

From: [Director Discretionary Decision](#)
To: [Mike Locklar](#); [Brian Buss](#); [Director Discretionary Decision](#); [Kellogg, Andrew](#)
Cc: [Michael Benefield](#); [Chance Hardie](#)
Subject: RE: External - Scientific Drilling Inc. v. Gunnar LLLP - PGR2025-00061 - Request for Reply Brief to Petitioner's Opposition to PO's Request for Discretionary Denial
Date: Monday, October 27, 2025 2:55:13 PM

Petitioner is authorized to file a 2-page sur-reply in PGR2025-00061, due no later than Wednesday, October 29, 2025.

From: Mike Locklar <mlocklar@ewingjones.com>
Sent: Monday, October 27, 2025 1:20 PM
To: Brian Buss <brian@bussbenefield.com>; [Director Discretionary Decision](#) <[Director Discretionary Decision@uspto.gov](#)>; Kellogg, Andrew <[Andrew.Kellogg@USPTO.GOV](#)>
Cc: Michael Benefield <michael@bussbenefield.com>; Chance Hardie <[chardie@ewingjones.com](#)>
Subject: RE: External - Scientific Drilling Inc. v. Gunnar LLLP - PGR2025-00061 - Request for Reply Brief to Petitioner's Opposition to PO's Request for Discretionary Denial

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Dear Director,

Petitioner requests two pages for a sur-reply respectfully to Patent Owner's Reply Brief to be filed within two business days of the Director's decision. At this point, Patent Owner has had 35 pages in which to plead its case for discretionary denial, significantly more briefing than that for Petitioner. Good cause exists because Patent Owner introduces inaccurate statements about the prior art in its Reply Brief.

As an example of the inaccuracy, Patent Owner alleges that Donderici '534 teaches power for emitter electrode only being supplied by downhole power module despite the reference reciting there is a current controlled transmitter at surface with "conductive wiring extending down to emitter electrode, such as shown in FIG. 1." (EX. 1002, 7:31-38). Patent Owner likewise alleges that Donderici '301 does not discuss a wire connected to the drill pipe despite the reference reciting a system control unit at surface with a wired connection to the drilling assembly and downhole tool for data collection during the drilling process. (EX. 1003, 5:24-25; 3:29-36; and 3:43-44). These material differences show the new references are also not cumulative to a downhole power supply of Kuckes.

Respectfully,

Mike Locklar
Attorney for Scientific Drilling International



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From: Brian Buss <brian@bussbenefield.com>
Sent: Thursday, October 23, 2025 10:55 PM
To: Director_Discretionary_Decision <Director_Discretionary_Decision@uspto.gov>; Mike Locklar <mlocklar@ewingjones.com>; Kellogg, Andrew <Andrew.Kellogg@USPTO.GOV>
Cc: Michael Benefield <michael@bussbenefield.com>; Chance Hardie <chardie@ewingjones.com>
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Director,

I am getting an error when submitting Patent Owner's Reply Brief in Support of Discretionary Denial, which is due today. I attach a copy of the brief and photo of the error message I am getting.

Please advise how I should proceed.

Respectfully,

Brian Buss

From: Director_Discretionary_Decision <Director_Discretionary_Decision@uspto.gov>
Sent: Tuesday, October 21, 2025 12:40 PM
To: Mike Locklar <mlocklar@ewingjones.com>; Brian Buss <brian@bussbenefield.com>; Director_Discretionary_Decision <Director_Discretionary_Decision@uspto.gov>; Kellogg, Andrew <Andrew.Kellogg@USPTO.GOV>
Cc: Michael Benefield <michael@bussbenefield.com>; Chance Hardie <chardie@ewingjones.com>
Subject: RE: External - Scientific Drilling Inc. v. Gunnar LLLP - PGR2025-00061 - Request for Reply Brief to Petitioner's Opposition to PO's Request for Discretionary Denial

Patent Owner is authorized to file a 5-page reply in PGR2025-00061 due no later than Thursday, October 23, 2025, limited to addressing the arguments raised in Petitioner's

Opposition.

It is noted that Patent Owner filed Exhibits 2001 through 2009 as Papers 6 through 16. Patent Owner is reminded that "[a]ll evidence must be filed in the form of an exhibit." 37 C.F.R. § 42.63(a). Please refile the document evidence as exhibits, after which Papers 6 through 16 will be expunged.

From: Mike Locklar <mlocklar@ewingjones.com>

Sent: Tuesday, October 21, 2025 1:13 PM

To: Brian Buss <brian@bussbenefield.com>; Director_Discretionary_Decision
<Director_Discretionary_Decision@uspto.gov>

Cc: Michael Benefield <michael@bussbenefield.com>; Chance Hardie <chardie@ewingjones.com>

Subject: RE: External - Scientific Drilling Inc. v. Gunnar LLLP - PGR2025-00061 - Request for Reply Brief to Petitioner's Opposition to PO's Request for Discretionary Denial

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Director,

Petitioner respectfully opposes Patent Owner's request for a Reply Brief and need for 8 pages to belatedly address a couple of arguments showing how the references are noncumulative. As set forth in 37 C.F.R. § 42.23, the reply requested by Patent Owner may only respond to arguments raised by Petitioner's preceding brief. This is not the case.

Petitioner maintains the grounds of rejection as being obvious as set forth in the Petition. The prosecution history with arguments about the rigid connection and the continuous connection while drilling with respect to prior art alleged by the Patent Owner to be cumulative were not raised by Petitioner. The prior art cited in the Petition and its noncumulative disclosures relative to the cited prior art is also not a new issue raised by Petitioner.

Rather, this is no more than the Patent Owner requesting to argue the merits. The POPR is where the Patent Owner should provide arguments about prior art and a material limitation in a challenged claim or a combination that the petitioner is advocating. (Patent Trial and Appeal Board Consolidated Trial Practice Guide November 2019, p. 50)

Accordingly, Petitioner respectfully requests denial of the Patent Owner's request for a Reply Brief.

Respectfully Submitted,

Mike Locklar

Attorney for Scientific Drilling International.

From: Brian Buss <brian@bussbenefield.com>

Sent: Monday, October 20, 2025 2:07 PM

To: Director_Discretionary_Decision <Director_Discretionary_Decision@uspto.gov>

Cc: Michael Benefield <michael@bussbenefield.com>; Mike Locklar <mlocklar@ewingjones.com>;
Chance Hardie <chardie@ewingjones.com>

Subject: External - Scientific Drilling Inc. v. Gunnar LLLP - PGR2025-00061 - Request for Reply Brief to
Petitioner's Opposition to PO's Request for Discretionary Denial

Dear Director:

Patent Owner respectfully seeks authorization to file a short Reply Brief of 6-8 pages in support of its Request for Discretionary Denial in PGR2025-00061. Good cause exists because Petitioner's Opposition paper (Paper 17) presents new arguments that were not reasonably foreseeable from the Petition (Paper 1).

For example, the Petition included an obviousness argument using Donderici '534 in combination with Frederickson '551 and argued that Frederickson disclosed the "rigid connection" and maintaining a "continuous connection while the at least one section of drill pipe is drilling" limitations, but now for the first time, in Petitioners Response, it argues that these limitations are disclosed by Donderici '534. (Paper 17 at 6-9) Similarly, the Petition included an obviousness argument using Donderici '301 in combination with Frederickson '551 and argued that Frederickson disclosed the "rigid connection" and maintaining a "continuous connection while the at least one section of drill pipe is drilling" limitations, but now for the first time, in Petitioners Response, it argues that these limitations are disclosed by Donderici '301. (Paper 17 at 12-14)

Because of new arguments that were not reasonably foreseeable, Patent Owner has not had an opportunity to respond. Accordingly, Patent Owner respectfully requests authorization to file a short Reply Brief.

Respectfully submitted,

Brian Buss

Attorney for Patent Owner Gunnar LLLP