UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC,
Petitioner

v.

WILDSEED MOBILE LLC,
Patent Owner

Case IPR2023-00247
U.S. Patent No. 10,869,169

PATENT OWNER'S AUTHORIZED SUR-REPLY ON REMAND

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Google's Reply confirms what Wildseed has argued throughout: the Petition never advanced any HTML-in-IM obviousness analysis. Unable to identify one, Google asks the Board to credit a "single disclosed technique" (Reply, 1) theory of Rothschild that (1) appears nowhere in the Petition, (2) conflicts with Google's other positions, and (3) fails on its own terms.

1. Google contends that the Petition described Rothschild as a "unitary 'system and method'" for "plac[ing] an advertisement within a personal communication" and "applied HTML to Rothschild's 'interactive advertisement' generally." Reply, 1-2. But the Petition did no such thing. Its HTML analysis is confined to email and explains how HTML formats the message data "into an e-mail message," specifically. Pet., 32–34; Pet. Reply, 13. Neither the Petition nor Dr. Houh explained how HTML would render a hot link in an IM. Pet., 41, 55; EX1003, ¶¶80–81, 130–31. Although the Petition elsewhere cites Rothschild's "personal communication" passages (Pet., 8, 20, 41), it does so only as background and never explains how its HTML-in-email theory applies to IM (Pet., 41).

Google's own papers confirm that the Petition relied on "using HTML with interactive advertisements in *email*…" Pet. Reply, 17. The Board, too, understood that the Petition "requires an email embodiment, with HTML, to meet limitation [1.4]." FWD, 35. Google's recharacterization of its Petition should be rejected.

2. Google's position also cannot be squared with the one it took to avoid

the Board's SMS finding. The Board found that Rothschild's SMS would not use HTML (FWD, 35–36), and Google never disputed that point. Instead, Google insisted that Rothschild's IM embodiment was *separate* from SMS, making the Board's SMS findings irrelevant (Remand Br., 4-5 ("The Reply was distinguishing the two main embodiments of Rothschild …")). Google now contends that Rothschild's disclosure "applies *across communication forms*," including *both* SMS *and* IM—i.e., as a *single* embodiment. (Reply, 2). Google cannot have it both ways.

3. Even if the Petition is recast as Google now urges — as having merely selected IM from Rothschild's list of communication methods rather than combining separate email and IM embodiments — Google fails to carry its burden. "Whether a rejection is based on … combining multiple embodiments from a single reference, *or selecting from large lists of elements in a single reference*, there must be a motivation to make the combination and a reasonable expectation that such a combination would be successful." *Stepan*, 868 F.3d at 1346 n.1. Rothschild's bare inclusion of IM among "personal communication" types supplies neither.

The Petition's HTML theory is tethered to email mechanics: composing message data, formatting it into email, and rendering it through an email client. Pet., 32–34; Pet. Reply, 13. Google never explains why or how a POSITA would have applied those email-specific mechanics to Rothschild's passing IM reference. That missing explanation is exactly what *Stepan* requires and what the Petition lacks.

Respectfully submitted,

ALBERTI LIM & TONKOVICH LLP

/David L. Alberti/

David L. Alberti
Registration No. 43,465
Counsel for Patent Owner

Date: June 5, 2026

950 Tower Lane, Suite 1725
Foster City, California 94404
(650) 825-4300

CERTIFICATE OF SERVICE (37 C.F.R. § 42.6(e))

I certify that the foregoing **PATENT OWNER'S AUTHORIZED SUR-REPLY ON REMAND** was served in its entirety on June 5, 2026, upon the following parties via electronic mail:

Andrew S. Ehmke (Lead Counsel) andy.ehmke.ipr@haynesboone.com
Raghav Bajaj (Back-up Counsel) raghav.bajaj.ipr@haynesboone.com
Calmann J. Clements (Back-up Counsel) calmann.clements.ipr@haynesboone.com
HAYNES AND BOONE LLP

Respectfully submitted,

ALBERTI LIM & TONKOVICH LLP

/David L. Alberti/

David L. Alberti
Registration No. 43,465
Counsel for Patent Owner

Date: June 5, 2026

950 Tower Lane, Suite 1725
Foster City, California 94404
(650) 825-4300