

From: [Director Discretionary Decision](#)
To: [Grillo, Matthew](#); [Director Discretionary Decision](#)
Cc: [Kao, Christopher](#); [Weber, Brock S.](#); [Pérez, Robert C. F.](#); [Jessica Fleetham](#); [Steven Susser](#)
Subject: FW: PGR2026-00030 - Hyundai Motor America Inc. v. Germ Dome Industries LLC
Date: Wednesday, June 3, 2026 10:45:50 AM
Attachments: [image355358.png](#)

Petitioner is authorized to file a 5-page reply in PGR2026-00030, due no later than Monday, June 8, 2026, limited to addressing the arguments raised below. Patent Owner is authorized to file a 3-page sur-reply, due no later than Wednesday, June 10, 2026.

From: Grillo, Matthew <matthew.grillo@pillsburylaw.com>
Sent: Tuesday, June 2, 2026 1:51 PM
To: Trials <Trials@USPTO.GOV>
Cc: Kao, Christopher <christopher.kao@pillsburylaw.com>; Weber, Brock S. <brock.weber@pillsburylaw.com>; Pérez, Robert C. F. <robert.perez@pillsburylaw.com>; Jessica Fleetham <jessica@evialaw.com>; Steven Susser <steven@evialaw.com>
Subject: PGR2026-00030 - Hyundai Motor America Inc. v. Germ Dome Industries LLC

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Dear Board:

Petitioner respectfully requests that the Board disregard Patent Owner's discretionary-denial arguments raised for the first time in Patent Owner's Preliminary Response in PGR2026-00030. In the alternative, if the Board considers those arguments, Petitioner respectfully requests leave to file a reply of no more than five pages limited to Patent Owner's discretionary-denial arguments, and agrees that Patent Owner may file a sur-reply of no more than three pages limited to the same issue.

The Board's Notice of Filing Date Accorded to Petition, mailed February 24, 2026, expressly provided that Patent Owner "may file a brief requesting discretionary denial **within two months** from the date of this notice." Paper 3 at 1 (emphasis added). Patent Owner's deadline to seek discretionary denial therefore was April 24, 2026. Patent Owner did not file any discretionary-denial brief by that deadline.

Instead, Patent Owner included discretionary-denial arguments in its Preliminary Response filed on May 25, 2026. Patent Owner's primary basis for raising these arguments after the deadline is that "*Magnolia Medical Technologies, Inc. v. Kurin, Inc.*, IPR2026-00097 (Director May 14, 2026), issued just 12 days before" the Preliminary Response was filed. But the Director's Memorandum on which *Magnolia* is based—and which Patent Owner acknowledges in its Preliminary Response—issued on March 11, 2026, **well before** Patent Owner's discretionary-denial brief deadline in this proceeding.

Patent Owner's position is copied and pasted here as follows: As noted on pp. 2-3 of the POPR, Patent Owner requests consideration of its discretionary denial arguments because they are based on authority (*Magnolia Medical Technologies, Inc. v. Kurin, Inc.*, IPR2026-00097 (Director May

14, 2026)) decided after the April 24 deadline noted by Petitioner and just before Patent Owner filed its POPR. *Magnolia* is the first precedential decision applying and expanding on the directives in the March 11, 2026 memorandum. Further, for its discretionary denial argument, Patent Owner relies on aspects of the *Magnolia* decision not found in the March 11, 2026 memorandum, such as concerns over AIA reviews complicating litigation where, as here, petitioners raise parallel validity challenges in district court and at the Office (see POPR, pp. 5-6).

Petitioner has conferred with Patent Owner, which refuses to withdraw its request for the Board to consider those discretionary-denial arguments. Patent Owner does not oppose Petitioner's request for leave to file a five-page reply brief, provided that the reply is limited to discretionary denial and Patent Owner may file a three-page sur-reply limited to the same issue. Petitioner does not oppose Patent Owner filing such a sur-reply if the Board authorizes Petitioner's requested reply. Good cause exists because the requested reply would address Patent Owner's newly asserted arguments regarding discretionary denial.

The parties are available for a conference call with the Board if the Board deems one necessary.

Respectfully submitted,
Matt Grillo

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