

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC,
Petitioner,

v.

METARAIL, INC.,
Patent Owner.

Case IPR2024-01271
U.S. Patent No. 10,262,342

PATENT OWNER'S SUR-REPLY

TABLE OF CONTENTS

	<u>Page</u>
I. Petitioner’s Reply Raises Irrelevant Claim Construction Arguments.....	1
II. Petitioner’s Reply Mischaracterizes Patent Owner’s Arguments and Improperly Raises Additional Arguments Regarding the Prior Art.....	3

TABLE OF AUTHORITIES

Page(s)

Cases

<i>Nidec Motor Corp. v. Zhongshan Broad Ocean Motor Co.</i> , 868 F.3d 1013 (Fed. Cir. 2017)	1
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I. PETITIONER’S REPLY RAISES IRRELEVANT CLAIM CONSTRUCTION ARGUMENTS

The Board should disregard Petitioner’s Reply because it raises irrelevant claim construction issues that do not need to be resolved to deny institution of the Petition. *See Nidec Motor Corp. v. Zhongshan Broad Ocean Motor Co.*, 868 F.3d 1013, 1017 (Fed. Cir. 2017) (“[W]e need only construe terms that are in controversy, and only to the extent necessary to resolve the controversy.”) (internal quotations omitted). Petitioner requested permission to submit further briefing to address claim construction positions allegedly raised in the POPR with respect to the term “universal variable map.” But Patent Owner did not present any claim construction arguments regarding that term, nor does that term’s construction have any bearing on the arguments set forth in the POPR for denying the Petition. Rather, the POPR makes clear that the Petition should be denied because Halevy does not teach or suggest multiple limitations such as “mapping the computer-readable field identifiers to one another using normalized variables stored in a normalized variable data database” and “the mapping linking computer-readable field identifiers of the sites or applications on the Internet” – claim limitations that are separate from the term “universal variable map.” POPR, 17-27.

As set forth in the POPR, Halevy’s “form database” does not provide the required “mapping” or “linking” of “field identifiers” across different websites or

applications and thus does not teach or suggest these limitations of the claims. *Id.*; EX2001, Malek Dec., ¶¶ 62-72. Petitioner’s argument for why Halevy purportedly teaches the required “linking” hinges entirely on its assertion that “[d]ifferently-named fields on different sites can map to the same SO-properties.” Reply, 2. But Halevy’s SO-properties do not establish any relationship between different websites or applications; the mere fact that fields on different sites might have the same SO-properties does not mean that the fields are *linked to each other*. POPR, 22-27; EX2001, Malek Dec., ¶¶ 68-72. Accordingly, the Petition can and should be denied regardless of how “universal variable map” is construed.

Indeed, the irrelevance of construing “universal variable map” is further reinforced by the fact that *nowhere in the Reply does Petitioner offer a proposed construction for that term*. The closest Petitioner gets is its assertion that “there is no specific requirement of the claims to do more than relate common variables across forms or websites.” Reply, 4. But this is incorrect – the universal variable map does more than just “relate common variables across forms or websites.” As described in the ’342 specification, the universal variable map provides the ability to correlate and automatically transfer user parameters inputted in fields at a first site to corresponding fields of a second site. POPR, 4-6. This requires more than just “relating common variables across forms or websites.” Indeed, if that were all that a

universal variable map did, it would be no different than a traditional search engine, which the '342 specification distinguishes as prior art. *See* EX1001, 2:21-26.

II. PETITIONER'S REPLY MISCHARACTERIZES PATENT OWNER'S ARGUMENTS AND IMPROPERLY RAISES ADDITIONAL ARGUMENTS REGARDING THE PRIOR ART

Petitioner mischaracterizes Patent Owner's arguments, attempting to manufacture a claim construction dispute where none exists. For example, Petitioner argues that "universal variable map" is not limited to the Table 1 embodiment, but Patent Owner never said that it was. Reply, 2.

Petitioner next devotes an entire page of its Reply to improper additional argumentation, disputing Patent Owner's argument that Halevy makes no mention of creating any relationships between different forms in the form database. Reply, 2-3. But this has nothing to do with claim construction. Rather, Petitioner simply presents further argumentation regarding Halevy's disclosures. Indeed, nowhere in this section of the Reply does Petitioner attempt to connect its arguments to the construction of "universal variable map."

Petitioner's further arguments regarding Halevy are improper. The Board allowed Petitioner to submit a reply solely "to address the claim construction of the 'universal variable map' recited in the claims," and warned that "[a]ny attempt to introduce new evidence into the record or *raise new arguments that go beyond the authorized claim construction issue* will not be considered by the Board." 2/5/25

Board email (emphasis added). Accordingly, the Board should ignore all discussion in the Reply of Halevy, as it goes beyond the permitted scope of the reply.

Regardless, the POPR already explains why Halevy does not teach “mapping the computer-readable field identifiers to one another using normalized variables stored in a normalized variable data database” or “the mapping linking computer-readable field identifiers of the sites or applications on the Internet,” among other limitations. POPR, 17-27; EX2001, Malek Dec., ¶¶ 62-72. Petitioner’s focus on Halevy’s teaching of the “mapping” of fields to SO-properties misses the mark, because this is not the same as the mapping required in the challenged claims in order to link field identifiers across different websites or applications. *Id.*

Also, Petitioner’s assertion that “the entire point of Halevy . . . is to classify and relate multiple forms across different websites in a database” is incorrect. Reply, 3. Halevy describes its invention as “a method and an apparatus that facilitates searching through content which is not directly available on web pages, but is instead accessible through queries entered into web-based forms.” EX1006, [0003]. Halevy’s search functionality does not require that forms on different websites be “related” to each other and, indeed, in Halevy’s system they are not.

Petitioner also argues that “[n]or is there support for PO’s apparent construction that the UVM cannot be ‘used to return results.’” Reply, 4. Again, Petitioner mischaracterizes the POPR. Patent Owner never argued that the universal

variable map cannot be used to return results. In the cited portions of the POPR, Patent Owner simply describes how Halevy's system functions, and why that functionality does not meet the claim language of "linking programming variables across multiple sites on the Internet and applications." POPR, 18, 23.

Petitioner also argues that "[t]here is likewise no support for PO's apparent construction that the claim excludes Halevy's use of a 'query analyzer'" Reply, 4. Again, Petitioner mischaracterizes the POPR. Patent Owner's discussion of Halevy's "query analyzer" has nothing to do with claim construction, but rather provides further support for why Halevy's system lacks the required linking between multiple sites and applications. POPR, 24-25.

Finally, Petitioner fails to show any inconsistency between Patent Owner's litigation position and the POPR arguments. Petitioner cites to a chart that Patent Owner filed as part of its Complaint in the related district court case. Reply, 5. Nowhere in that document did Patent Owner offer any proposed construction of "universal variable map." EX1022, 8-14. Nor did Patent Owner allege that Google uses a universal variable map simply because "Google's search index maps the web by categorizing information." Rather, Patent Owner further asserts that "the Google Search index may link field identifiers associated with a travel departure location of various sites and applications on the Internet" and cites evidence showing how that linking occurs. *Id.* at 11-14. This is fully consistent with the POPR.

Dated: February 19, 2025

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CERTIFICATE OF SERVICE

Petitioner has consented to e-mail service in this proceeding. Pursuant to 37 C.F.R. §42.6, the undersigned certifies that on February 19, 2025, a copy of the foregoing document was served by email upon the following counsel at the below email addresses:

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