

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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AMAZON.COM, INC.,  
AMAZON.COM SERVICES LLC,  
AMAZON WEB SERVICES, INC., and  
TWITCH INTERACTIVE, INC.,  
Petitioner,

v.

NL GIKEN INC.,  
Patent Owner.

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Case No. IPR2024-01345  
Patent No. 9,948,968

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**PATENT OWNER'S PRELIMINARY RESPONSE**

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## **LISTING OF EXHIBITS**

| <b>Exhibit</b> | <b>Description</b>                                                                                                                                                                                |
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| 2001           | USPTO Memorandum entitled “Rejections under 35 U.S.C. 112, second paragraph, when examining means (or step) plus function claim limitations under 35 U.S.C. 112, sixth paragraph” (Sept. 2, 2008) |

## I. INTRODUCTION

The '968 Patent claims a system in which a designation software controller (“DSC”) identifies the next chapter or episode of digital moving image content. The claimed controller is identified by its function “designation software controller” followed by a recitation of computer-implemented functionality (“*to control the memory to keep the information in response to a termination of viewing the viewed part and control the processor to automatically designate the succeeding part of the digital moving image contents when the viewing starts again*”)— as such, it is a nonce term. Petitioners acknowledge the DSC as such. That is, the DSC is not described structurally in the specification, but rather that it is defined functionally and “***includes software instructions that cause the system to perform the claimed functions.***” (Pet. at 5-6). That is, Petitioners have identified the DSC as a general-purpose controller programmed with special instructions but fail to identify the algorithmic structure of the '968 Patent specification linked to the claimed functions or compare such to the prior art of record. But such a construction of a means-plus-function limitation is both incomplete as a matter of law and deficient with respect to mandatory petition claim construction requirements. 37 C.F.R. § 42.104(b)(3)-(4).

It is Petitioners’ burden to identify the algorithmic structure of the specification that is linked to the claimed DSC function and compare it to the prior

art. *Id.* As the Petitioners fail to identify any linked structure of the specification, let alone compare such to the prior art, the Petition fails for this reason alone. *Sony Corp. v. Iancu*, 924 F.3d 1235, 1241 (Fed. Cir. 2019) (where the “specification clearly links the function of [a means-plus-function term] to [an] algorithm,” petitioner must show that the prior art “disclosed the algorithm of the [] patent or the equivalent”); *see also 10x Genomics, Inc. v. President & Fellows of Harvard Coll.*, IPR2023-01299, 2024 WL 993828, at \*6 (P.T.A.B. Mar. 7, 2024) (denying institution and finding petition non-compliant with 37 CFR § 42.104(b)(3) where petitioner “cho[se] to not address § 112(f) in the Petition”); *RJ Mach. Co., Inc. v. Armaturenfabrik Franz Schneider GmbH + Co. Kg*, IPR2024-00851, 2024 WL 4800022, at \*9 (P.T.A.B. Nov. 15, 2024) (denying institution because petitioner failed to address § 112(f) and did not “identify...structures that perform the [means-plus-function] limitation’s function”); *Millerknoll, Inc. v. Dejule*, IPR2023-01428, 2024 WL 1241484, at \*11 (P.T.A.B. Mar. 22, 2024) (denying institution where petitioner “failed to identify structure” for means-plus-function limitations and thus could not “properly compare ... to structures in the cited prior art references”); *Samsung Elecs. Co., Ltd. v. Power2b Inc.*, IPR2022-01378, 2023 WL 2604652, at \*7 (P.T.A.B. Mar. 15, 2023) (denying institution where petitioner “has not identified ... structure corresponding to the functions of the [means-plus-function]

limitations” and thus the Board “cannot ascertain the differences between the claimed invention and the asserted prior art, as required”).

Because Petitioners fail to provide any mapping whatsoever with respect to the algorithmic structure of the specification **nor** any alleged correspondence with the prior art of record, the Petition must fail as a matter of law. The Board need go no further.

The Petition should be denied.

## **II. THE '968 PATENT**

The '968 Patent relates to systems and devices for viewing digital programming and other forms of programming. EX1001, Abstract. Most relevant to this paper, the '968 Patent claims an “apparatus configured to receive digital moving image contents from a provider” that comprises a “designation software controller.” EX1001, claim 1.

More specifically, the '968 Patent claims:

1. A receiving apparatus configured to received digital moving image contents form a provider of the digital moving image contents, the provider being commutatively connected to the receiving apparatus, the receiving apparatus comprising:

a processor ...

a memory that keeps information necessary for the processor to automatically designate a succeeding part of the digital moving image contents ...

a *designation software controller* configured to control the memory to keep the information in response to a termination of viewing the viewed part and control the processor to automatically designate the succeeding part of the digital moving image contents with the viewing starts again ...<sup>1</sup>

Claim 9 also includes the same DSC limitation.

Claim 5 recites a corresponding step-plus-function limitation of “*step of controlling the keeping step*” which “keep[s] the information in response to a termination of viewing the viewed part and control[s] the executing step to automatically designate the succeeding part of the digital moving image contents when the viewing starts again.” Petitioners concede that “[t]his limitation is substantially similar to” the DSC limitation of claim 1. Pet., 28, 58.<sup>2</sup>

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<sup>1</sup> Emphasis added throughout, unless otherwise noted.

<sup>2</sup> During examination, the Examiner evidently found the algorithmic structure corresponding to the DSC was sufficiently disclosed. Specifically, the Examiner made a rejection under 35 U.S.C. § 112 and emphasized that the written

### III. PERSON OF ORDINARY SKILL IN THE ART (“POSA”)

For purposes of this Preliminary Patent Owner Response only, Patent Owner does not challenge Petitioner’s POSA definition (Pet., 3-4) because the Petition fails even if Petitioner’s POSA definition is adopted.

### IV. PETITIONERS FAIL TO PROPERLY CONSTRUE *DSC* AND *STEP OF CONTROLLING THE KEEPING STEP* TERMS IN ACCORDANCE WITH §112, PARAGRAPH 6

This *inter partes* review cannot be instituted because Petitioners failed to provide the required construction and mapping of the means-plus-function and step-plus-function terms despite admitting that these terms invoke software code structure (*see infra* Section IV.A-IV.C). As such, the Petition violates both Federal Circuit precedent and IPR petition requirements for constructions according to § 112(6) (*see* Section IV.D-IV.E); 37 C.F.R. § 42.104(b)(3); *see also Sony Corp.*, 924 F.3d at 1239 (construction of mean-plus-function limitation requires “determin[ing] the function of the limitation” and “the corresponding structure disclosed in the specification”); 37 C.F.R. § 42.104(b)(3) (“Where the claim to be

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description must disclose “**corresponding structure [that] must be more than ... a general purpose computer ...**” EX1003, 74-75 (emphasis original). However, the Examiner did *not* make a rejection with respect to the DSC (*see* EX1003, 74-76) indicating the Examiner did not find the DSC lacked supporting disclosure.

construed contains a means-plus-function or step-plus-function limitation as permitted under 35 U.S.C. 112(f), the construction of the claim *must identify* the specific portions of the specification that describe the structure, material, or acts corresponding to each claimed function”) (emphasis added).<sup>3</sup>

**A. The DSC is a computer-implemented means-plus-function term subject to pre-AIA 35 U.S.C. § 112(6)**

The DSC is a nonce term. As such, its recitation in claims 1 and 9 invokes pre-AIA 35 U.S.C. § 112(6). Under pre-AIA 35 U.S.C. § 112(6), “[a]n element in a claim for a combination may be expressed as a means or step for performing a specified function without the recital of structure, material, or acts in support thereof, and such claim shall be construed to cover the corresponding structure, material, or acts described in the specification and equivalents thereof.”

A general-purpose computer—such as “controller” here—invokes § 112(6) when the claim term fails to recite sufficiently definite structure or else recites function without reciting sufficient structure for performing that function. “[W]hen the disclosed structure is a computer programmed to carry out an

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<sup>3</sup> Except as discussed above, Patent Owner does not challenge Petitioners’ claim construction because the Petition fails regardless of the construction adopted. Patent Owner reserves the right to challenge these constructions as necessary, should this IPR move to trial or in different forums.

algorithm, ‘*the disclosed structure is not the general-purpose computer, but rather the special purpose computer programmed to perform the disclosed algorithm.*’” *In re Aoyama*, 656 F.3d 1293, 1297 (Fed. Cir. 2011) (quoting *WMS Gaming, Inc. v. Int’l Game Tech.*, 184 F.3d 1339, 1349 (Fed. Cir. 1999)). For a function performed by a software algorithm, *the “corresponding structure” includes “the algorithm itself.”* *EON Corp. IP Holdings LLC v. AT & T Mobility LLC*, 785 F.3d 616, 621 (Fed. Cir. 2015). Claims 1 and 9 refer to the functions of the controller controller/processor without identifying the algorithmic structure used to achieve those functions. *See* EX1001, 17:29-34, 18:37-43. Thus § 112(6) applies to the DSC term.

**B. No exceptions apply**

Petitioners cannot rely on any exceptions to avoid their burden to properly construe the means-plus function and step-plus-function claim terms including identifying necessary algorithmic structure.

As recited in claim 1, the DSC is “configured to control the memory to keep the information in response to a termination of viewing the viewed part and control the processor to automatically designate the succeeding part of the digital moving image contents with the viewing starts again.” Tellingly, Petitioners do not allege the claimed functions are standard, nor identify an off-the-shelf component that performs the claims’ functions. Pet., 5-6. Most importantly, Petitioners admit that

the component utilizes unrecited software structure to perform the claimed functionality. Pet., 5 (“this limitation includes software instructions ...”).

In these circumstances, Petitioners cannot rely on the so-called *Katz* exception, which provides that “a standard microprocessor can serve as sufficient structure for ‘functions [that] can be achieved **by any general-purpose computer without special programming,**’” such as generic “processing” or “storing.” *EON Corp.*, 785 F.3d at 621 (quoting *In re Katz Interactive Call Processing Patent Litigation*, 639 F.3d 1303 (Fed. Cir. 2011)). By contrast, functions “requir[ing] special programming” require disclosure of an algorithm. *Id.* Unlike generic “processing” or “storing,” the function performed by the DSC is not a function achieved by a general-purpose computer, rather it is a function that “require[s] special programming” (*EON Corp.*, 785 F.3d at 621) to perform the claimed functions.

Finally, the claim itself recites no structure for the DSC. *See, e.g.*, EX1001, 17:30-35 (disclosing functions performed by DSC without disclosing structure) and Petitioners do not identify any in their petition. Accordingly, no exception to the requirements of §112(6) apply and Petitioners were required to provide a complete and legally proper construction that identifies the structure set forth in the specification. *See Sony Corp.*, 924 F.3d at 1241. Having “not identified ... structure corresponding to the functions of the [means-plus-function and step-plus-

function] limitations,” Petitioners fail to “demonstrate[] a reasonable likelihood that [they] would prevail.” *Samsung Elecs. Co.*, 2023 WL 2604652 at \*7.

**C. Claim 5: The “step of controlling the keeping step” is a computer-implemented step-plus-function term subject to pre-AIA 35 U.S.C. § 112(6)**

Claim 5’s “step of controlling the keeping step” is a step-plus-function term that must be construed pursuant to pre-AIA 35 U.S.C. § 112(6). Where a claim recites a step, “if an examination of the claim element reveals that it recites only the underlying function ... as opposed to an act for performing it” then §112(6) applies. *Seal-Flex, Inc. v. Athletic Track & Ct. Const.*, 172 F.3d 836, 850 (Fed. Cir. 1999) (Rader, J. concurring); *see also O.I. Corp. v. Tekmar Co.*, 115 F.3d 1576, 1583 (Fed. Cir. 1997) (§112(6) implicated for “when steps *plus function* without acts are present”) (emphasis original). The USPTO guidance provides that “[a] claim limitation is presumed to invoke 35 U.S.C. 112(f) when it explicitly uses the term ... ‘step’ and includes functional language.” MPEP § 2181(I).

Claim 5 is written in the step plus function format and recites a “***step of controlling the keeping step*** ...” followed by the same functions performed by the DSC in claims 1 and 9. Petitioners concede that “[t]his limitation is substantially similar to” the DSC limitation of claim 1. Pet., 28, 58. Because the limitation

“step for controlling the keeping step” expressly recites “step,” the limitation is presumed to be a step-plus-function term. *See* MPEP § 2181(I).<sup>4</sup>

Additionally, § 112(6) applies to limitation [5.c] regardless of the presumption because the claim limitation recites the function without reciting the act for performing the function. *See Seal-Flex*, 172 F.3d at 850 (Rader, J., concurring) (“if an examination of the claim element reveals that it recites only the underlying function, § 112, ¶ 6 ... applies”); *O.I. Corp.*, 115 F.3d at 1582-83. Claim 5 recites steps relative to other steps recited in the claim (*i.e.* “controlling the keeping step” and “control[ling] the executing step”) with no intervening *acts* to implement the steps. That is, a general control function of keeping, is not specific as to acts necessary to achieve these desired functions. Instead of identifying any acts, the limitation merely references other steps. These references to other steps are not acts because, as the Federal Circuit has explained, “acts” for the purposes of §112(6) are “the *implementation* of ... *steps*,” and the claim 5

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<sup>4</sup> It has also been proposed that “step *for*” invokes a §112(6) presumption, but “step *of*” may not. *Seal-Flex, Inc.*, 172 F.3d at 850 (Rader, J., concurring). Here, this is a difference without distinction because, as explained above, § 112(6) applies to limitation [5.c] regardless of the presumption because the claim recites the function, but does not recite the act for performing the function. *Id.*

limitation merely recites other steps, not their implementation. *O.I. Corp.*, 115 F.3d at 1582-83 (defining steps as “the generic description of elements of a process”); *see also Masco Corp. v. United States*, 303 F.3d 1316, 1327 (Fed. Cir. 2002) (acts “correspond to *how* the function is accomplished”) (quoting *Seal-Flex*, 172 F.3d at 849-50 (Rader, J., concurring)). Because the “step of controlling the keeping step” limitation only references other steps and does not provide “how the function is accomplished,” §112(6) is invoked.

**D. Petitioners’ construction is deficient because it ignores Federal Circuit precedent and USPTO rules on computer-implemented means-plus-function structure**

The construction of DSC applied in the Petition is deficient because it fails to identify function and corresponding algorithmic structure. Pet., 5-6. Petitioners do not even offer a construction for claim 5’s “step of controlling the keeping step.” Accordingly, Petitioners do not satisfy Federal Circuit requirements and USPTO guidelines for properly construing means-plus-function and step-plus-function terms. As the Federal Circuit has made clear, a “challenger who seeks to demonstrate that a means-plus-function limitation was present in the prior art must prove that the corresponding structure—or an equivalent—was present in the prior art.” *Fresenius USA, Inc. v. Baxter Int’l, Inc.*, 582 F.3d 1288, 1299 (Fed. Cir. 2009). For a function performed by a software algorithm, the “corresponding structure” includes “the algorithm itself.” *EON Corp.*, 785 F.3d at 621. “[T]he

disclosed structure is not the general-purpose computer, but rather the special purpose computer programmed to perform the disclosed algorithm.” *In re Aoyama*, 656 F.3d at 1297 (quoting *WMS Gaming*, 184 F.3d at 1349).

The Office’s guidance also requires that means-plus-function terms “must be construed to cover the corresponding structure, material, or acts described in the written description.” EX2001, 3. “For a computer-implemented means-plus-function claim limitation ... [t]he corresponding structure ... ***must include the algorithm*** as well as the general-purpose computer or microprocessor.” EX2001, 3; *see also* MPEP §2181(II)(B) (“[T]he structure corresponding to a 35 U.S.C. 112(f) claim limitation for a computer-implemented function must include the algorithm needed to transform the general-purpose computer or microprocessor disclosed in the specification.”).

Notwithstanding this clear Federal Circuit and USPTO requirement, Petitioners have failed to “identif[y] structure corresponding to the functions recited in” the independent claims, making it impossible to “ascertain the differences between the claimed invention and the asserted prior art, as required.” *Samsung Elecs. Co*, 2023 WL 2604652 at \*7.

Specifically, Petitioner’s claim construction discussion fails to identify algorithmic structure corresponding to the “designation software controller” of claims 1 and 9. Pet., 5-6. Petitioners instead allege that the designation software

controller “***includes*** software instructions that cause the system to perform the claimed functions.” Pet., 5-6. Petitioners’ construction of designation software controller in claims 1 and 9 fails to identify the algorithmic structure disclosed in the specification for carrying out the recited functions. Further, Petitioners offer no construction of claim 5’s “step of controlling the keeping step.” See Pet., 4-6. Both accordingly violate Federal Circuit precedence and USPTO guidance for the construction of terms implicating § 112(6).

**E. Petitioners cannot show a reasonable likelihood of prevailing in view of their failure to comply with 37 C.F.R. §42.104(b)(3)**

The Petition fails to comply with the requirements of 37 C.F.R. §42.104(b)(3). Petitioners have the burden of properly setting forth “[h]ow the challenged claim is to be construed” in the petition. 37 C.F.R. §42.104(b)(3). “Where the claim to be construed contains a means-plus-function or step-plus-function limitation as permitted under 35 U.S.C. 112(f), the construction of the claim ***must identify the specific portions of the specification that describe the structure, material, or acts corresponding to each claimed function.***” 37 C.F.R. §42.104(b)(3); see also Consolidated Trial Practice Guide (“CTPG”), 45 (where 35 U.S.C. § 112(f) applies, “a petitioner must provide a construction that includes both the claimed function and the specific portions of the specification that describe the structure, material, or acts corresponding to each claimed function”).

Moreover, the Consolidated Trial Practice Guide makes clear that Petitioners' burden arises "[w]here claim language *may* be construed according to 35 U.S.C. § 112(f)." CTPG, 45. In such a case, a petitioner "may choose to elaborate why § 112(f) should or should not apply to the limitation at issue," but a petitioner who "chooses not to address construction under § 112(f) risks failing to satisfy the requirement of 37 C.F.R. § 42.104(b)(3)." CTPG, 45. As the Board has held in denying institution for failure to comply with § 42.104(b)(3), "because [p]etitioner has the burden to show a reasonable likelihood of prevailing" and the Board's "rules require that [p]etitioner substantively address any claim terms in dispute," a petitioner cannot meet its burden without offering "a reasoned construction in the Petition" either by "provid[ing] reasons why the limitation is not governed by § 112[6] or provid[ing] an express construction of the claim phrase." *10x Genomics*, 2024 WL 993828 at \*6.

Petitioners cannot demonstrate a reasonable likelihood of prevailing where they have failed to comply with this rule. As explained above (Section IV.D), Petitioners' construction of the DSC terms of claims 1 and 9 fails to identify any corresponding structure, but merely states that the designation software controller "*includes* software instructions that cause the system to perform the claimed functions" and Petitioners fail to construe the "step of controlling the keeping step" of claim 5 at all. Pet., 5-6. The Petition is deficient because Petitioners simply fail

to address the requirement of 37 C.F.R. § 42.104(b)(3). To be clear, this is not a case in which the Petition argues § 112(6) does not apply or the parties dispute what corresponding structure is implicated by the functional claim language. On the contrary, Petitioner understood that the claimed DSC is a general-purpose computing element that requires software instructions (Pet., 5-6), but then seemingly decided —likely as part of its litigation strategy— not to provide the proper means-plus-function construction including corresponding algorithmic structure.

Moreover, Petitioners’ failure to comply with 37 C.F.R. §42.104(b)(3) is fatal regardless of whether or not the prior art discloses structure similar to the structure disclosed in the challenged patent’s specification.<sup>5</sup> *See RJ Mach. Co.*, 2024 WL 4800022 at \*9 (denying institution). In *RJ Machine*, the Board denied institution because the petitioner “failed to comply with 37 C.F.R. § 42.104(b)(3) by failing to construe the ‘sealing means’ limitation under § 112(f).” *RJ Mach. Co.*, 2024 WL 4800022 at \*6. The failure was not remedied by petitioner’s ground mapping a prior art o-ring to the claimed “sealing means,” even though an o-ring

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<sup>5</sup> In this case, the Petition also fails for the independent reason that the grounds fail to show that the prior art discloses the algorithmic structure, as explained below, Section V.

was disclosed in the challenged patent’s specification as a sealing means, because the mapping “d[id] not satisfy *Petitioner’s* requirement under 37 C.F.R. § 42.104(b)(3) to identify corresponding structure in the challenged patent.” *RJ Mach. Co.*, 2024 WL 4800022 at \*6, \*9 (emphasis original). Thus, the Board denied institution “[b]ecause Petitioner ha[d] not provided an adequate analysis for these asserted grounds.” *Id.* at \*9. Thus this fatal flaw cannot be remedied with supplemental briefing, or a full trial record.

Accordingly, the Petition is deficient for failure to comply with 37 C.F.R. §42.104(b)(3) and institution should be denied.

## **V. PETITIONERS FAIL TO IDENTIFY THE CLAIMED STRUCTURE/ACT IN LEE OR HUNT**

The Petition also fails because Petitioners have failed to show that the prior art of the grounds renders obvious at least the “designation software controller” limitation of claims 1 and 9 and the “step of controlling the keeping step” of claim 5 for two independent reasons: (i) the Petition fails because Petitioners cannot map to a structure they never define and (ii) the Petition fails because it does not identify algorithmic structure in the prior.

### **A. Mapping fails because DSC has not been properly construed**

As an initial matter, any purported mapping necessarily fails because Petitioners, “having failed to identify structure corresponding to the function recited in the [means-plus-function and step-plus-function] limitation[s]” as

discussed above in Section IV, “cannot properly compare such corresponding structure in the [challenged] patent to structures in the cited prior art references.” *Millerknoll*, 2024 WL 1241484 at \*11 (collecting cases). “Without making such a proper comparison, Petitioner[s] cannot demonstrate that either of the cited prior art references satisfies the ... claim limitation.” *Id.*

**B. The Petition fails to identify the claimed structure/act in Lee or Hunt**

In any event, in order to show anticipation or obviousness, Petitioners must identify where the algorithmic structure of the claimed means-plus-function and step-plus-function claim limitations are found in the prior art. *See Sony Corp.*, 924 F.3d at 1241 (where the “specification clearly links the function of [a means-plus-function term] to [an] algorithm,” petitioner must show that the prior art “disclosed the algorithm of the [] patent or the equivalent”).

Petitioners fail to identify corresponding algorithmic structure for the means-plus-function and step-plus-function terms of independent claims 1, 5, and 9 in any of the Petition grounds.<sup>6</sup>

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<sup>6</sup> The independent claims are challenged in Ground 1 (obviousness over Lee) and Ground 3 (obviousness over Hunt). Grounds 2 and 4-5 relate to dependent claims and inherit the same deficiencies discussed above for Grounds 1 and 3.

For Ground 1, Petitioners map Lee’s “control unit 220” to the designation software controller and allege that “[c]ontrol unit 220 runs software...” performs the recited functions. Petitioners do not identify any algorithmic structure in Lee for comparison to algorithmic structure in the ’968 Patent. Pet., 20-21, *see also* Pet., 28 (limitation [5.c] “substantially similar to limitation 1.c”), 29 (limitation [9.c] referring to limitation [1.c]).

For Ground 3, Petitioners again fail to map algorithmic structure, instead merely stating that “[a] POSITA would have understood and found it obvious that [Hunt’s] streaming media processor 140 executes designation software ...” Pet., 47-48, *see also* Pet., 58 (limitation [5.c] “substantially similar to limitation 1.c”), 60 (limitation [9.c] referring to limitation [1.c], [5.c]). This is nothing more than an alleged mapping of the claimed function. Again, Petitioners do not identify any algorithmic structure of the ’968 Patent to compare to Lee.

Because Petitioners’ analysis of each of the means-plus-function and step-plus-function limitations fails to identify algorithmic structure, Petitioners cannot show a reasonable likelihood of demonstrating obviousness.

## **VI. CONCLUSION**

As demonstrated above, the Petition fails to meet its burden to construe terms as required by 37 C.F.R. §42.104(b)(3) and fails to meet its burden of

demonstrating a reasonable likelihood of prevailing in demonstrating any  
Challenged Claim unpatentable.

Accordingly, the Board should deny institution.

Respectfully submitted,  
*NL Giken Inc.*

Date: January 22, 2025

/Scott A. McKeown/

Scott A. McKeown, Reg. No. 42,866  
WOLF, GREENFIELD & SACKS, P.C

## **CERTIFICATE OF WORD COUNT**

Pursuant to 37 C.F.R. § 42.24, the undersigned certifies that the foregoing **PATENT OWNER'S PRELIMINARY RESPONSE** contains 3,889 words excluding; a table of contents, a table of authorities, a certificate of service or word count, or appendix of exhibits or claim listing. Patent Owner has relied on the word count feature of the word processing system used to create this paper in making this certification.

Date: January 22, 2025

/MacAulay Rush/  
MacAulay Rush  
Paralegal  
WOLF, GREENFIELD & SACKS, P.C.

**CERTIFICATE OF SERVICE UNDER 37 C.F.R. § 42.6 (e)(4)**

I certify that on January 22, 2025, I will cause a copy of the foregoing document, including any exhibits filed therewith, to be served via electronic mail, as previously consented to by Petitioner, upon the following:

|                       |                                    |
|-----------------------|------------------------------------|
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