

From: [Director Discretionary Decision](#)
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Cc: [Jennifer Chagnon](#); [David Haars](#); [Wenhao Xiong](#); [PTAB Account](#); [Alex Yu](#); [Indranil Sarkar](#); [PTAB Inbound](#); [Karl Renner](#); [Crena Pacheco](#); [IPR07314-0053IP1](#); [Ryan Chowdhury](#)
Subject: RE: IPR2026-00252 // Request for Authorization to File a Motion for Additional Discovery Regarding Real Parties-in-Interest
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Attachments: [image001.png](#)

Patent Owner is authorized to file a motion for additional discovery in IPR2026-00252 limited to seeking any existing joint defense agreements between The Walt Disney Company and Dolby Laboratories, Inc. that relate to U.S. Patent No. 9,185,268 B2. Patent Owner's Motion is due on or before May 4, 2026. Petitioner may file an opposition to the motion, which is due on or before May 12, 2026. The motion and opposition shall be 7 pages or less.

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IPR2026-00252 // U.S. Patent No. 9,185,268

Honorable Director,

Patent Owner InterDigital seeks authorization to file a motion for additional discovery on the issue of real party-in-interest ("RPI") as it relates to IPR2026-00252. The parties have conferred on this issue, and by agreement Petitioner Dolby provided certain additional discovery. The parties, however, have been unable to reach agreement a single remaining issue—the production of a joint defense agreement ("JDA") between Dolby and its customer The Walt Disney Company ("Disney"). InterDigital therefore requests authorization to file a motion for additional discovery of such JDA(s) for the reasons set forth below.

Based on InterDigital's review of public information, InterDigital believes that at least Disney may be an additional RPI and should have been identified as such in the Petition. Importantly, Disney's status as an unnamed RPI would implicate the time-bar under 35 U.S.C. § 315(b). The complaint in *InterDigital, Inc. et al. v. The Walt Disney Company et al.*, No. 2:25-CV-00895-WLH-BFM (C.D. Cal.) ("InterDigital-Disney Litigation") was served on February 7,

2025. This IPR was filed on February 9, 2026, the very last day of Disney’s one-year window to file an IPR. Pursuant to the Director’s informative decision in *Curium US LLC v. Universität Heidelberg*, IPR2025-01582, Paper 11 (Squires Feb. 25, 2026), if Dolby were to update its mandatory notices to include Disney as an RPI, a new filing date would be accorded to the Petition and the Petition would then be time-barred under § 315(b).

Evidence suggesting that Disney should have been listed as an RPI here includes Dolby’s declaratory judgment complaint filed in *Dolby Laboratories, Inc. et al. v. InterDigital, Inc. et al.*, No. 2:26-CV-02269-AH-AJR (C.D. Cal.) (“Dolby’s DJ Action”), which identifies Disney, among others, as a Dolby customer that uses Dolby Vision and against which InterDigital’s patent(s) have been asserted. Dolby’s DJ Action admits that “Dolby brings this case ... to protect its customers.” Complaint, ¶11. The complaint also indicates “Dolby will comply with existing contractual indemnity obligations to Disney.” *Id.*, ¶25.

Additional evidence suggesting that Disney should have been listed as an RPI here can be seen through Dolby and Disney’s apparent coordinated effort to challenge the validity of select ones of the patents being asserted by InterDigital against Disney in the InterDigital-Disney Litigation. Indeed, within the span of 18 days, Dolby filed the instant IPR and Disney filed two additional *ex parte* reexaminations (Control Nos. 90/015968 and 90/016017) challenging three non-overlapping patents from the InterDigital-Disney Litigation. In this regard, InterDigital has requested Dolby “produce any joint defense agreements between Disney and Dolby that relate to the current disputes between each entity, on the one hand, and with InterDigital on the other hand, including Dolby’s DJ Action and the InterDigital-Disney Litigation.”

As mentioned, InterDigital and Dolby have conferred over the lone disputed request for production of any JDA(s) between Dolby and Disney. Dolby has indicated that it objects to this request, and has provided the following position:

“Petitioner’s position is that, because there are no implicated communications or documents responsive to Patent Owner’s requests within the scope the parties agreed to, the existence of any joint defense agreement (“JDA”) between Dolby and Disney is likewise outside the scope of Patent Owner’s discovery requests.”

InterDigital disagrees with Dolby’s position and has informed Dolby of such. In particular, Dolby’s objection appears to be based on the representation that there are no *actual* communications or coordination between Dolby and Disney specifically relating to the instant IPR. However, InterDigital maintains that there are multiple other factors bearing on the RPI determination to which such JDAs could be relevant to, including Disney’s *opportunity* to control or coordinate on the instant IPR (whether that opportunity was ever taken advantage of or not) and the benefit that Disney may derive from the instant IPR. *See, e.g., Applications in Internet Time, LLC v. RPX Corp.*, 897 F.3d 1336 (Fed. Cir. 2018) (discussing Petitioner’s willful blindness regarding not having discussions about the IPR with unnamed RPI); *RPX Corp. v. Applications in Internet Time, LLC*, IPR2015-01750, Paper 128 (PTAB Oct. 2, 2020) (designated precedential Dec. 4, 2020).

InterDigital, thus, seeks authorization to file a motion for additional discovery, limited to seeking any existing JDA(s) between Dolby and Disney that potentially relate to the ‘268 patent. Good cause for this additional discovery exists at least because the Director has made clear that § 312(a), which requires *inter alia* “the petition identifies all real parties in interest,”

“must be satisfied before the Director can institute trial.” 35 U.S.C. § 312(a)(2); USPTO Memorandum, “Precedential designation of *Corning Optical Communications RF, LLC v. PPC Broadband Inc.*, IPR2014-00440, Paper 68 (PTAB Aug. 18, 2015) (except for § II.E.1),” October 28, 2025. Dolby is in the best position to have documents and information relevant to this important issue.

As noted above, the parties have conferred on this issue and were unable to reach agreement. The parties can provide availability for a conference call upon request.

As the Director is aware, the deadline for InterDigital’s Preliminary Response in this proceeding is **May 18**. InterDigital therefore respectfully requests prompt attention to this matter.

Best,
Ryan Richardson
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