

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

DROPBOX, INC.
Petitioner

v.

MOTION OFFENSE, LLC
Patent Owner

IPR2024-00286
U.S. Patent No. 11,611,520

PETITIONER'S OBJECTIONS TO EVIDENCE

Pursuant to 37 C.F.R. § 42.64(b)(1), Dropbox, Inc. (“Petitioner”) hereby submits objections to evidence that Motion Offense, LLC (“Patent Owner”) included in its Patent Owner’s Sur-Reply (Paper No. 36). Untimely new and irrelevant evidence, requested by Patent Owner but denied by the Board, is improper and objectionable.

The following objections are timely filed within five (5) business days of March 20, 2025, which is the date on which Patent Owner filed its Sur-Reply. *See* 37 C.F.R. § 42.64(b)(1). Petitioner reserves all rights to file a motion to strike all or part of the Sur-Reply. Petitioner also reserves all rights to request sanctions appropriate for Patent Owner’s misconduct.

I. Improper Suggestions of Petitioner’s Prior Inconsistent Statements

PO believes Petitioner violated 37 C.F.R. § 42.51(b)(1)(iii) by failing to provide routine discovery regarding information that is inconsistent with its positions in this IPR, including in Petitioner’s Reply.

Sur-Reply at n. 1.

PO sought authorization to submit evidence addressing Petitioner’s construction and Petitioner’s apparent failure to provide routine discovery as required, but its request was denied summarily without a conference call.

That was improper. Axonics, Inc. v. Medtronic, Inc., 75 F.4th 1374, 1384 (Fed. Cir. 2023) (“We are confident that in circumstances such as these, the Board will allow an appropriate opportunity for a patent owner to submit evidence with a sur-reply.”).

Sur-Reply at n. 7.

Dropbox has access to all relevant information concerning the icon overlays in Houston, yet it did not provide any Dropbox materials for support. Instead, it appears to have withheld such information because it is inconsistent.

Id. at 12.

At a minimum, Dropbox’s arguments should be subjected to close scrutiny given the information at its disposal.

Id. at 13.

PO informed Petitioner of this evidence after recently coming to question Dropbox’s compliance with 37 C.F.R. § 42.5(b)(1)(iii). That is one reason that PO requested authorization to file additional evidence.

Id. at n. 11.

Petitioner objects to the above statements by Patent Owner as being in direct violation of the Board's Order. On March 19, 2025, Patent Owner emailed the Board, requesting authorization to submit new evidence that allegedly indicates that Petitioner has not complied with 37 CFR 42.51(b)(1)(iii). On March 20, 2025, the Board denied Patent Owner's request as being untimely. Later that same day, Patent Owner filed its Sur-Reply including the above statements.

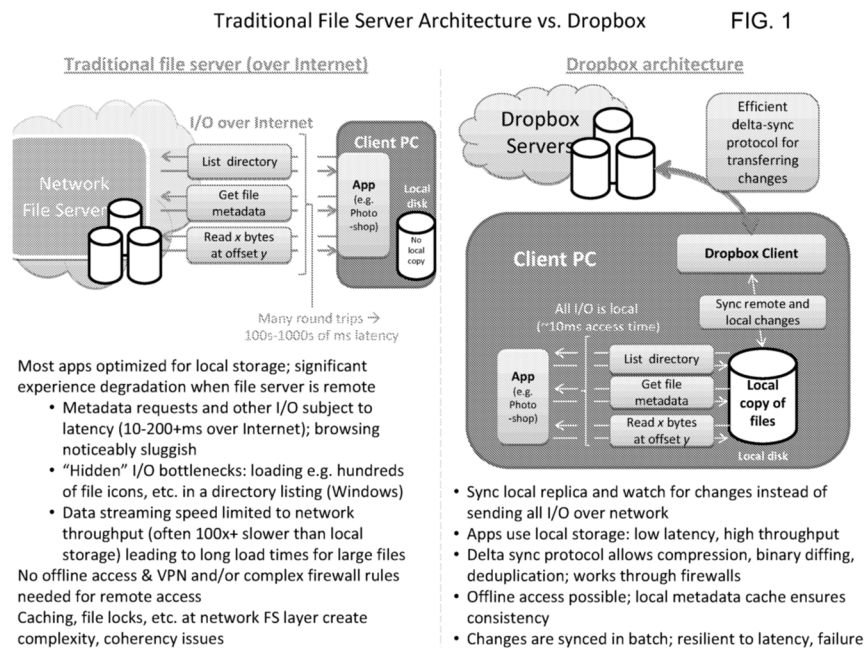
Petitioner also objects to the above statements by Patent Owner under FRE 401-403 as not being relevant to any issue in this *inter partes* review and/or unduly prejudicial.

II. Improper Evidence from Not-of-Record Provisional Application No. 61/233,787

Houston's provisional application, Serial No. 61/233,787
("Houston II"), which is incorporated by reference, leaves
no doubt that local storage is the heart of Houston's
system and repeatedly criticizes systems that store
documents remotely. (EX1003, 1:6-9; Houston II, ¶8
("One problem associated with a traditional system is that
a business is required to maintain its own server . . . "),
¶9 ("the innovative technology presented herein
eliminates the need to have a person maintaining a central

server for a business. The technology makes local copies of data The technology allows for a superior user experience, since multiple users may be offline or online and still use this technology.”); ¶10 (“The technology provides local input/output speed (which equates to less speed time in comparison to traditional systems) because the files are local, and thus listing and accessing of the files appear much more quickly to users than if they had used traditional systems.”); ¶12 (“Also, most applications of a traditional file server architecture are optimized for local storage, which means there may be a significant experience degradation when the file server is remote. Such degradation means that there may be hundreds to thousands of millisecond latency. There may be hidden input/output bottlenecks which may occur when loading data into a directory listing. Further, data streaming speed is oftentimes limited to local throughput which is much slower than local storage, leading to long load times for large files.”); ¶13 (“In stark contrast, according to various embodiments, the applications in the Dropbox

architecture use local storage with low latency and high throughput. Since all input/output is local, access time is approximately 10 milliseconds.”); ¶14.) Figure 1 of Houston II reproduced below clearly distinguishes traditional systems from what Houston discloses and reinforces the critical importance Houston places on having locally stored files:



(Houston II, Fig. 1 (noting the Dropbox architecture has “local copies of files” and most apps are optimized for local storage and experience degradation when file server

is remote, and distinguishing traditional file server architectures with “no local copy”)

Sur-Reply at 9-12.

Houston II is part of the record by virtue of its incorporation by reference. It is legal error not to consider it.

Id. at n. 9.

Petitioner’s damages report filed on March 17, 2025 in Entangled Media LLC v. Dropbox, Inc., 5:23-cv-03264-PCP (ND Cal.), ECF 250-2, ¶¶17-21 discusses Mr. Houston’s overarching focus on having locally stored versions available.

Id. at n. 10.

(Houston II, ¶¶1, 12-13-14)

Id. at 13.

Petitioner objects to the above statements by Patent Owner and quotes and excerpt from Provisional Application No. 61/233,787 as being in direct violation of the Board’s Order. On March 19, 2025, Patent Owner emailed the Board, requesting leave to file a corrected Exhibit 2026, essentially to substitute Exhibit 2026 (Provisional Application No. 61/233,773) on file with Provisional Application No.

61/233,787. On March 20, 2025, the Board denied Patent Owner's request as being untimely. Later that same day, Patent Owner filed its Sur-Reply and, while it did not submit a substitute exhibit, Patent Owner imported multiple paragraphs of text and a figure from Provisional Application No. 61/233,787, as noted above, directly into the Sur-Reply at pages 9-12. The Patent Owner Response included citations to the same paragraph numbers from Exhibit 2026 but did not include text from the paragraphs. Because these citations were to Exhibit 2026, i.e., Provisional Application No. 61/233,773, Petitioner relied on Exhibit 2026 when preparing the Reply. No exhibit of record includes the material that Patent Owner now seeks to introduce.

Petitioner also objects to the above statements by Patent Owner and material from Provisional Application No. 61/233,787 under FRE 401-403 as not being relevant to any issue in this *inter partes* review and/or unduly prejudicial.

III. Improper Reference to Not-of-Record 2009 Dropbox Guide

A Dropbox guide from 2009 states that the checkmark overlay refers to syncing files to Dropbox but makes no reference to downloads. It indicates that Dropbox and SugarSync had different icon overlay functionality. (Cf. EX1002, ¶33.)

Sur-Reply at 12-13.

Petitioner objects to the above statements by Patent Owner as being in direct violation of the Board's Order. On March 19, 2025, Patent Owner emailed the Board, requesting authorization to submit new evidence that allegedly indicates that Petitioner has not complied with 37 CFR 42.51(b)(1)(iii). On March 20, 2025, the Board denied Patent Owner's request as being untimely. Later that same day, Patent Owner filed its Sur-Reply including the above statement.

Petitioner also objects to the above statement by Patent Owner under FRE 401-403 as not being relevant to any issue in this *inter partes* review and/or unduly prejudicial.

IV. Improper New Evidence from Not-of-Record Patent Applications

Petitioner's statements during prosecution of applications claiming priority to Garcia support this understanding. Petitioner pointed to the specification's statement "When the contact clicks on the link to folder 1115, the contents of the folder are shared with the contact," as support for providing content upon user selection.

Sur-Reply at n. 12.

Petitioner objects to the above statements by Patent Owner as being in direct violation of the Board's Order. On March 19, 2025, Patent Owner emailed the Board, requesting authorization to submit new evidence that allegedly indicates that

Petitioner has not complied with 37 CFR 42.51(b)(1)(iii). On March 20, 2025, the Board denied Patent Owner's request as being untimely. Later that same day, Patent Owner filed its Sur-Reply including the above statements.

Petitioner also objects to the above statements by Patent Owner under FRE 401-403 as not being relevant to any issue in this *inter partes* review and/or unduly prejudicial.

Respectfully,

Date: March 27, 2025

/Trishan Efram/

Trishan Efram
Registration No. 74,075
Counsel for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that, on March 27, 2025, I caused a true and correct copy of the foregoing materials:

- Petitioner's Objections to Evidence

to be served via electronic mail by consent on counsel of record at:

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Respectfully,

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