

From: [Director Discretionary Decision](#)
To: [Neer, William](#); [Director Discretionary Decision](#)
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Subject: RE: IPR2026-00138
Date: Friday, May 1, 2026 10:03:47 AM

Petitioner may file a 3-page supplemental brief in IPR2026-00138, due no later than Tuesday, May 5, 2026, limited to addressing the matters raised below. Patent Owner is authorized a 3-page reply, due no later than Thursday, May 7, 2026.

From: Neer, William <William.Neer@finnegan.com>
Sent: Thursday, April 30, 2026 7:54 PM
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Subject: IPR2026-00138

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Dear Board,

In IPR2026-00138, Petitioner requests permission to file a 3-page supplemental discretionary denial paper to address Patent Owner's intention to disclaim all but claim 2 of the '544 patent if the Director refers the petition to the Board. Patent Owner's disclaimer was unforeseeable during discretionary denial briefing but is relevant to the Director's discretionary denial considerations. Accordingly, Petitioner believes that good cause exists to permit a 3-page paper to supplement its briefing on this new development.

Patent Owner opposes Petitioner's request to supplement Petitioner's discretionary denial briefing in view of Patent Owner's Preliminary Response because Patent Owner's intent to narrow the merits issues in dispute via disclaimer is unrelated to discretionary denial. However, should the Board find that Patent Owner's intent to simplify the Board's consideration of merits issues warrants additional briefing on discretionary issues, Patent Owner respectfully requests an equal number of pages to respond to Petitioner's supplemental briefing.

Sincerely,
William Neer
Counsel for Petitioner

William C. Neer

Associate

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