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Cc: [Trials](#)
Subject: RE: Microsoft Corp. v. Sandpiper CDN, LLC, IPR2026-00180 | Request for Authorization to File Reply to POPR
Date: Thursday, May 7, 2026 2:39:15 PM
Attachments: [image001.png](#)

Counsel,

Petitioner is authorized to file a 3-page preliminary reply in IPR2026-00180, due no later than May 12, 2026, limited to addressing the issues set forth in Petitioner's email below, except for the issues having to do with discretionary denial. Patent Owner is authorized to file a 3-page preliminary sur-reply in IPR2026-00180 due no later than May 15, 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
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From: Marando, Christopher (WDC) <CMarando@perkinscoie.com>
Sent: Monday, May 4, 2026 11:42 AM
To: Director_DI <Director_DI@uspto.gov>
Cc: jasone@sternekessler.com; DBLOCK@sternekessler.com; kckelly@sternekessler.com; CYKIM@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
Subject: Microsoft Corp. v. Sandpiper CDN, LLC, IPR2026-00180 | Request for Authorization to File Reply to POPR

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Dear Director Squires,

Petitioner respectfully requests authorization to file a preliminary reply, not exceeding three pages, to Patent Owner's Preliminary Response ("POPR") in IPR2026-00180. Petitioner proposes to file the reply within five business days of receiving authorization.

Good cause exists for a reply because Petitioner could not have anticipated that the POPR would:

1. Adopt a narrow, implicit construction of "determining" a cache policy (limitations 1[b][i]/8[b][i]) to argue that block 510 of O'Rourke—which decides to apply a cache policy after a cache check—does not satisfy these limitations. POPR, 25-29.
2. Argue that it would not have been obvious to swap the order of O'Rourke's steps 504 and 505 (relevant to limitations 1[b][i]/8[b][i]), when the EPO analyzed an O'Rourke publication with the same disclosures and determined this would have been straightforward and was not inventive. POPR, 29-30.
3. Adopt a narrow, implicit construction of limitations 1[b]/8[b] and 1[b][i]/8[b][i] to require a "causal link" between determining the content is cached locally and determining the cache policy. Under this narrow, implicit construction, the POPR argues that swapping the order of steps 504 and 505 does not satisfy these limitations. POPR, 30-32.
4. Argue that the Petition should be denied because O'Rourke was previously considered by the Office, even though that is a discretion issue that should not be raised in a POPR. POPR, 11-14.
5. Adopt a narrow, implicit construction of "cache policy" (limitations 1[b][i]/8[b][i]) to argue that Middleton's time-to-live value is not a cache policy, despite the claim language reciting "determining the current cache policy comprises determining a time period for expiration of content in the cache." POPR, 32-34.
6. Adopt a narrow, implicit construction of "determining" a "current cache policy" (limitations 1[b][i]/8[b][i]) to argue that Middleton does not satisfy the claims because the claims require a "request-time mechanism for determining whether updated caching rules govern cached content..." POPR, 34-36.
7. Incorrectly assert that the Petition relies on expert gap filling. POPR, 37-39.

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 the request for Petitioner to receive a reply to the POPR.

Each of the points raised by Petitioner are directed to foreseeable Patent Owner arguments made in response to the Petition, and no good cause exists for a reply to the POPR just because Petitioner does not agree with the POPR arguments. If the Board disagrees and grants Petitioner a reply to the POPR, Patent Owner requests an equal length sur reply due within 5 business days of the Petitioner's reply.

Respectfully,

Christopher Marando
PARTNER

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