

From: [Director Discretionary Decision](#)
To: [Rich Coller](#); [Director Discretionary Decision](#)
Cc: [Kellar, Kyle W.](#); [Bourke, Ben](#); [Goodwin, Stacy-Ann](#); [Bolter, Linda L.](#); [Melissa Haapala](#); [Joseph K Venier](#); [PTAB Account](#)
Subject: RE: PGR2026-00051 ('919 Patent) // Joint Request for Reply Briefing
Date: Tuesday, September 8, 2026 9:44:28 AM
Attachments: [image001.png](#)

Patent Owner is authorized to file a 2-page reply to Petitioner's Opposition to Discretionary Denial in PGR2026-00051, due no later than Friday, September 11, 2026, limited to addressing the matters raised below. Petitioner is authorized to file a 2-page sur-reply, due no later than Wednesday, September 16, 2026.

Petitioner is authorized to file a 2-page reply to Patent Owner's Preliminary Response in PGR2026-00051, due no later than Friday, September 11, 2026, limited to addressing the matters raised below. Patent Owner is authorized to file a 2-page sur-reply, due no later than Wednesday, September 16, 2026.

From: Rich Coller <RCOLLER@sternekessler.com>
Sent: Friday, September 4, 2026 1:29 PM
To: Director_Discretionary_Decision <Director_Discretionary_Decision@uspto.gov>; Trials <Trials@USPTO.GOV>
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Subject: PGR2026-00051 ('919 Patent) // Joint Request for Reply Briefing

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PGR2026-00051 // U.S. Patent No. 12,396,919

Dear Director Squires,

Counsel of record have conferred and submit this email jointly.

Request for Reply to Petitioner's Discretionary Denial Opposition

Patent Owner, Therabody, Inc., respectfully requests permission to file a reply to respond to Petitioner's arguments in its Opposition to Discretionary Denial (Paper No. 8) regarding material error. Therabody believes there is good cause to authorize the reply because Therabody could not have anticipated the specific material error arguments that would be advanced by Petitioner. Therabody's reply will respond to these arguments and provide important clarification on certain

points.

Request for Reply to Patent Owner's Preliminary Response

Petitioner, Hyper Ice, Inc., respectfully requests permission to file a reply to Patent Owner's arguments in its Patent Owner's Preliminary Response (Paper No. 9, "POPR") regarding: (1) the burden to establish whether the Challenged Claims are entitled to the priority date of the '424 provisional application (POPR, Sections II.B and V.B.1); and (2) whether the Hypervolt product is prior art (POPR, Section V.A.1). Hyper Ice believes there is good cause to authorize the reply to address the legal standard for establishing whether claims are entitled to a priority date, and because Hyper Ice could not have anticipated the arguments regarding the Hypervolt product that would be advanced by Patent Owner. Hyper Ice's reply will respond to these arguments and provide important clarification on certain points.

Patent Owner Therabody and Petitioner Hyper Ice have conferred on these issues. The parties agree that two-page replies and sur-replies are sufficient. Neither Petitioner nor Patent Owner opposes each other's request provided they be granted equal-length replies and sur-replies.

Counsel for the parties are generally available for a conference call, if requested, Wednesday, Sept. 9 (between noon and 5 PM EDT) and Thursday, Sept. 10 (between noon and 5 PM EDT). Additional availability can be provided, if necessary.

Best regards,
Richard Collier
Counsel for Patent Owner Therabody, Inc.

Richard D. Collier III

Director

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