

From: [Director Discretionary Decision](#)
To: [Alexander Yow](#); [Nguyen, Lisa K.](#); [Director Discretionary Decision](#)
Cc: [Tennant, David](#); [PH-META-CogmediaIPR](#); [Dave Gunter](#)
Subject: RE: Patent Owner's Request for Short Reply Brief in IPR Nos. 2026-00247, 2026-00248, 2026-00249
Date: Wednesday, June 24, 2026 5:08:12 PM
Attachments: [image001.png](#)

Patent Owner is authorized to file a 4-page supplemental brief, due no later than Monday, June 29, 2026. Petitioner is authorized to file a 4-page reply, due no later than Thursday, July 2, 2026.

From: Alexander Yow <AYow@fsclaw.com>
Sent: Wednesday, June 24, 2026 4:13 PM
To: Nguyen, Lisa K. <lisanguyen@paulhastings.com>; Director_Discretionary_Decision <Director_Discretionary_Decision@uspto.gov>
Cc: Tennant, David <davidtennant@paulhastings.com>; PH-META-CogmediaIPR <PH-META-CogmediaIPR@paulhastings.com>; Dave Gunter <Gunter@fsclaw.com>
Subject: RE: Patent Owner's Request for Short Reply Brief in IPR Nos. 2026-00247, 2026-00248, 2026-00249

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Honorable Director,

I apologize for the subsequent email, but Patent Owner feels compelled to respond to Petitioner's points below:

As to PO's request #2, PO has been forced to litigate duplicative invalidity challenges for the past three months. Moreover, the stipulation as written expressly contemplates duplicative efforts as Petitioner has conditioned its stipulation on not only institution but the maintenance thereof. Thus, duplicative efforts in the litigation will persist until the possibility of rescinding of institution is alleviated.

As to PO's request #4, PO identified Petitioner's inconsistent claim construction practice in both its Discretionary Denial Briefs and Preliminary Responses. The issue for which leave is sought is not to rehash Petitioner's inconsistencies but to explain the impacts of their untimely stipulation.

As to PO's request #5, PO is seeking leave to address arguments that have been recharacterized, for the first time, in their Opposition. PO is not requesting leave to address the merits of the original Petition as written.

Based on the above, PO would respectfully request a four-page reply.

IPR2026-00247
Ex. 3100

Because all five of the points set forth by PO in its original correspondence are due to Petitioner's inconsistencies and factual inaccuracies, we respectfully oppose their request for sur-reply.

Sincerely,

Alexander Yow
Attorney at Law
817.574.7010

F | S | C

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From: Nguyen, Lisa K. <lisanguyen@paulhastings.com>

Sent: Wednesday, June 24, 2026 2:44 PM

To: Alexander Yow <AYow@fsclaw.com>; Director_Discretionary_Decision@USPTO.gov

Cc: Tennant, David <davidtennant@paulhastings.com>; PH-META-CogmedialPR <PH-META-CogmedialPR@paulhastings.com>; Dave Gunter <Gunter@fsclaw.com>

Subject: RE: Patent Owner's Request for Short Reply Brief in IPR Nos. 2026-00247, 2026-00248, 2026-00249

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Dear Director Squires,

Petitioner hereby responds to Patent Owner's email below. In an effort to reach a reasonable compromise, Petitioner does not oppose a 2-page Reply and 2-page Sur-Reply limited to issues 1 and 3. However, Patent Owner has not presented issue 2 to Petitioner previously; Petitioner is seeing the issue in the first instance. Also, Patent Owner has failed to demonstrate good cause regarding issues 2, 4, and 5. Patent Owner's request should be denied as to issues 2, 4, and 5.

Regarding #2, despite the fact that Patent Owner did not previously notify Petitioner of this issue, and the request should be denied on that basis alone, there is no good cause. The request is premature because the IPRs have not been instituted. Upon institution and the Sotera stipulations going into effect, Petitioner would resolve any issue. Petitioner is available to meet and confer with Patent Owner.

Regarding #4, the fact remains that Patent Owner has not identified a single example of inconsistent claim construction. Footnote 4 in the oppositions merely indicated that Petitioner would stipulate to using the same constructions across proceedings should an issue arise. This statement was not an invitation for Patent Owner to introduce new allegations of inconsistent claim constructions that it could have made in its Requests. There is no good cause.

Regarding #5, the issue concerns a disagreement on the parties' characterization of the Petition. The Petition speaks for itself, and the disagreement is not germane to the allegation of gap filling made by Patent Owner in its DDRs and to which Petitioner responded in its oppositions. There is no good cause.

Inexplicably, Patent Owner refused to provide its lengthy communication despite Petitioner's repeated four requests. Moreover, Patent Owner's email argues the merits which is prohibited. Petitioner believes this could have been resolved through a meaningful meet and confer process. As Petitioner informed Patent Owner, Patent Owner only contacted Petitioner yesterday while Petitioner's lead counsel was in oral argument at the PTAB in the morning and afternoon.

If the Director is nevertheless inclined to authorize relief beyond a 2-page Reply and 2-page Sur-Reply limited to issues 1 and 3, Meta respectfully requests a conference call before any such relief is granted, or an opportunity to respond on the merits argued by Patent Owner below.

Thank you for your time.

Lisa Nguyen
Lead Counsel for Petitioner

PAUL
HASTINGS

Lisa Nguyen | Partner

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From: Alexander Yow <AYow@fsclaw.com>

Sent: Wednesday, June 24, 2026 12:05 PM

To: Director_Discretionary_Decision@USPTO.gov

Cc: Tennant, David <davidtennant@paulhastings.com>; Nguyen, Lisa K. <lisanguyen@paulhastings.com>; PH-META-CogmedialPR <PH-META-CogmedialPR@paulhastings.com>; Dave Gunter <Gunter@fsclaw.com>

Subject: [EXT] Patent Owner's Request for Short Reply Brief in IPR Nos. 2026-00247, 2026-00248, 2026-00249

Dear Honorable Director,

Patent Owner Cogmedia LLC requests authorization to file a short four-page Reply to Meta's Opposition to Patent Owner's Request for Discretionary Denial. Good cause exists for this additional briefing for the following reasons:

1. Despite the Board's clear directive that Petitioners should file any stipulation "as soon as practicable, so that patent owner may address the impact of the stipulation in its discretionary denial brief", Meta filed its Stipulation (EX1045) on June 22, 2026, 96 days after filing its Petitions, which did not permit Patent Owner an opportunity to address the stipulation's impact.
2. Petitioner is also presently violating its newly filed Stipulation. Petitioner's active invalidity contentions in the district court litigation improperly mirror the Petitions and to date, Petitioner has not withdrawn, supplemented, or amended its contentions removing the duplicative challenges presented before the district court or indicated that it intends to do so. Petitioner's duplicative invalidity contentions constitute pursuit of duplicative invalidity grounds which you recently explained constitutes a violation of such a stipulation. See *Advanced Micro Devices, Inc. v. Pensando Systems, Inc.*, IPR2025-000223, Paper 29 at 4-5 (Director May 12, 2026) (finding "Petitioner violated its Stipulation and representations to the Office by pursuing its IPR grounds by including those grounds in its invalidity contentions.").
3. Petitioner's Opposition also contains multiple factual errors highly pertinent to your institution decision. Petitioner states that both Patent Owner's '562 and '371 Patents expired due to failure to pay maintenance fees. Opposition for '562 Patent at p. 1, 3-4; Opposition for '371 Patent at p. 1. These allegations are categorically false. Both patents expired on April 29, 2025, due to term, a date **earlier** than both documents cited by Petitioner alleging Patent Owner failed to pay said fees. See Exs. 1033 in IPR No. 2026-00247, 2026-00249.
4. Petitioner's Opposition contains an assertion for the first time that it is willing to stipulate that it will not assert in the IPRs different constructions than those proposed in the District Court. Opposition for '562 Patent at p. 13. This stipulation not only alters the merits of Petitioner's IPR challenges but seeks to rehabilitate Petitioner's inconsistent claim construction practice across the two forums.

5. Petitioner's Opposition with respect to the '562 Patent attempts to rewrite its Petition with respect to the '562 Patent's vote indicator limitation to rehabilitate its failure to comply with Rule 104(b)(4). In its Opposition, Petitioner now states that the Petition "expressly identifies" a teaching that "meets [the missing] limitation" and that the "Petition has no expert gap-filling[.]" Opposition for '562 Patent at 15. That is false. Meta's Petition merely identified what it believes constitutes a vote indicator and supplies the claimed vote indicator that displays a number of votes associated with the information object through expert testimony. See IPR No. 2026-00247, Paper 1 at 36. Petitioner cannot retroactively rehabilitate its defective Petition through new argument and Patent Owner should not be met with new merits-based arguments regarding Petitioner's Challenge in Petitioner's Opposition.

Patent Owner has attempted to confer with Meta regarding Patent Owner's request but (despite making contact) has not received Meta's position on Patent Owner's filing a reply. Given the Director's guidance that a party seeking authorization to file a reply should do so "as soon as practicable due to the time constraints on the discretionary considerations process", and given the time sensitive nature of Patent Owner's request, Patent Owner is contacting the Director now and respectfully requests a four-page reply to address these discrete issues.

Sincerely,
Alexander Yow
Counsel for Patent Owner

Alexander Yow
Attorney at Law
817.574.7010

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