

From: [Trials](#)
To: [Marando, Christopher \(WDC\)](#); [Fowler-ptab@perkinscoie.com](#); [jasone-PTAB@sternekessler.com](#); [dblock-PTAB@sternekessler.com](#); [kckelly-PTAB@sternekessler.com](#); [wxiong-PTAB@sternekessler.com](#); [PTAB@sternekessler.com](#); [kaiser-ptab@perkinscoie.com](#); [Marando-ptab@perkinscoie.com](#); [lembo-ptab@perkinscoie.com](#); [Beigelmacher-ptab@perkinscoie.com](#); [Microsoft-Sandpiper-IPR@perkinscoie.com](#)
Cc: [Trials](#)
Subject: RE: Microsoft Corp. v. Sandpiper CDN, LLC, IPR2026-00174: Request for Authorization to File Reply to POPR
Date: Thursday, April 16, 2026 11:53:51 AM
Attachments: [image001.png](#)

Counsel,

Petitioner is authorized to file a 3-page preliminary reply in IPR2026-00174, due no later than April 21, 2026, limited to addressing (1) Patent Owner's statements regarding the challenged patent's prosecution history, (2) what Petitioner alleges are mischaracterizations of Petitioner's arguments for limitations 1[d][ii]/10[d]/15[c], (3) what Petitioner alleges is a narrow claim construction and/or position for limitations 1[c]/1[d][i]/10[c]/15[b] that is inconsistent with findings made by the Board during prosecution, and (4) Patent Owner's position regarding alleged expert gap filling and Chevron/Deeper in the Preliminary Response. Patent Owner is authorized to file a 3-page preliminary sur-reply in IPR2026-00174 due no later than April 24, 2026, limited to addressing the same issues.

The parties should file their briefs as papers in P-TACTS. The parties are not authorized to file any evidence at this time.

Regards,

Andrew Kellogg,

Deputy Chief Clerk, Trials

Patent Trial and Appeal Board

USPTO

andrew.kellogg@uspto.gov

(571) 272-5366



From: Marando, Christopher (WDC)

Sent: Wednesday, April 8, 2026 6:46 PM

To: Director_DI

Cc: [jasone-PTAB@sternekessler.com](#); [dblock-PTAB@sternekessler.com](#); [kckelly-PTAB@sternekessler.com](#); [wxiong-PTAB@sternekessler.com](#); [PTAB@sternekessler.com](#); [kaiser-ptab@perkinscoie.com](#); [Marando-ptab@perkinscoie.com](#); [lembo-ptab@perkinscoie.com](#); [Beigelmacher-ptab@perkinscoie.com](#); [Fowler-ptab@perkinscoie.com](#); [Microsoft-Sandpiper-IPR@perkinscoie.com](#)

IPR2026-00174
Ex. 3001

Subject: Microsoft Corp. v. Sandpiper CDN, LLC, IPR2026-00174: Request for Authorization to File Reply to POPR

CAUTION: This email has originated from a source outside of USPTO. **PLEASE CONSIDER THE SOURCE** before responding, clicking on links, or opening attachments.

Dear Director Squires,

Petitioner respectfully requests authorization to file a reply, not exceeding seven pages, to Patent Owner's Preliminary Response ("POPR") in IPR2026-00174. Petitioner proposes to file the reply within ten business days of receiving authorization.

Good cause exists for a reply because Petitioner could not have anticipated that the POPR would: (1) decline to disclose that the '692 patent issued despite a Board finding during prosecution as to claims 1 and 15 that Seed taught one of two methods recited in each claim, which was not addressed post-remand (*e.g.*, POPR, 10-11; *see also* Paper 8, 4-10); (2) as to limitations 1[d][ii]/10[d]/15[c], mischaracterize the Petition's arguments regarding Seed and mischaracterize Swildens as teaching servers that "share common storage" with access to the "same content," when Swildens teaches servers with their own local memory and a hash function to distribute distinct portions of a content provider's library across different servers (*e.g.*, POPR, 20-22); (3) as to limitations 1[c]/1[d][i]/10[c]/15[b], adopt narrowing claim construction positions and/or take positions regarding the prior art that are inconsistent with the Board's findings during prosecution, which applicant did not dispute (*e.g.*, *id.*, 22-38); or (4) incorrectly assert expert gap filling and rely on *Chevron/Deeper* (*e.g.*, *id.*, 38-40).

Petitioner's reply will clarify the record regarding these issues. To avoid including unnecessary argument in this email, Petitioner does not detail here the specific merits regarding each issue.

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.

Patent Owner's Position:

Patent Owner opposes Petitioner's request for a response to the POPR because there is no good cause for Petitioner to be granted a reply.

Regarding (1), the Board's prior findings are of record and discussed extensively by Petitioner in the Petition (Pet. 8) and by both parties in discretionary briefing (DD Br. 5-6, 18-19; DD Opp. 3-8).

Regarding (2)-(4), Patent Owner's arguments are supported by cites to the record and to expert testimony. It appears that Petitioner asserts that a mere disagreement with Patent Owner is enough good cause for Petitioner to receive a reply to the POPR. That is not the standard. Finally, Patent Owner included arguments on improper reliance on expert testimony in its discretionary brief (DD Br. 16-17) to which Petitioner had the opportunity to respond in its Opposition and yet chose not to do so.

Should the Director authorize Petitioner to file a reply to the POPR, Patent Owner

respectfully requests authorization to submit a sur-reply, of equal length, within 5-7 business days of Petitioner's brief.

Respectfully,

Christopher Marando

PARTNER

Perkins Coie

700 Thirteenth Street, N.W. Suite 800

Washington, DC 20005-3960

+1.202.654.6227

cmarando@perkinscoie.com

perkinscoie.com

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