UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC, CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS,
VERIZON CORPORATE SERVICES GROUP INC.,
T-MOBILE USA, INC., SPRINT LLC F/K/A SPRINT CORP.,
AND AT&T SERVICES, INC.,
Petitioner,

v.

HEADWATER RESEARCH LLC,
Patent Owner.

IPR2024-00942
Patent 8,589,541

PATENT OWNER'S SUR-REPLY

In their reply, Petitioners contend that the Board should "cancel ***all*** challenged claims as unpatentable," noting that "the Board credited Petitioners' arguments and the unrebutted testimony of Petitioners' expert, Dr. Wolfe, regarding the unpatentability of claims 1 and its dependent claim 3." Reply at 1 (emphasis added). Notably, however, the Petition in this proceeding challenges ***sixty-one*** different claims, none of which are asserted against any Petitioner.

The fact that the Board has tentatively credited Petitioner's arguments with respect to two claims is not suggestive that all challenged claims should be found unpatentable. Instead, as the Board has previously recognized, the Board must still "determin[e] that Petitioner[s] met [their] burden of proving by a preponderance of the evidence that the challenged claims are unpatentable." *See Apple, Inc. v. Zipit Wireless, Inc.*, IPR2021-01124, Paper 14 at 3-4 (PTAB Dec. 21, 2022) (precedential). Accordingly, to the extent Petitioners maintain this proceeding against claims not asserted against Petitioners, Patent Owner respectfully requests that the Board evaluate whether Petitioners have met their burden of proof with regard to each challenged claim.

Date: April 29, 2025

Respectfully submitted,

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CERTIFICATION REGARDING WORD COUNT

Pursuant to 37 C.F.R. §42.24(d), Patent Owner certifies that there are 176 words in the paper excluding the portions exempted under 37 C.F.R. §42.24(a)(1).

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CERTIFICATE OF SERVICE (37 C.F.R. § 42.6(e)(1))

The undersigned hereby certifies that the above document was served on April 29, 2025, by filing this document through the Patent Trial and Appeal Case Tracking System as well as delivering a copy via electronic mail upon the following attorneys of record for the Petitioner:

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