; and (5) update the document title, table of contents, and signature blocks.

Respectfully,

M. Smith

Counsel for Patent Owner

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