

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PLAID INC.,
Petitioner,

v.

SIX TREES CAPITAL LLC
and
SECURE AUTHENTICATION TECHNOLOGIES LLC,
Patent Owner.

IPR2026-00157
U.S. Patent No. 11,315,090

**PATENT OWNER'S REQUEST FOR
DISCRETIONARY DENIAL OF INSTITUTION**

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PATENT OWNER'S EXHIBIT LIST

Ex2001	Opposition to Defendant Plaid Inc.'s Motion to Dismiss Under Federal Rule of Civil Procedure 12(b)(6), <i>Secure Authentication Technologies LLC v. Plaid Inc.</i> , No. 2:25-cv-00514-DAK-JCB (D. Utah Oct. 02, 2025), ECF No. 30
Ex2002	Reply in Support of Defendant Plaid Inc.'s Motion to Dismiss Under Federal Rule of Civil Procedure 12(b)(6), <i>Secure Authentication Technologies LLC v. Plaid Inc.</i> , No. 2:25-cv-00514-DAK-JCB (D. Utah Oct. 16, 2025), ECF No. 32
Ex2003	Plaid Inc.'s Presentation for Hearing on Plaid's Motion to Dismiss Under Federal Rule of Civil Procedure 12(b)(6), <i>Secure Authentication Technologies LLC v. Plaid Inc.</i> , No. 2:25-cv-00514-DAK-JCB (D. Utah Feb. 26, 2026)
Ex2004	Secure Authentication Technologies LLC's Presentation for Hearing on Plaid's Motion to Dismiss Under Federal Rule of Civil Procedure 12(b)(6), <i>Secure Authentication Technologies LLC v. Plaid Inc.</i> , No. 2:25-cv-00514-DAK-JCB (D. Utah Feb. 26, 2026)
Ex2005	District of Utah Local Patent Rules, https://www.utd.uscourts.gov/sites/utd/files/Patent%20Rules%20Final%202023.pdf (Dec. 2023)
Ex2006	U.S. Patent No. 10,268,995 to Zimmerman et al.
Ex2007	Max, https://web.archive.org/web/20220512230445/https://www.maxmyinterest.com/ (May 12, 2022)
Ex2008	Declaration of Gary Zimmerman

I. INTRODUCTION

Patent Owner Secure Authentication Technologies LLC respectfully asks the Director to discretionarily deny institution on U.S. Patent No. 11,315,090. To start, the traditional *Fintiv* factors heavily weigh against institution. The parallel district court proceeding has not been stayed, and the court is currently deciding a substantive issue raised in Petitioner’s motion to dismiss that has required the court to become familiar with the ’090 patent.

As part of this motion to dismiss, the parties have raised a dispute over the proper construction of the terms “processor” and “encrypting” and whether, read in light of the specification and prosecution history, these terms require specific technical limitations. Despite these claim construction issues arising *before* Petitioner filed its petition, Petitioner surprisingly represents that no constructions are necessary in this IPR. These inconsistencies, along with several others that are likely to arise when claim construction formally opens in front of the district court, warrant denial on their own. Even if the district court denies Petitioner’s motion to dismiss without resolving these claim construction issues, these constructions will likely arise again should Petitioner re-raise its § 101 argument at the summary-judgment stage.

Further, in another attempt to get multiple bites at the apple, Petitioner refuses to adopt a *Sotera* stipulation that would ensure the two proceedings do not overlap

or result in conflicting decisions. Petitioner's unwillingness to submit a *Sotera* stipulation alone confirms it intends to raise identical issues at both proceedings, risking inconsistent results.

Several other factors also warrant discretionary denial. For example, the challenged patent claims priority to January 2014, has itself been in force since 2022, and protects a product developed in the United States that has carried patent markings since issuance, creating settled expectations. The merits of Petitioner's case are also weak. As one example, Petitioner relies on a prior art reference that criticizes the '090 patent's approach to the technical problem it attempts to solve. Likewise, the '090 patent criticizes this reference's approach to the problem, putting them at odds with each other. For all of these reasons, SAT respectfully asks the Director to deny institution.

II. LEGAL STANDARD

35 U.S.C. § 314(a) gives the Director discretion to deny institution of an *inter partes* review. The Board has set forth six factors for determining whether discretionary denial is appropriate in light of parallel litigation:

1. the extent to which a stay has been granted or is likely to be granted if a proceeding is instituted;
2. the proximity of the court's trial date to the Board's projected statutory deadline for a final written decision;
3. the investment in the parallel proceeding by the court and the parties;

4. the overlap between issues raised in the petition and in the parallel proceeding;
5. the extent to which the petitioner and the defendant in the parallel proceeding are the same party; and
6. any other circumstances that impact the Board's exercise of discretion, including the merits.

Apple Inc. v. Fintiv, Inc., IPR2020-00019, Paper 11 at 5-6 (PTAB Mar. 20, 2020) (precedential) (“*Fintiv I*”). “In evaluating the factors, the Board takes a holistic view of whether efficiency and integrity of the system are best served by denying or instituting review.” *Apple Inc. v. Fintiv, Inc.*, IPR2020-00019, Paper 15 at 8 (PTAB May 13, 2020) (informative) (“*Fintiv II*”).

The Director's March 26, 2025 Memorandum Regarding Interim Processes for PTAB Workload Management¹ set forth other considerations that might weigh in favor of discretionary denial:

- the extent to which the Board or another forum has already adjudicated the validity or patentability of the challenged patent claims;
- the extent to which there have been changes in the law or new judicial precedent issued since issuance of the claims that might affect patentability;
- the strength of the unpatentability challenge;
- the extent of the petition's reliance on expert testimony;

¹ Available at <https://www.uspto.gov/sites/default/files/documents/InterimProcesses-PTABWorkloadMgmt-20250326.pdf>.

- settled expectations of the parties, such as the length of time the claims have been in force;
- compelling economic, public health, or national security interests; and
- any other considerations bearing on the Director’s discretion.

III. ARGUMENT

The *Fintiv* factors weigh in favor of discretionarily denying institution of this IPR. The parallel district court litigation is moving forward at a steady pace, with the court already having heard argument on Petitioner’s motion to dismiss, which involved a substantive validity issue that required the district court to become familiar with the patent. Interestingly, Petitioner has also represented that no constructions are required in this IPR, despite two claim construction disputes already in front of the district court and several more likely to follow.

The challenged patent also claims priority to January 2014, has itself been in force since 2022, and protects a product developed in the United States that has carried patent markings since issuance, creating settled expectations warranting denial. On top of that, the merits of Petitioner’s case are weak, so much so that Petitioner must rely on a reference that is diametrically opposed to the asserted patent (and even criticizes the patent’s approach) to cobble together an invalidity ground. SAT respectfully asks the Director to deny institution.

A. The District Court Litigation Is Not Stayed

The first *Fintiv* factor considers “whether the court granted a stay or evidence exists that one may be granted if a proceeding is instituted.” *Fintiv I* at 6. Here, not only has a stay not been granted, but Petitioner has not even requested a stay. This factor weighs in favor of discretionary denial.

B. The District Court Is Currently Deciding a Substantive Validity Issue

The second *Fintiv* factor considers the “proximity of the court’s trial date to the Board’s projected statutory deadline for a final written decision.” *Fintiv* at 6.

Petitioner filed its petition on January 15, 2026. Patent Owner’s preliminary response is due April 15, 2026. Under 35 U.S.C. § 314(b), the Board must decide whether to institute on July 15, 2026—within three months after Patent Owner’s preliminary response is due. Under 35 U.S.C. § 316(a)(11), the Board must issue a final written decision within one year of institution; here, July 15, 2027.

The district court has not yet set a date for trial in the parallel proceeding. However, the court heard Petitioner’s motion to dismiss on February 26, 2026, and will soon decide a substantive validity issue that requires familiarity with the challenged patent. Once decided, the case will move forward with claim construction and discovery.

The district court might issue claim constructions even earlier than the schedule provided by the court’s local rules. Petitioner’s motion to dismiss depends

in part on how the court interprets the claims; for example, whether they include technical limitations that confirm the claims are non-abstract. In its opposition to Petitioner's motion to dismiss, Patent Owner expressly raised two potential constructions with the district court over what is required by the claimed "processor" term and "encrypting" limitation in light of the patent's specification and prosecution history. Ex2001, 11-12, 14-15. Petitioner acknowledged and disputed these constructions in reply, Ex2002, 6-8, and spent significant time discussing these constructions with the district court at the motion-to-dismiss hearing, *see* Ex2003, 42-53 (Petitioner presenting slides disagreeing with Patent Owner's claim construction in order to force a ruling on Petitioner's motion to dismiss); Ex2004, 27-33 (Patent Owner presenting competing slides on claim construction).

Thus, claim construction issues have already been presented to the district court and are ripe for either a ruling or additional briefing. Even if the district court denies Petitioner's motion to dismiss without resolving the claim construction issues, these constructions will likely arise again should Petitioner re-raise its § 101 argument at the summary-judgment stage. This factor therefore weighs in favor of discretionary denial because the district court proceeding is moving forward at pace and claim construction is already before the court or otherwise imminent.

C. The District Court Is Familiar with the Patent

The third *Fintiv* factor considers the “amount and type of work already completed in the parallel litigation by the court and the parties at the time of the institution decision.” *Fintiv I* at 9. As mentioned above, Petitioner has filed a substantive motion to dismiss in the district court litigation, arguing that the challenged patent is ineligible for patenting under 35 U.S.C. § 101. The parties have expended significant resources to educate the district court on the challenged patent so that the court has the necessary context to decide Petitioner’s motion to dismiss. As a result, the district court is already familiar with the patent and will soon issue a substantive decision on the patent’s merits.

Additionally, once the district court decides Petitioner’s motion to dismiss, the district court litigation will proceed expeditiously to issues of validity and claim construction—if the court does not decide constructions before then in its ruling on Plaid’s motion to dismiss. Under the District of Utah’s local patent rules, Petitioner will serve initial invalidity contentions a little over two months after Petitioner files its answer. Ex2005, Rules 2.2(a) (initial disclosures due 21 days after answer), 2.3(a) (initial infringement contentions due 35 days after initial disclosures), 2.4(a) (initial invalidity contentions due 14 days after initial infringement contentions). The claim construction process then begins after the parties submit final contentions. *Id.* Rule 4. This factor therefore weighs in favor of discretionary denial in view of

the work the district court has already done to familiarize itself with the challenged patent and disputed claim terms, as well as substantive issues soon to be in front of the court.

D. This IPR and the Parallel District Court Litigation Will Decide Identical Issues and Could Result in Conflicting Decisions

The fourth *Fintiv* factor considers “concerns of inefficiency and the possibility of conflicting decisions” when substantially identical prior art is submitted in both the district court and IPR proceedings. *Fintiv I* at 12. Petitioner has not yet identified the prior art it intends to raise in the district court litigation. But Petitioner has declined to file a *Sotera* stipulation in this proceeding that would have guaranteed Petitioner would not raise the same prior art that it raised in this IPR or prior art that it reasonably could have raised. *See generally* Paper 1. The lack of **any** stipulation ensures the invalidity and unpatentability challenges (including both the prior art raised and the exact grounds advanced) would substantially overlap—if not completely overlap—between the IPR and the district court litigation. *Phison Elecs. Corp. v. Vervain, LLC*, IPR2025-00213, Paper 14 at 3 (July 10, 2025) (“Petitioner has not offered a stipulation to address concerns of duplicative efforts The absence of such a stipulation tips the balance in favor of discretionary denial.”).

This factor significantly weighs against institution even when a petitioner **does** offer stipulation. The former Acting Director has said that even a *Sotera*-type

stipulation is insufficient to “ensure that these IPR proceedings would be a ‘true alternative’ to the district court proceeding.” *Motorola v. Stellar, LLC*, IPR2024-01205, Paper 19 at 3-4 (Mar. 28, 2025). Certainly, this rationale applies even more forcefully where, like here, Petitioner has offered no stipulation whatsoever. As a result, the Board would be considering the same claims, same art, and same grounds that will be independently tried before the district court. Petitioner’s decision to not submit a *Sotera* stipulation creates major inefficiency concerns and could result in conflicting decisions.

There is another real risk of inconsistent decisions regarding claim construction. A conflict already exists between the constructions in front of the Board and the constructions in front of the district court. Petitioner has represented that “no construction of any claims term is necessary for the Board to resolve this Petition.” Paper 1 at 8. Yet, disputes over the construction of the claimed “processor” term and “encrypting” limitation are already in front of the district court as relevant to deciding Petitioner’s motion to dismiss. These disputes arose *before* Petitioner submitted its petition, calling into question Petitioner’s decision to represent that “no construction of any claims term is necessary.” *Id.* Accordingly, an inconsistent decision could arise if, on the one hand, the Board does not construe this term since it was not presented in the petition and, on the other, the district court does in order to decide Petitioner’s motion to dismiss.

Further, unless Petitioner entirely forgoes other claim constructions at the district court—which, goes without saying, is unlikely—more inconsistencies are likely to arise. The Director has consistently highlighted the problematic practice of asserting that no constructions are needed in front of the Board despite simultaneously arguing for or against constructions to the district court. In *Generac Power Systems, Inc. v. Champion Power Equipment, Inc.*, for example, the “Petitioner asserted in district court that certain claim terms are indefinite but asserted before the Board that the same terms have a plain and ordinary meaning.” IPR2025-00951, Paper 38 at 4 (Feb. 3, 2026). The Director concluded that “Petitioner is seeking, without adequate explanation, different claim constructions in related litigation and before the Board.” *Id.* at 5. The Director thus vacated the Board’s decision to grant institution and denied institution of IPR. *Id.* at 5-6. In short, “when a petitioner takes alternative positions before the Board and a district court, that petitioner should, at a minimum, explain why alternative positions are warranted.” *Revvo Techs., Inc. v. Cerebrum Sensor Techs., Inc.*, IPR2025-00632, Paper 20 at 3-4 (Nov. 3, 2025) (precedential).

In addition to the conflicting constructions that already exist, the situation that occurred in *Generac* is likely to arise here and unnecessarily expend judicial and administrative resources. Should this IPR proceed, the Board will spend its time and resources evaluating the merits of the petition, issuing an institution decision, and (if

instituted) considering the parties’ subsequent filings. Sometime during that process, Petitioner is likely to advance claim constructions to the district court despite asserting that none are necessary here. When and if that happens, Patent Owner will raise this inconsistency with the Director. If the Director agrees that Petitioner’s positions are inconsistent—and, as a result, vacates the Board’s institution decision and then denies institution—then the substantial work done by the Board would have been for nothing. *See Revvo Techs., Inc. v. Tire Stickers LLC*, IPR2025-00631, Paper 34 (Feb. 3, 2026) (vacating and denying institution due to inconsistent claim construction positions).

In short, Petitioner wants the benefits of both proceedings without giving anything up in return. It wants another chance to attack the validity of the challenged patent without beholding itself to a *Sotera* stipulation. And it wants the Board to review the claims without considering any constructions despite constructions already being at issue in front of the district court and other constructions likely to follow. This factor thus weighs strongly in favor of discretionary denial.

E. Petitioner Is the Defendant in District Court

The fifth *Fintiv* factor considers “whether the petitioner and the defendant in the parallel proceeding are the same party.” *Fintiv I* at 6. They are, and thus “this factor weighs in favor of discretionary denial.” *Fintiv II* at 15.

F. Several Other Considerations Warrant Denial

The sixth *Fintiv* factor considers “other circumstances that impact the Board’s exercise of discretion, including the merits.” *Fintiv I* at 6. Many circumstances counsel strongly in favor of denying institution, as discussed below.

1. Patent Owner Has Settled Expectations and Domestic Economic Interests Dating Back to 2014

Patent Owner has settled expectations and economic interests in the challenged patent and its family, dating back over a decade. The ’090 patent claims priority to January 2014, and the invention was publicly disclosed nearly seven years ago when the first patent within that family was issued. Paper 1 at 4 (“For purposes of this Petition only, Petitioner does not dispute that the Challenged Claims are entitled to an effective filing date of January 28, 2014.”). The patent has a long-established lineage, with its parent—U.S. Patent No. 10,268,995, which the challenged patent incorporates by reference—being issued in April 2019. *See* Ex1001, 1:4-14 (incorporating by reference “U.S. Ser. No. 14/606,931,” which is the application number of the ’995 patent); *see generally* Ex2006 (’995 patent). The challenged patent itself will also have been in effect for four years by the time the Board issues an institution decision, having been issued in April 2022. Permitting a belated challenge to the ’090 patent could call into question the patent family, affecting Patent Owner’s established rights well beyond the patent here.

This concern is especially warranted in view of the Director finding settled expectations for patents that have been in force for as little as three years under similar circumstances. *See Samsung Elecs. Co. v. GenghisComm Holdings, LLC*, IPR2025-00788, Paper 11 (Aug. 22, 2025) (denying institution on U.S. Patent No. 11,424,792, issued on August 23, 2022; U.S. Patent No. 11,381,285, issued on July 5, 2022; and U.S. Patent No. 11,252,005, issued on February 15, 2022).

These settled expectations are reinforced by the domestic economic interests of the real parties in interest. Even when a patent has only been in force for a few years, “there may be good reasons why a patent owner has strong settled expectations,” including “an extraordinary amount of investment, time, and resources dedicated to research, [and] development.” *Amgen Inc. v. Bristol-Myers Squibb Co.*, IPR2025-00601, Paper 9 at 2 (July 24, 2025). Here, real party in interest and licensee of the ’090 patent, Six Trees Capital LLC, develops and provides a product practicing the patent’s claims.

Specifically, Six Trees develops Max, a financial tool developed in the United States that connects depositors with trusted financial institutions, enabling its customers to earn more on their cash while keeping funds liquid and fully-insured in their own bank accounts. Ex2007; Ex2008 ¶ 2. To operate, Max must gain secure access to users’ online accounts, some of which are protected by multi-factor authentication in the manner described in the ’090 patent’s claims. Ex2008 ¶ 2.

Since May 9, 2022, shortly after the patent’s issuance, Six Trees has posted a notice for the ’090 patent (and other patents in the family before then) on its website and in other marketing materials to mark its product, identifying “U.S. Patent Nos. 10,268,995, 10,510,082, 10,657,504, **11,315,090**, and other patents pending.” *See* Ex2007 at 5 (screen capture of Max homepage from May 22, 2022) (emphasis added); Ex2008 ¶ 3. Accordingly, the settled expectations and domestic economic interests of Patent Owner being able to adjudicate patent claims that actively protect real-world technology and products developed in the United States weigh in favor of denying institution.

2. There Have Been No Changes in Law Since the Patent’s Issuance

Additionally, there have been no changes in the law or new judicial precedent since the issuance of the claims that would affect patentability.

3. Petitioner Relies Extensively on Expert Testimony

Further, the petition relies extensively on *over 100 pages* of expert testimony to explain the relevance of the prior art. *See generally* Ex1003. Patent Owner intends to respond with its own expert. Given witness credibility is better evaluated by a district court than the Board, which typically does not consider live witness testimony, these questions are better resolved in an Article III court.

4. The Petition Is Weak on the Merits, Relying on a Reference That Disparages the '090 Patent's Teachings

Finally, the unpatentability challenge here is not strong. Tellingly, Petitioner submits *nine distinct grounds* in its petition, hoping that at least one of them will stick. Several of these grounds require combining three separate references. *See* Paper 1 at 73 (arguing “obviousness over Hsu, Hazlehurst, or Emerson/Hsu in view of Poetta”); Paper 1 at 83 (arguing “obviousness over Hsu, Hazlehurst, or Emerson/Hsu in view of 2FA Q&A”). One of the many references Petitioner relies on is not a patent, article, or textbook, but an exchange between users on an Internet forum. Paper 1 at 7-8; Ex1009. Unsurprisingly, the merits for these grounds are not strong, as will be evident in Patent Owner’s forthcoming preliminary response.

One example of the significant weaknesses of Petitioner’s various grounds can be seen in ground 2. There, Petitioner asserts anticipation in view of U.S. Patent No. 8,261,334 (“Hazlehurst”). Hazlehurst and the '090 patent are diametrically opposed. The '090 patent is directed to enabling a third party to gain secure access to online accounts that are otherwise protected by multi-factor authentication. The purpose of the patent is to remove the user from the equation as much as possible. The patent’s specification repeatedly explains that it aspires to methods that do not require user involvement: The invention “respond[s] to any multi-factor authentication that may be required for account access *in a way that does not require*

user intervention” once the user has added log-in and authentication information to the system. Ex1001, 18:53-60 (emphasis added). “The disclosed financial management system can operate...*with little or no monitoring and/or intervention by the user/account holder.*” Ex1001, 3:31-35 (emphasis added). “Accordingly, once the additional multi-factor authentication endpoint has been added, the product program 110 can respond directly to multi-factor authentication request *without requiring user intervention or user presence.*” Ex1001, 20:8-12 (emphasis added). This goal is embodied in the claims. *See, e.g.*, Ex1001, claim 1 (storing the account holder’s credentials on a third-party device), claim 2 (utilizing an endpoint to access an account “without requiring a response by the account holder to any subsequent multi-factor authentication requests”).

Hazlehurst, on the other hand, teaches a password vault that lives on a user device and requires constant user intervention. Ex1005, 2:48-64. The user can utilize the vault to permissibly share password information with third-party “on-line data-gathering services” that need to access the user’s financial information. *Id.* Hazlehurst disparages the ’090 patent’s remote approach, “recogniz[ing] significant problems in requiring users to provide authentication information to on-line data-gathering services”—like that of the ’090 patent—“which information would be stored at the data gathering service site, and therefore be vulnerable to misuse.” Ex1005, 2:48-52. Accordingly, Hazlehurst teaches storing confidential information

on a user device rather than with a third-party data-gathering service. Ex1005, 2:52-59. This configuration requires the third-party services to interface or “cooperate” with the user and the user device in order to log into the user’s accounts. Ex1005, 2:59-62. By “not retain[ing] any user authentication information” on third-party servers, Ex1005, 4:60-61, “no human operator” of the third-party service “has access to the decrypted data of the user,” Ex1005, 4:67-5:2, at the expense of increased user intervention.

In short, Hazlehurst teaches moving functionality to a user device to give the user greater control over his confidential information, whereas the ’090 patent’s claims require the opposite—moving functionality to a third-party system to minimize user intervention. The ’090 patent and Hazlehurst, in effect, criticize each other’s approaches to the technical problem and therefore teach fundamentally different things.

Apparently recognizing the weakness of Hazlehurst, Petitioner improperly relies on the knowledge of a POSITA in ground 2—which is based on anticipation, not obviousness—to supply various claim limitations that are missing from the reference. For example, Petitioner’s expert asserts that “[a] POSITA *would understand*” that the alleged encryption in Hazlehurst “is executed by one or more processors on device 108,” that “a POSITA *would understand* that encryption” running on the device “means it is executed by one or more processors,” that “[i]t

would have been obvious to a POSITA that this storage process would be completed using one or more processors,” and that “[a] POSITA *would understand* that this verification/access process is completed by the portal server 105 using one or more processors.” Ex1003, ¶¶104, 106, 108 (emphases added). In doing so, Petitioner violates the pragmatic mandate that “expert testimony, common sense, and other evidence that is not ‘prior art consisting of patents or printed publications’ (collectively, ‘general knowledge’) may not be used to supply a missing claim limitation,” particularly in a ground based solely on anticipation. *Enforcement and Non-Waiver of 37 C.F.R. § 42.104(b)(4) and Permissible Uses of General Knowledge in Inter Partes Reviews*, USPTO (July 31, 2025).² Petitioner’s grounds that rely on Hazlehurst are thus substantively weak. As Patent Owner’s preliminary response will show, Petitioner’s other grounds are similarly flawed in serious ways.

This factor weighs strongly in favor of discretionary denial.

IV. CONCLUSION

Patent Owner respectfully asks the Director to deny institution under § 314(a).

² Available at https://www.uspto.gov/sites/default/files/documents/aapa_memo_final_signed.pdf?utm_campaign=subscriptioncenter&utm_medium=email&utm_source=govdelivery.

Date: March 16, 2026

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CERTIFICATE OF COMPLIANCE WITH PAGE LIMIT

Pursuant to 37 C.F.R. §42.24(d), Petitioner hereby certifies, that the foregoing brief complies with the 20-page limit requirement under the Interim Director Discretionary Process for discretionary denial briefs filed after September 1, 2025. *See* Interim Director Discretionary Denial Process § II.C.iii, available at <https://www.uspto.gov/patents/ptab/interim-director-discretionary-process>.

Date: March 16, 2026

Respectfully submitted,

By: /s/ Todd M. Briggs

Todd M. Briggs

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing Patent Owner's Preliminary Response was served via e-mail pursuant to 37 C.F.R. §42.6(e) in its entirety to all counsel of record, as follows:

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