

From: [Director Discretionary Decision](#)
To: [Chris Liro](#); [Director Discretionary Decision](#)
Cc: [Everding, William](#); [Levitt, Steven](#); [Hof, Phil](#); [Andrus Litigation](#); [Michael Laing](#); [Aaron Olejniczak](#); [Schroeder, John R.](#)
Subject: RE: Duke Manufacturing Co. v. Marmon Foodservice Technologies, Inc., IPR2026-00406, Request for Page Extension
Date: Wednesday, September 9, 2026 4:44:34 PM

The parties' joint request is granted. Patent Owner's Discretionary Denial Brief that exceeds the page limit is excused and the Discretionary Denial Brief is accepted. Petitioner is granted a two-page extension for its Opposition Brief (allowing Petitioner's Opposition Brief to also be up to 22 pages).

From: Chris Liro <chris.liro@andruslaw.com>
Sent: Wednesday, September 9, 2026 3:35 PM
To: Director_Discretionary_Decision <Director_Discretionary_Decision@uspto.gov>
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Subject: Duke Manufacturing Co. v. Marmon Foodservice Technologies, Inc., IPR2026-00406, Request for Page Extension

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To whom it may concern:

In IPR2026-00406, Patent Owner filed its Brief in Support of Discretionary Denial on September 8, 2026. Due to an administrative oversight regarding recent updates to the Interim Processes for PTAB Workload Management, the brief was submitted at 22 pages, exceeding the 20-page limit.

The parties met and conferred and have agreed to a resolution that eliminates prejudice and preserves procedural parity. Specifically, Petitioner has agreed to consent to Patent Owner's 22-page brief on the condition that Petitioner is granted an equal two-page extension for its Opposition Brief (allowing Petitioner's Opposition Brief to also be up to 22 pages). The parties jointly request the Director's approval for this mutual two-page extension under 37 C.F.R. § 42.5(c)(2).

In the alternative, if the Director declines to expand the page limit, Patent Owner respectfully requests leave to expunge the September 8, 2026, filing (Papers 7 and 9) and submit a conforming 20-page replacement brief within two business days of the Director's order.

The parties are available for a brief conference call if the Director requires further discussion.

Best regards,
Chris Liro
Counsel for Patent Owner

Christopher R. Liro

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