UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC,
SAMSUNG ELECTRONICS CO., LTD., and
SAMSUNG ELECTRONICS AMERICA, INC.,

Petitioners

v.

CERENCE OPERATING COMPANY,

Patent Owner

Case IPR2024-01465

U.S. Patent No. 11,087,750

PETITIONERS' DIRECTOR REVIEW REQUEST

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PETITIONERS' EXHIBIT LIST

Exhibit No.	DESCRIPTION
1001	U.S. Patent 11,087,750 ("'750 Patent")
1002	Declaration of Christopher M. Schmandt ("Schmandt")
1003	Curriculum Vitae of Christopher M. Schmandt
1004	File History of U.S. Patent No. 11,087,750
1005	U.S. Patent Application Publication No. 2014/0163978 ("Basye")
1006	U.S. Patent Application Publication No. 2014/0006825 ("Shenhav")
1007	U.S. Patent Application Publication No. 2015/0106089 ("Parker")
1008	U.S. Patent Application Publication No. 2012/0016678 ("Gruber")
1009	U.S. Patent No. 9,275,637 ("Salvador")
1010	U.S. Patent Application Publication No. 2013/0110521 ("Hwang")
1011	U.S. Patent No. 9,634,855 ("Poltorak")
1012	U.S. Patent No. 7,664,642 ("Espy-Wilson")
1013	U.S. Patent No. 10,573,304 ("Gemmeke")
1014	U.S. Patent Application Publication No. 2012/0034904 ("LeBeau")
1015	U.S. Patent No. 9,998,977 ("Joshi")
1016	U.S. Patent No. 6,594,630 ("Zlokarnik")
1017	U.S. Patent Application Publication No. 2011/0314185 ("Conroy")
1018	U.S. Patent Application Publication No. 2012/0296655 ("Kristjansson")
1019	U.S. Patent No. 9,031,847 ("Sarin")
1020	Claim Mapping Table

Exhibit No.	DESCRIPTION
1021	Plaintiff Cerence Operating Company's Disclosure of Asserted Claims and Infringement Contentions, Cerence Operating Company v. Samsung Electronics Co., Ltd. et al., No. 2:23-cv-0482-JRG-RSP (E.D. Tex. Mar. 11 2024)
1022	Docket Control Order, Cerence Operating Company v. Samsung Electronics Co., Ltd. et al., No. 2:23-cv-0482-JRG-RSP (E.D. Tex. Apr. 16, 2014)
1023	U.S. Patent No. 8,694,316 ("Pickering")
1024	U.S. Patent Application Publication No. 2013/0332165 ("Beckley")
1025	U.S. Patent Application Publication No. 2014/0350927 ("Yamabe")
1026	U.S. Patent Application Publication No. 2003/0179888A1 ("Burnett")
1027	U.S. Patent No. 9,020,459 ("Waters")
1028	U.S. Patent Application Publication No. 2020/0279576A1 ("Binder")
1029	U.S. Patent Application Publication No. 2013/0006638 ("Lindahl")
1030	Letter from Jin-Suk Park to James S. Tsuei dated Feb. 3, 2025

I. INTRODUCTION

Petitioners request Director Review under 37 C.F.R. § 42.75 as to the Board's denial of institution based on the *Fintiv* Factors. *See* Paper 15 ("DI"). The Board made multiple errors, some of which suggest systemic issues worthy of correction by the Director. Among them, the Board erred by applying new Director guidance retroactively, thereby depriving Petitioners of their due process. And the Board's suggestion that Samsung's *Sotera* stipulation was not broad enough demonstrates an *ultra vires* overreach of the Board's authority and amounts to the "shenanigans" the Supreme Court warned against in its landmark *Cuozzo* decision.

Beyond the due process and *ultra vires* concerns, the Board weighed various factors incorrectly—at Factor 2, the trial date is more uncertain than the Board appreciated because it failed to reckon with the impossibility of the district court's existing schedule; at Factor 3, there is much more work left to do in the district court than the Board acknowledged, and Petitioners were diligent in preparing a single petition even though Google is not a party to the litigation; at Factor 4, the *Sotera* stipulation eliminated any overlap between the proceedings; and at Factor 6, the Board wrongly demanded a showing of strength that outweighed all the other factors without actually assessing the merits.

II. THE BOARD'S DECISION WAS *ULTRA VIRES* AND IMPERMISSIBLY RETROACTIVE

The Board acted beyond its statutory authority here, in other recent USPTO

decisions, and in various "FAQs" by suggesting that *Sotera*-type stipulations are no longer sufficient to avoid discretionary denial. Any attempt by the USPTO to require—or even "encourage"—litigants to give up defenses that they *cannot* bring in an IPR runs afoul of Constitutional due process requirements, is arbitrary and capricious, amounts to improper substantive rulemaking, and does not respect the letter of the AIA or Congress's intent underlying that legislation. By attempting to leverage its authority under the AIA to compel a defendant's surrender of defenses that are beyond the scope of IPR in order to "ensure this proceeding would be a 'true alternative,'" (DI, 13), the USPTO is engaged in the type of *ultra vires* "shenanigans" that the Supreme Court forbids. *See Cuozzo Speed Techs. v. Lee*, 579 U.S. 261, 275 (2016).

Sotera fully addressed the permissible scope of overlap that the USPTO can seek to police (if any). That is because grounds that include system art based on an on-sale bar or public use can ***never*** be raised in an IPR. *Ingenico Inc. v. IOENGINE, LLC*, No. 2023-1367, 2025 WL 1318188, at *6-7 (Fed. Cir. May 7, 2025) ("Congress intentionally limited an IPR's scope to invalidity challenges based on '***prior art consisting of patents or printed publications***.'" (citing 35 U.S.C. § 311(b) (emphasis added)).

Forcing parties, via new FAQs adopted without notice and comment, to surrender more issues than the USPTO can adjudicate undermines Congressional

intent limiting the scope of IPR challenges. *Cf. Ingenico* at *6 ("These are grounds that could normally be raised under §§ 102 or 103, but Congress excluded in IPR proceedings"). The rationale that *Sotera* stipulations otherwise "may not be particularly meaningful" (*see* FAQ 14) is based on the misguided notion that such stipulations serve efficiency only if they "ensure that these IPR proceedings would be a ***'true alternative,'*** to the district court proceeding." *Motorola Sols., Inc. v. Stellar, LLC*, IPR2024-01205, Paper 19 at 3-4 (PTAB Mar. 28, 2025) (granting Director Review). But what "ensures" that the IPR is a "true alternative" is now a moving target. For example, the *Sotera* precedential case itself said its stipulation ensures that an IPR is a "true alternative." *Sotera*, Paper 12 at 19 ("Accordingly, Petitioner's broad stipulation ensures that an inter partes review is a ***'true alternative'*** to the district court proceeding.").

Since *Sotera* was made precedential in 2020, there is nothing new about district court litigation that justifies the reasoning of recent FAQ 14 and *Motorola Sols.* Such stipulations were as much a true alternative then as they are now. Treating *Sotera* stipulations now as insufficient to make this proceeding a "true alternative" is arbitrary and capricious. The new FAQs undermine four years of *Sotera*-based precedent and thwart Congressional intent by ensuring certain district courts are

effectively IPR-proof.[1] And this new "true alternative" requirement, to allow one forum and one forum only, lacks any limiting principle.

A stipulation ensuring such a "true alternative" to district court litigation would force a would-be petitioner not only to stipulate away all prior art defenses (*see* Motorola Rehearing Request, IPR2024-01205, Paper 20 at 9-11 (offering to stipulate to no prior art defense at trial)), but also to stipulate away the full range of § 282 defenses in district court, which cannot be raised in an IPR, leaving petitioners without any alternative at all.[2]

Furthermore, Petitioners operated under the June 21, 2022, Vidal Memo's binding guidance[3] when they prepared and filed petitions in response to PO's assertion of five patents, and served corresponding *Sotera* stipulations. Applying

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[1] Law360, "PTAB Ramps Up Fintiv Denials After Withdrawal Of Memo," available at https://www.law360.com/articles/2339744/ptab-ramps-up-fintiv-denials-after-withdrawal-of-memo (May 13, 2025) ("The Patent Trial and Appeal Board has denied dozens of petitions by citing upcoming trials, mostly in the Eastern District of Texas.").

[2] *See* Brief of The National Retail Federation, The High Tech Inventors Alliance, et al., as Amici Curiae in Support of Apple and Reversal, *Apple Inc., v. Stewart*, No. 24-1864 at 22 (Fed. Cir. Aug. 12, 2024) ("A stipulation not to raise prior art in district court can badly skew damages awards—it allows a plaintiff to misrepresent an incremental invention as a pioneering one. It also tends to distort claim construction allowing a patent owner to advance broad constructions that it otherwise would avoid because they read on prior art.").

[3] Katherine K. Vidal, "Interim Procedure for Discretionary Denials in AIA Post-Grant Proceedings with Parallel District Court Litigation" (June 21, 2022), available at https://www.uspto.gov/sites/default/files/documents/interim_proc_discretionary_denials_aia_parallel_district_court_litigation_memo_20220621_.pdf

changed policy retroactively to deny institution violates Petitioners' due process rights. "When an agency changes course, as [the USPTO] did here, it must 'be cognizant that longstanding policies may have "engendered serious reliance interests that must be taken into account."'" *Dep't of Homeland Sec. v. Regents of the Univ. of Cal.*, 591 U.S. 1, 30-31 (2020) (cleaned up). "[C]onstitutional protections sounding in due process and equal protection, as embodied in our longstanding traditions and precedents addressing retroactivity in the law" may also "constrain retroactive application." *Kirwa v. U.S. Dep't of Def.*, 285 F. Supp. 3d 21, 41 (D.D.C. 2017) (quoting *De Niz Robles v. Lynch*, 803 F.3d 1165, 1171–72 (10th Cir. 2015)). Recission of the Vidal Memo and discretionarily denying institution under *Fintiv*, as applied here, had the effect of summarily denying consideration of the merits, which would have proceeded to a FWD in view of Samsung's *Sotera* stipulation. The availability of Director Review does not alter that result because the Vidal Memo by its own terms cabined how the Director would exercise her discretion. As a result, "all events necessary to establish" Petitioners' rights had occurred in this case before the Vidal Memo was rescinded, thereby preventing the retroactive application of the rescission. *Covey v. Hollydale Mobilehome Ests.*, 116 F.3d 830, 837-38 (9th Cir. 1997).

III. THE BOARD ERRED IN ITS ASSESSMENT OF THE *FINTIV* FACTORS, WHICH FAVOR INSTITUTION

Beyond applying the Vidal Memo recission retroactively and refusing to give full faith to a *Sotera* stipulation absent surrender of grounds outside the USPTO's authority, the Board erred in its assessment of *Fintiv* under the facts here.

A. Factor 1: Mere Speculation About a Stay Is Neutral

The Board correctly weighed Factor 1 as neutral. DI, 7. Samsung's stay motion was denied "without prejudice," Paper 14, 1. The Board consistently refuses to speculate on future stays for good reason: EDTX judges have granted contested stays in similar circumstances when IPR is instituted on all district-court asserted claims.[4] That is true even when trial is fast approaching.[5]

B. Factor 2: The Uncertain Trial Date Weighs Against Discretionary Denial or Is Neutral

The Board erred when it weighed Factor 2 as favoring discretionary denial when it is, at best for PO, neutral. Jury selection was set for August 4, 2025, when the petition was filed, Ex-1022, and it has since slipped to October 6, 2025, based on a ***joint*** motion for more time, Ex-2004. And the docket control order allows for further delays. *Id*. at 4; Paper 14, 2. That possibility is more than speculative: the

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[4] *See, e.g.*, *Resonant Sys., Inc. v. Samsung Elecs. Co.,* No. 2:22-cv-00423, Dkt. 83 at 6 (E.D. Tex. Mar. 8, 2024) (granting stay where IPR instituted on all claims asserted in litigation and noting that cancellation of even some claims could simplify issues).
[5] *See, e.g.*, *STA Grp. LLC v. Motorola Sols., Inc.*, No. 2:22-cv-00381, 2024 WL 2852961, at *2-3 (E.D. Tex. June 5, 2024) (stayed about 3.5 months before trial date).

district court has scheduled ***nine trials*** for the same day. The Board's answer that "nothing in the record indicates a trial in the District Court Litigation would not take place months before" the April 2026 FWD deadline (DI, 9) defies logic. ***Nine*** trials cannot proceed before the same judge on the same day. That traffic jam means that the trial date ***will not*** stick for 90% of the scheduled cases. The ***impossibility*** of knowing which eight cases will be delayed makes this factor at least neutral if not tipping against discretionary denial.[6]

Moreover, while the Board found that the district court would hold a validity trial several months before a FWD would issue, DI, 8-9, readily available data show that a final judgment generally lags about four months after a jury verdict due to post-trial motions. The proper comparison should turn on the court's final judgment and the Board's FWD. And at least one APJ has previously noted the same: "that a jury trial may occur in the district court before any Final Decision would be due here does not guarantee the entry of final judgment by the district court" in that same timeframe "as the district court litigation may still need to continue with a damages trial and post-trial motions." *See Provisur Techs., Inc. v. Weber Food Tech. GmbH*,

[6] *See, e.g.*, *BOE Tech. Grp. Co. v. Optronic Scis. LLC*, IPR2024-01131, Paper 15 at 11 (PTAB Feb. 12, 2025) ("Because a number of cases are scheduled for jury selection on January 5, . . ., there is some uncertainty . . .[so] we consider this factor to be neutral or ***weigh slightly against***").

IPR2024-00269, Paper 8 at 31-32 (PTAB June 13, 2024) (concurrence).[7] Accordingly, the typical post-trial briefing delay must also be accounted for in evaluating this factor. On balance, this factor weighs against denying institution or is, at best for PO, as neutral.

C. Factor 3: The Significant Work Remaining Weighs Against Discretionary Denial

The Board found that this factor favored discretionary denial, DI, 11, but the parties' recent joint request for more time shows otherwise: claim construction may be complete, but discovery deadlines, depositions, dispositive motions, and pre-trial disclosures are still to come.[8] Ex-2004; Paper 14, 3.

The Board was also wrong to dismiss Petitioners' explanation about why it was reasonable to file a joint petition shortly before Samsung's 12-month statutory

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[7] *See also Provisur Techs.*, Paper 8 at 31-32 ("post-trial briefing … could be extensive" and "delay final judgment in the parallel action"); *Microchip Tech. Inc. v. Bell Semiconductor, LLC*, IPR2021-00147, Paper 20 at 9 (PTAB May 14, 2021) (considering the time between a FWD and "the district court trial (including post-trial briefing [taking] 1-2 months)").

[8] *See e.g.*, *IQE PLC v. Cornell Rsch. Found. Inc.*, IPR2024-00609, Paper 9 at 11 (PTAB Sept. 13, 2024) (finding that "although the district court issued a claim construction order, and the parties … exchanged infringement and invalidity contentions," "significant effort" remained because the parties had yet to exchange dispositive motions and expert discovery has not yet closed.); *AGIS Software Dev. LLC v. Google LLC*, No. 2:19-CV-00359-JRG, 2021 WL 465424, at *3 (E.D. Tex. Feb. 9, 2021) (Gilstrap, J.) (noting that even "with discovery complete, pretrial briefing submitted, and jury selection pending—***there remain significant resources yet to be expended by the parties***, including at the pretrial conference and preparations leading up to an actual trial of this case" (emphasis added)).

deadline given the scope of litigation. *See* 35 U.S.C. §315(b); *Google LLC v. Motion Offense, LLC*, IPR2022-01312, Paper 17 at 47 (PTAB Mar. 6, 2023) (finding that "waiting until the last day to file the Petition *without explaining the delay* is neutral" (emphasis added)). PO asserted five patents against Samsung, with infringement contentions for 58 claims spanning over 200 pages of claim charts. Petitioners expeditiously prepared and filed five IPR petitions between July-October 2024, within 4-7 months of receiving PO's infringement contentions. It is this timing, between Petitioners' awareness of the asserted claims via the infringement contentions and the filing of the IPRs that matters, not the timing between the filing of the complaint and the IPRs. *See Liberty Energy, Inc. v. U.S. Well Servs, LLC*, IPR2025-00031, Paper 9 at 14-15 (PTAB Apr. 29, 2025) (determining that "Petitioner was reasonably diligent in filing the Petition" four months after receiving infringement contentions because "Patent Owner's infringement contentions … inform Petitioner of the claims that are in fact at issue, as well as how Patent Owner views the scope of the claims, both of which are material considerations in preparing a petition"); *Zynga Inc. v. IGT*, IPR2022-00199, Paper 11 at 15-16 (PTAB June 14, 2022) (determining that Petitioner acted diligently by filing about 5 months after receiving infringement contentions). Petitioner diligently prepared challenges to all asserted claims, and any arguable "delay" was caused by PO's scattershot litigation strategy.

And, since Google is not a party to the litigation, that timing was all the more reasonable here because it allowed Google and Samsung to prepare a single petition and thus conserve the Board's resources. *See also IQE*, IPR2024-00609, Paper 9 at 11 (PTAB Sept. 13, 2024) (rejecting PO's argument about the Petitioner's supposed lack of diligence where Petitioner was not a party to the parallel litigation). If Google had filed its own Petition, it would not have been denied on *Fintiv* grounds. *Google LLC v. Multimodal Media LLC*, IPR2024-00053, Paper 10 at 8 (PTAB June 5, 2024) ("*Fintiv* does not apply to Google and, even if applied, the *Fintiv* factors weigh[] against denial."). Applying *Fintiv* to Google thus perversely penalizes both Google *and* Samsung for filing one Petition. That reality, combined with the Board's failure to consider the amount of district court work yet to be done and the Petitioners' specific reason for filing the petition when they did, makes this factor weigh against discretionary denial.

D. Factor 4: No Overlap Weighs Strongly Against Discretionary Denial

The Board weighed Factor 4 only "slightly against" denying institution particularly because of Samsung's ability to rely on system art in the parallel litigation. DI, 14. But this is incorrect. In this case, Samsung's later-served expert report, which narrows the issues that can be presented at trial, does not rely on system art. Therefore, as an initial matter, Samsung's early invalidity contentions, served months before its IPR Petition, are not relevant to the analysis here. This factor thus

weighs heavily against discretionary denial.

Regardless, the Board erred by not weighing the *Sotera* stipulation (Ex-1030) strongly against exercising discretion, as required by that still-precedential opinion. Paper 14, 4; *Sotera Wireless, Inc. v. Masimo Corp.*, IPR2020-01019, Paper 12 at 19 (PTAB Dec. 1, 2020) (precedential). Between December 17, 2020, when *Sotera* was designated precedential, and the June 21, 2022 Vidal Memo, the vast majority of Board decisions did not exercise discretion based on *Fintiv*.[9] Newly promulgated FAQ 14[10] cannot be reconciled with the letter or spirit of the still-precedential *Sotera* decision.

By the terms of the stipulation, Samsung's agreement that it will not raise in district court ***any grounds*** that it raised or reasonably could have raised in the IPR is coextensive with the scope of statutory estoppel. *Compare* Ex-1030 ("[If

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[9] Of the 57 cases that were filed with a *Sotera* stipulation during that time period, institution was granted in 52 cases. All 5 denials are distinguishable: 4 are the *Cisco v. Estech* cases where there was an 11-month gap between trial and the FWD (IPR2021-00329, -00321, -00332, and -00333), and in *Immersion Sys. LLC v. Midas Green Techs., LLC,* IPR2021-01176, Paper 16 at 16-17 (PTAB Jan. 6, 2022), the *Sotera* stipulation was found insufficient because it was contingent upon completing the IPR with a FWD and tied to an asserted likelihood of the court granting a stay in the litigation.

[10] *See* USPTO, "FAQs for the Interim Processes for PTAB Workload Management," FAQ #14, available at https://www.uspto.gov/patents/ptab/faqs/interim-processes-workload-management ("The Director will take into account whether the stipulation materially reduces overlap between the proceedings. Where the petitioner is relying on corresponding system art in a co-pending proceeding and/or several other invalidity theories, a stipulation may not be particularly meaningful because the efficiency gained by any AIA proceeding will be limited").

instituted,] Samsung will not pursue in the above-captioned ***litigation any grounds*** that were raised or reasonably could have been raised in the IPR."), *with* 35 U.S.C. §315(e)(2) ("[Upon a FWD, the petitioner may not assert invalidity], on ***any ground*** that the petitioner raised or reasonably could have raised in the [IPR]"). Thus, *Sotera* stipulations effectively bring IPR estoppel forward to the point of institution, ensuring that the IPR is a true alternative—as much as it can be under the governing statutes.[11] There is simply no reasonable basis for forcing Samsung and others to consent to estoppel broader than the AIA permits to avoid discretionary denial.

The Board reasoned that Samsung did not dispute PO's concern that the "invalidity contentions contemplate combining" system art with "*any* of the cited references, including those cited in this proceeding." DI, 13. But Samsung should not have to address those contentions under *Sotera*. As the Federal Circuit recently explained, estoppel applies only to invalidity in district court under 35 U.S.C. §§ 102 or 103 based on patents and printed publications and does not preclude on-sale or public-use assertions. *See Ingenico* at *7-8 ("These are different grounds that could not be raised during an IPR."); *see also Meta Platforms, Inc. v. Eight KHZ, LLC*, IPR2023-01003, Paper 9 at 11-12 (PTAB Jan. 9, 2024) (explaining the notion that a

[11] *See also, e.g.*, *Singular Comput. LLC v. Google LLC*, 668 F. Supp. 3d 64, 70 (D. Mass. 2023) ("A petitioner in an IPR proceeding cannot challenge the validity of a patent based on prior-art products or systems.").

"right to assert overlapping system art in the district court" risks inconsistent outcomes "essentially attacks the reasoning of *Sotera* itself" despite *Sotera* remaining binding precedent).

Even were there any remaining gray areas where system art may have an arguable relationship to IPR grounds, that is an issue for the *courts* to address,[12] *not* for the USPTO to police with ever more burdensome restrictions on petitioners to access IPRs. *See Dell, Inc. v. Universal Connectivity Techs.*, IPR2024-01479, Paper 11 at 7-8 (PTAB Apr. 7, 2025) ("[O]ur evaluation at this juncture is based on the facts before us, not on how Petitioner might challenge the validity of the patent at trial.").

The Board thus erred by ignoring the letter and spirit of the precedential *Sotera* decision and weighing Factor 4 only "slightly against" discretionary denial when the stipulation in this, and every other case in which it is made, effectively prevents any arguable overlap between the district court litigation and any ground that could be raised in the IPR.

E. Factor 5: Google's Involvement as a Nondefendant Weighs Against Discretionary Denial or Is Neutral

The Board weighed Factor 5 in favor of discretionary denial by focusing only

[12] *See, e.g.*, *Medline Indus., Inc. v. C.R. Bard, Inc.*, No. 17-cv-7216, 2020 WL 5512132, at *5 (N.D. Ill. Sept. 14, 2020) (defendant not estopped because its claim charts were "replete with photographs of the products" so these were not "patent- or printed publication-based invalidity theories in disguise").

on Samsung's presence. DI, 15. But Google's decision to participate in the IPRs and accept the estoppel consequences should tip this factor away from discretionary denial. Paper 14, 5. The Board has found under similar circumstances that, at least as to the nondefendant (i.e., Google), this factor weighs against discretionary denial or is, at best for PO, as neutral.[13]

F. Factor 6: The Petition's Strong Merits Weigh Against Discretionary Denial

PO did not address the merits at all, nor did the Board make its own assessment. Despite that analysis vacuum, the Board concluded that "the merits of Petitioner's asserted challenges do not outweigh the other *Fintiv* factors." DI, 16. This was wrong. First, the Board could not weigh what it did not assess, and it is no answer that a *full* analysis was not required when the Board conducted *no* analysis (and PO pointed to no weakness on the merits, instead merely touching on procedural issues related to the presentation of expert testimony). *Fintiv* requires "a balanced assessment of all the relevant circumstances in this case, including the

[13] *See Charter Commc'ns, Inc. v. Adaptive Spectrum Signal Alignment, Inc.*, IPR2025-00087, Paper 14 at 14 (PTAB May 5, 2025) ("Because [co-]Petitioner Plume is not a party in both proceedings, we find that this factor weighs slightly against exercising discretionary denial."); *Google LLC v. Mullen Indus. LLC*, IPR2025-00019, Paper 14 at 12 (PTAB May 12, 2025) ("Because of the involvement of a nondefendant . . . this factor is neutral."); *VMWare, Inc. v. Proven Networks, LLC*, IPR2021-00196, Paper 11 at 15 (PTAB May 21, 2021) ("presence of [co-Petitioner] VMware, who is not a party to the underlying litigation, weighs against exercising our discretion").

merits." *Apple Inc. v. Fintiv, Inc.*, IPR2020-00019, Paper 11 at 14 (PTAB Mar. 20, 2020). Second, Petitioner has established strong merits based on new, non-cumulative obviousness theories. Paper 14, 5.

IV. CONCLUSION

The Director should reverse the Board's decision and grant institution.

Dated: May 23, 2025

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on May 23, 2025, I caused a true and correct copy of the foregoing PETITIONERS' DIRECTOR REVIEW REQUEST to be served electronically on counsel for Patent Owner at the following addresses:

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