Filed: August 23, 2024

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC,
Petitioner,

v.

BUFFALO PATENTS LLC,
Patent Owner.

Case No. IPR2023-01387
U.S. Patent No. 8,204,737

PETITIONER'S REPLY

Petitioner Google LLC filed a Petition (Paper 1) requesting institution of *inter partes* review of claims 1-16 and 19 of U.S. Patent No. 8,204,737 (Ex. 1001, "'737 patent"). Patent Owner Buffalo Patents LLC did not file a Preliminary Response, and the Board instituted review pursuant to 35 U.S.C. § 314 and 37 C.F.R. § 42.4(a). Paper 6. On May 30, 2024, Patent Owner filed a statutory disclaimer with the U.S. Patent and Trademark Office, disclaiming all challenged claims in the '737 patent, and notified the Board by email regarding the disclaimer. Exs. 1030, 1031.

Pursuant to 37 C.F.R. §42.73(b), a "party may request judgment against itself at any time during a proceeding." The Board construes a disclaimer of all claims that are involved in a trial as a request for adverse judgment. *See, e.g.*, *Unified Patents, LLC v. Arsus, LLC*, IPR2020-00948, Paper 18, at 2 (PTAB Jan. 27, 2021) (entering an adverse judgment against the patent owner who disclaimed all challenged claims, holding: "[W]e construe a disclaimer of all claims involved in a trial as a request for adverse judgment. 37 C.F.R. § 42.73(b)."), *aff'd,* No. 2021-1648, 2021 WL 5315423 (Fed. Cir. Nov. 16, 2021). Because Patent Owner has now disclaimed all challenged claims in this proceeding (Ex. 1031), Petitioner respectfully requests the Board enter adverse judgment in this case. *See, e.g.*, *Unified Patents*, IPR2020-00948, Paper 18, at 2.

Date: August 23, 2024

Respectfully submitted,

/Erika H. Arner/
Erika H. Arner, Lead Counsel
Reg. No. 57,540

CERTIFICATE OF COMPLIANCE

Pursuant to 37 C.F.R. § 42.24(c)(1), the undersigned hereby certifies that the foregoing Petitioner's Reply contains 246 words, excluding parts exempted under § 42.24(c), as measured by the word-processing system used to prepare this paper.

Dated: August 23, 2024

/Erika H. Arner/
Erika H. Arner, Lead Counsel
Reg. No. 57,540

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the above PETITIONER'S REPLY was served August 23, 2024, on Patent Owner via email at:

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Dated: August 23, 2024

By: /Lisa C. Hines/
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FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, L.L.P.