

From: [Trials](#)
To: [Lembo, Matthew](#); bcooper@bc-lawgroup.com; robert@auchterlaw.com; Tir_Counsel@bclgpc.com; kaiser-ptab@perkinscoie.com; Marando-ptab@perkinscoie.com; Meta-Tir-IPR@perkinscoie.com
Cc: [Trials](#)
Subject: RE: Meta Platforms, Inc. v. Tir Techs. Ltd, IPR2026-00346, -347 | Request for Authorization to File Reply to POPR
Date: Thursday, September 3, 2026 12:24:59 PM
Attachments: [image001.png](#)

Counsel,

Petitioner is authorized to file a 5-page preliminary reply in each of IPR2026-00346 and IPR2026-00347, due no later than September 9, 2026, limited to addressing the issues raised in Petitioner's email below. Patent Owner is authorized to file a 5-page preliminary sur-reply in each of IPR2026-00346 and IPR2026-00347, due no later than September 14, 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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(571) 272-5366



From: Lembo, Matthew <matthew.lembo@ashurstperkins.com>
Sent: Friday, August 28, 2026 2:14 PM
To: Director_DI <Director_DI@uspto.gov>
Cc: bcooper@bc-lawgroup.com; robert@auchterlaw.com; Tir_Counsel@bclgpc.com; kaiser-ptab@perkinscoie.com; Marando-ptab@perkinscoie.com; Meta-Tir-IPR@perkinscoie.com
Subject: Meta Platforms, Inc. v. Tir Techs. Ltd, IPR2026-00346, -347 | Request for Authorization to File Reply to POPR

You don't often get email from matthew.lembo@ashurstperkins.com. [Learn why this is important](#)

Dear Director Squires,

Petitioner respectfully requests authorization to file preliminary replies, not exceeding seven pages, to Patent Owner's Preliminary Responses ("POPR") in IPR2026-00346 and IPR2026-00347. Petitioner proposes to file the replies within five business days of receiving authorization.

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

1. Assert that the purported commercial success of a product offered by the patents' prior owner supports the non-obviousness of the patents. -346 POPR, 1-2; -347 POPR, 1-2.
2. Wrongly contend that Petitioner has taken inconsistent claim construction positions in these proceedings relative to district court proceedings. -346 POPR, 2-3; -347 POPR, 2-3.
3. Argue that the grounds are "voluminous and excessive" because the petition identifies two references as optional, each of which was identified for a narrow teaching. -346 POPR, 4-5; -347 POPR, 4-6.
4. Address each reference in isolation—separate from the proposed combination, (*see generally* -346 POPR, 6-11; -347 POPR, 7-12)—and, in turn:
 - a. Misrepresent Mattis's discussion of storing objects in databases (as opposed to keys). -346 POPR, 6-8; -347 POPR, 7-9.
 - b. Argue that Sackstein's discussion of "cache snooping" undermines any motivation to combine. -346 POPR, 10-11; -347 POPR, 11-12.
5. Contend that the petitions' proposed combinations rely on hindsight without proffering any reason why. -346 POPR, 12; -347 POPR, 12-13; *see also, generally* -346 POPR, 6-11; -347 POPR, 7-12.

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

Petitioner has conferred with Patent Owner, and Patent Owner opposes this request. Patent Owner's position is as follows:

Petitioner's request should be denied. There are no incorrect contentions or

statements/characterizations of Petitioner's prior art references and combinations in Patent Owner's Preliminary Response. Even if there were, which there are not, that would not establish good cause because "identifying and evaluating statements or misstatements of the facts and law are well within the purview of the Panel of Judges assigned to these proceedings." *Xactware Sols., Inc. v. Pictometry Int'l Corp.*, IPR2016-00593, Paper 11 at 3 (PTAB July 1, 2016) (denying authorization to file a reply as mere alleged misstatements do not give rise to good cause). All of the proposed subjects of the reply were addressed by Petitioner in Paper 9 (Petitioner's Opposition to Patent Owner's Request for Discretionary Denial), should have been addressed in the Petition, or are issues that the PTAB is equipped to assess without further briefing. See, e.g., *Ontel Products Corp. v. Guy A. Shaked Investments Ltd.*, IPR 2020-01703, Paper 10 (PTAB Feb. 4, 2021). Moreover, Patent Owner is unaware of changed circumstances that would establish good cause for a reply.

If Petitioner's request is granted, Patent Owner requests authorization to file a sur-reply of the same length to be filed within five days of Petitioner's Reply.

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.

Respectfully,

Matthew Lembo
Counsel

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