UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SLACK TECHNOLOGIES, LLC. and
SALESFORCE, INC.,
Petitioner,

v.

WRINKL, INC.,
Patent Owner

Case No.: IPR2024-01489
U.S. Patent No. 11,973,731

PATENT OWNER RESPONSE

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Ex-2001-2003	RESERVED
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Ex-2005-2010	RESERVED
Ex-2011	U.S. Patent Application Publication No. 2023/0094375
Ex-2012	U.S. Patent No. 11,522,821
Ex-2013	U.S. Patent No. 10,805,247
Ex-2014	U.S. Patent No. 10,999,226
Ex-2015	U.S. Patent No. 10,547,575
Ex-2016	U.S. Patent No. 10,009,300
Ex-2017	U.S. Patent Application No. 15/609,663
Ex-2018	Expert Declaration of Dr. Kevin C. Almeroth
Ex-2019	U.S. Provisional Patent Application No. 62/358,719

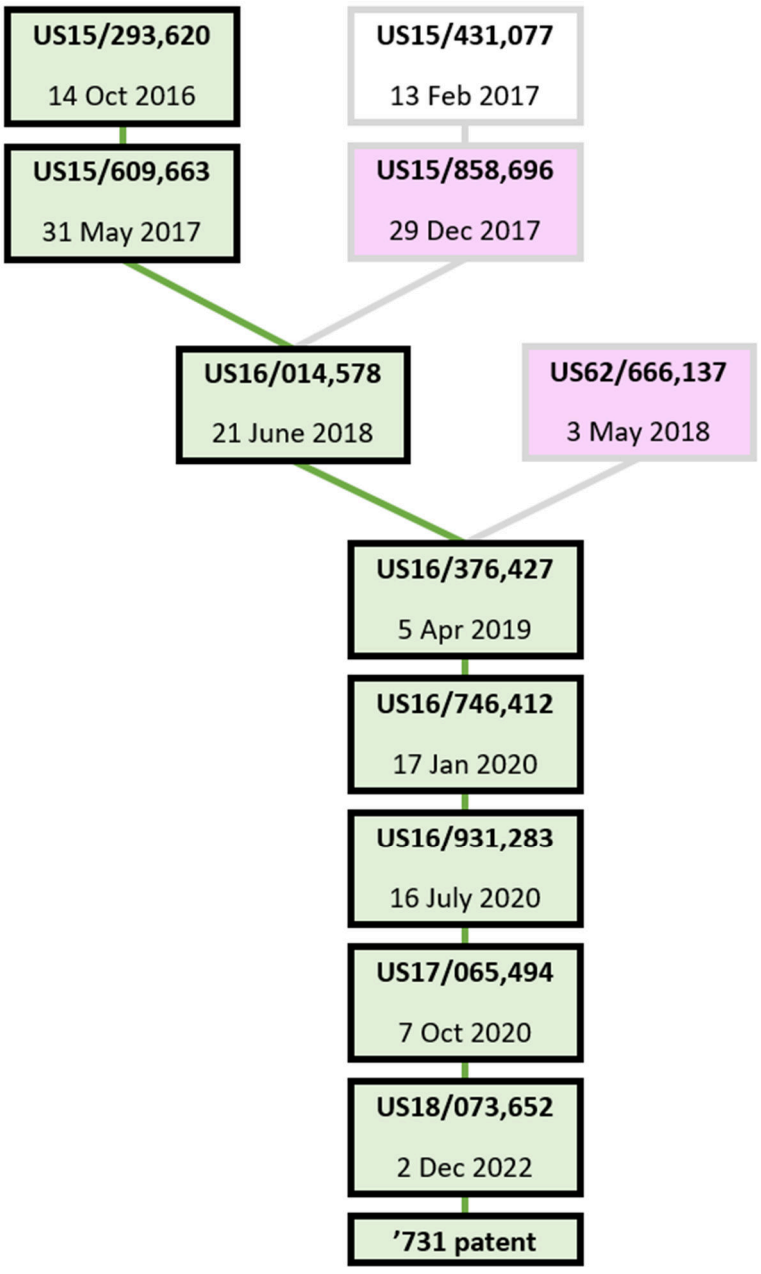
I. INTRODUCTION

The Petition's sole unpatentability theory hinges on the mistaken assertion that the '731 patent cannot claim priority to application No. 15/293,620 because of alleged breaks in the priority chain, and thus the published '620 application (i.e., "Cohen") is prior art. However, there are no breaks in the priority chain from the '731 patent to the '620 application. The '731 patent claims the benefit of multiple, distinct priority chains, and the alleged breaks identified in the Petition are in chains that are **distinct from** (and thus irrelevant to) **the chain from the '731 patent to the '620 application**. Those breaks therefore have no bearing on the '731 patent's priority claim to the '620 application, which remains intact. Accordingly, Ground 1 fails as a matter of law.

Ground 1 fails for two additional reasons. First, each challenged claim is entitled to the filing date of the '620 application, well before Cohen's publication date, because there is an unbroken priority chain from the '731 patent to the '620 application, and Petitioner admits that the '620 application discloses each challenged claim. Second, as we show below, each challenged claim of the '731 patent is also entitled to at least the filing date of application No. 15/609,663, which is less than one year before Cohen's publication date and thus disqualifies Cohen as prior art under § 102(b)(1)(A).

II. THE RELEVANT PRIORITY CHAIN IS UNBROKEN

The '731 patent has multiple distinct priority chains—a crucial fact that the Petition fails to acknowledge. Ex-1001 at cover fields (60) and (63), 1:8-2:36. One such chain connects the '731 patent to the '620 application, and this chain is shown in green below:



This chain is described in the ’731 patent at col. 1, lines 44-62, which states that the ’731 patent is a CON of application No. 18/073,652 (“’652 application”), which is a CON of 17/065,494 (“’494 application”), which is a CIP of application No. 16/931,283 (“’283 application”), which is a CIP of application No. 16/746,412 (“’412 application”), which is a CIP of application No. 16/376,427 (“’427 application”), which is a CIP of application No. 16/014,578 (“’578 application”), which is a CIP of application No. 15/609,663 (“’663 application”), which is a CON of application No. 15/293,620 (“’620 application”).[1]

The ’578 and ’427 applications also claim priority to applications besides the ’663 and ’578 applications, respectively, but that is irrelevant to the green chain leading back to the ’620 application. For example, as shown above, the ’578 application also claims priority to application No. 15/858,696 (“’696 application”), and the ’427 application also claims priority to application No. 62/666,137 (“’137 provisional”). Ex-1001 at 1:63-2:27. Nonetheless, the ’427 application is a direct

[1] *See also* Ex-1001 at cover field (63) (stating that the ’731 patent is a “[c]ontinuation of application No. 18/073,652, . . . which is a continuation of application No. 17/065,494, . . . which is a continuation-in-part of application No. 16/931,283, . . . which is a continuation-in-part of application No. 16/746,412, . . . said application No. 16/746,412 is . . . a continuation-in-part of application No. 16/376,427, . . . which is a continuation-in-part of application No. 16/014,578, . . . which is . . . a continuation-in-part of application No. 15/609,663, . . . said application No. 15/609,663 is a continuation of application No. 15/293,620 . . . .”).

child of the '578 application, which is a direct child of the '663 application. *Id.* at 1:44-62. Accordingly, neither the '696 application nor the '137 provisional is pertinent to the chain that connects the '731 patent to the '620 application.

A. The Relevant Chain Complies with 35 U.S.C. § 120

The green chain shown above complies with 35 U.S.C. § 120, which governs priority claims. First, Petitioner concedes that the '620 application provides written-description support for each of the challenged claims. *See* Petition at 20-105 (admitting, for each limitation of the challenged claims, that Cohen, the publication of the '620 application, "discloses this limitation").

Second, the '731 patent and each intervening application in the green chain contains a specific reference to, and incorporates by reference the entirety of, the '620 application (as well as all intervening applications in the chain). Ex-1001 at 1:44-62; Ex-2011 (publication of '652 application) at [0003]; Ex-2012 (patent issued from '494 application) at 1:41-58; Ex-2013 (patent issued from '283 application) at 1:38-53; Ex-2014 (patent issued from '412 application) at 1:20-33; Ex-2015 (patent issued from '427 application) at 1:8-19; Ex-1017 (patent issued from '578 application) at 1:7-15; Ex-2016 (patent issued from '663 application) at 1:7-12.

Third, each application in the green chain was co-pending with its parent

application in the chain.[2]

Finally, the ’731 patent and each intervening application in the chain names an inventor in the ’620 application. Ex-1001 at cover field (72); Ex-1011 at 3-4; Ex-2011 at cover field (72); Ex-2012 at cover field (72); Ex-2013 at cover field (72); Ex-2014 at cover field (72); Ex-2015 at cover field (72); Ex-1017 at cover

[2] The ’652 application was filed on Dec. 2, 2022, between the filing date of the ’494 application (Oct. 7, 2020) and the issue date of the patent that matured from the ’494 application (Dec. 6, 2022). Ex-2011 at cover field (22); Ex-2012 at cover fields (22) and (45). The ’494 application was filed on Oct. 7, 2020, between the filing date of the ’283 application (July 16, 2020) and the issue date of the patent that matured from the ’283 application (Oct. 13, 2020). Ex-2012 at cover field (22); Ex-2013 at cover fields (22) and (45). The ’283 application was filed on July 16, 2020, between the filing date of the ’412 application (Jan. 17, 2020) and the issue date of the patent that matured from the ’412 application (May 4, 2021). Ex-2013 at cover field (22); Ex-2014 at cover fields (22) and (45). The ’412 application was filed on Jan. 17, 2020, between the filing date of the ’427 application (Apr. 5, 2019) and the issue date of the patent that matured from the ’427 application (Jan. 28, 2020). Ex-2014 at cover field (22); Ex-2015 at cover fields (22) and (45). The ’427 application was filed on Apr. 5, 2019, between the filing date of the ’578 application (June 21, 2018) and the issue date of the patent that matured from the ’578 application (July 12, 2022). Ex-2015 at cover field (22); Ex-1017 at cover fields (22) and (45). The ’578 application was filed on June 21, 2018, between the filing date of the ’663 application (May 31, 2017) and the issue date of the patent that matured from the ’663 application (June 26, 2018). Ex-1017 at cover field (22); Ex-2016 at cover fields (22) and (45). The ’663 application was filed on May 31, 2017, between the filing date of the ’620 application (Oct. 14, 2016) and the issue date of the patent that matured from the ’620 application (July 18, 2017). Ex-2016 at cover field (22); Ex-1012 at cover fields (22) and (45).

field (72); Ex-2016 at cover field (72). There is thus an unbroken priority chain between the '731 patent and the '620 application. *See* 35 U.S.C. § 120. For similar reasons, there is also an unbroken priority chain between the '731 patent and the '663 application.

B. The '696 Application and the '137 Provisional Are Outside the Green Chain and Have No Bearing on the '731 Patent's Priority Claim to the '620 Application

Petitioner does not allege that any application in the green chain shown above lacks written-description support for the challenged claims. The two applications cited by Petitioner as allegedly missing disclosures (*i.e.*, the '137 provisional and the '696 application, shown in **pink** above) are not in the priority chain from the '731 patent to the '620 application. Rather, these applications are in other, distinct branches of the '731 patent's family tree. These other branches are recited in the '731 patent at column 1, line 63, through column 2, line 27. Because the priority chain leading back to the '620 application relies on neither the '696 application nor the '137 provisional, the alleged deficiencies in the '696 application and '137 provisional are not a basis for finding that Cohen is prior art.

III. CLAIM CONSTRUCTION

For purposes of this proceeding, Patent Owner submits that no claim constructions are necessary to resolve the issues raised in the Petition.

IV. THE PROCEEDINGS SHOULD BE TERMINATED

As explained in Patent Owner's Motion to Terminate (Paper 11), the proceedings should be terminated because the Petition was filed outside the statutory time period. The Petition was premature under 35 U.S.C. § 311(c)(1), which precludes IPR petitions filed less than nine months after the challenged patent issues. The statutory requirement may not be waived, and is jurisdictional. *See Wi-Fi One, LLC v. Broadcom Corp*., 878 F.3d 1364, 1374 (Fed. Cir. 2018) (en banc), a*brogated on other grounds by Thryv, Inc v. Click-To-Call Techs., LP*, 590 U.S. 45 (2020).

V. LEGAL STANDARD

A claim for priority to an earlier United States patent application is governed by 35 U.S.C. § 120. To obtain the benefit of the filing date of an earlier application under § 120, (1) the earlier application must disclose the invention "in the manner provided by section 112(a) (other than the requirement to disclose the best mode)," (2) the current application must "contain[] or [be] amended to contain a specific reference to the earlier filed application," (3) the current application must be co-pending with either the earlier application or an intervening descendant thereof, and (4) the earlier application must name "an inventor or joint inventor" of the current application. 35 U.S.C. § 120.

When a patent application claims priority to an earlier application through a chain of intervening applications, the requirements of § 120 are applied at each link in the chain. *Lockwood v. Am. Airlines, Inc.*, 107 F.3d 1565, 1571 (Fed. Cir. 1997) ("[T]o gain the benefit of the filing date of an earlier application under 35 U.S.C. § 120, each application in the chain leading back to the earlier application must comply with the written description requirement of 35 U.S.C. § 112." (citation omitted)).

Although § 120 requires the earlier application to disclose the claimed invention "in the manner provided by" § 112, it "does not place any restriction or limitation as to how the . . . claimed invention must be disclosed in the earlier application in that manner." *Ex Parte Maziere*, 27 U.S.P.Q.2d 1705, 1707 (B.P.A.I. 1993) (citing *In re Brower*, 433 F.2d 813 (C.C.P.A. 1970)). Thus, such disclosure may be via an incorporation by reference. *Id.*; *Ex Parte Dragan Danilo Nebrigic*, Appeal No. 2014-006607, 2016 WL 949023, at *2 (P.T.A.B. Mar. 10, 2016) (material incorporated by reference in ancestor application satisfied the requirements of 35 U.S.C. § 120).

If an earlier application in a chain satisfies the written-description requirement, intervening applications also satisfy the written-description requirement if they "expressly and unambiguously incorporate by reference the disclosure" of the earlier application. *Curio Biosci., Inc. v. Prognosys Bioscis.*

Inc., No. IPR2024-01289, Paper 10 at 29-30 (P.T.A.B. Mar. 19, 2025); *see also Maquet Cardiovascular LLC v. Abiomed, Inc.*, 627 F. Supp. 3d 72, 80-81 (D. Mass. 2022) ("[W]hen a parent application incorporates essential material by reference, 'all subject matter in that reference is present in the parent application.'" (citing *Harari v. Lee*, 656 F.3d 1331 (Fed. Cir. 2011))); MPEP § 608.01(p) ("[A]n application is entitled to rely upon the filing date of an earlier application, even if the earlier application itself incorporates essential material by reference to another document." (citing *Ex parte Maziere*, 27 U.S.P.Q.2d at 1706-07)).

VI. GROUND 1 FAILS BECAUSE COHEN IS NOT PRIOR ART

A. Cohen Is Not Prior Art Because There Is an Unbroken Priority Chain from the '731 Patent to the '620 Application from Which Cohen Published

The priority chain from the '731 patent to the '620 application, from which Cohen published, satisfies each requirement of § 120 and is thus unbroken.

First, the '620 application provides written-description support for each of the challenged claims. Indeed, Ground 1 is premised on Petitioner's contention that Cohen (and thus the '620 application) discloses each limitation of the challenged claims. *See* Petition at 20-105 (admitting, for each limitation of the challenged claims, that Cohen, the publication of the '620 application, "discloses

this limitation").[3] Accordingly, Petitioner acknowledges that the '620 application meets the written-description requirement. *See Ariad Pharms., Inc. v. Eli Lilly & Co.*, 598 F.3d 1336, 1351 (Fed. Cir. 2010) (en banc) ("[T]he hallmark of written description is *disclosure*." (emphasis added)).

Petitioner cannot change its position in reply. Having persuaded the Board to institute IPR by arguing that Cohen discloses each limitation of the challenged claims, Petitioner cannot now argue that the '620 application from which Cohen was published does not provide written-description support for the challenged claims. *New Hampshire v. Maine*, 532 U.S. 742, 749 (2001) ("Where a party assumes a certain position in a legal proceeding, and succeeds in maintaining that position, he may not thereafter, simply because his interests have changed, assume a contrary position.").

In any event, any argument from Petitioner that the '620 application does not disclose the challenged claims would be self-defeating because it would mean that Cohen also does not disclose the challenged claims and, thus, does not anticipate

[3] Patent Owner does not necessarily agree with Petitioner's mapping of certain portions of Cohen to the claim limitations, but Patent Owner nonetheless agrees with Petitioner's conclusion that Cohen discloses each claim limitation.

them.[4]

Second, the '731 patent and each intermediate application in the green chain shown above contains a "specific reference to," 35 U.S.C. § 120, and "expressly and unambiguously incorporate[s] by reference the disclosure" of, *Curio*, No. IPR2024-01289, Paper 10 at 29-30, the '620 application. Ex-1001 at 1:44-62; Ex-2011 at [0003]; Ex-2012 at 1:41-58; Ex-2013 at 1:38-53; Ex-2014 at 1:20-33; Ex-2015 at 1:8-19; Ex-1017 at 1:7-15; Ex-2016 at 1:7-12.

Third, each application in the chain was co-pending with its parent application in the chain. *See* footnote 2, *supra*.

Finally, the '731 patent and each intervening application in the chain names an inventor in the '620 application. Ex-1001 at cover field (72); Ex-1011 at 3-4; Ex-2011 at cover field (72); Ex-2012 at cover field (72); Ex-2013 at cover field (72); Ex-2014 at cover field (72); Ex-2015 at cover field (72); Ex-1017 at cover field (72); Ex-2016 at cover field (72). Accordingly, the priority chain between the

[4] Patent Owner agrees with Petitioner that the '620 application discloses (and thus provides § 112 support for) each claim of the '731 patent. However, because Ground 1 is premised on an inaccurate reading of the priority chain between the '620 application and the '731 patent, it is fatally flawed regardless of whether the Petition's specific mapping of the challenged claims to the '620 application is correct. Accordingly, the Board need not consider (and Patent Owner does not challenge, solely for purposes of this proceeding) Petitioner's particular identification of the disclosure of the challenged claims in the '620 application.

'731 patent and the '620 application satisfies the requirements of 35 U.S.C. § 120, rendering Cohen non-prior art.

Petitioner's sole basis for arguing otherwise is that "[t]he '696 Application and '137 Provisional [allegedly] do not disclose a third pane with a sidebar text entry field and a subsidiary communication thread, nor [allegedly] do they disclose a third pane that is simultaneously displayed/viewable with the first and second pane, as required in independent Claims 1, 15, 25, or 30." Petition at 10. Even if true, these assertions are irrelevant to whether the '731 patent gets the benefit of the '620 application's effective filing date. That is because neither the '696 application nor the '137 provisional is in the priority chain leading back from the '731 patent to the '620 application. *See* § II, *supra*. So even if Petitioner's characterization of the '696 application and '137 provisional were correct, it would not break the priority chain between the '731 patent and the '620 application, which entitles the '731 patent to an effective filing date of at least October 14, 2016 (the filing date of the '620 application)—before Cohen's publication date. Petitioner thus fails to show that Cohen is prior art.

To gain the benefit of the filing date of an earlier application under 35 U.S.C. § 120, there is no requirement that every application in a family tree with multiple branches disclose the claimed invention. On the contrary, it is sufficient to establish a single path through an unbroken chain of applications to obtain the

benefit of the filing date of an earlier application. *Lockwood*, 107 F.3d at 1571 ("[T]o gain the benefit of the filing date of an earlier application under 35 U.S.C. § 120, each application in *the chain leading back to the earlier application* must comply with the written description requirement." (emphasis added)). So long as each application in the chain back to the desired early application satisfies the requirements of 35 U.S.C. § 120, the priority claim is effective.

Here, Petitioner relies solely on applications **outside** the priority chain from the '731 patent to the '620 application to show a supposed break in priority, and Petitioner does not challenge the adequacy of any application in "the chain leading back" to the '620 application. *Id.* Thus, Petitioner fails to present any basis for finding that Cohen is prior art.

B. Cohen Is Also Not Prior Art Because It Falls Within the Exception of § 102(b)(1)(A)

Cohen is not prior art because, as explained above, the priority chain from the '731 patent to the '620 application (from which Cohen published) satisfies the requirements of § 120, entitling the '731 patent claims to an effective filing date before Cohen's publication date. In addition, Cohen is not prior art because it falls within the exception of § 102(b)(1)(A). Specifically, Cohen was published less than one year before the filing date of the '663 application, which is also part of the same unbroken priority chain between the '731 patent and the '620 application,

and to which all challenged claims properly claim priority. Because each challenged claim is entitled to an effective filing date at least as early as the '663 application's filing date, Cohen is not prior art to any challenged claim.

Petitioner contends that Cohen is prior art solely under § 102(a)(1). Petition at 6, 12, 13. In pertinent part, § 102(a)(1) precludes a patent if "the claimed invention was . . . described in a printed publication . . . before the effective filing date of the claimed invention." 35 U.S.C. § 102(a)(1). One exception to this rule states that "[a] disclosure made 1 year or less before the effective filing date of a claimed invention shall not be prior art to the claimed invention under subsection (a)(1) if the disclosure was made by the inventor." 35 U.S.C. § 102(b)(1)(A).

Cohen falls within this exception. First, the disclosure of Cohen was made by the inventors of the '731 patent. Ex-1001 at cover field (72); Ex-1005 at cover field (72). Second, Cohen's publication date was May 11, 2017. Ex-1005 at cover field (43). Finally, as explained below, the '731 patent's effective filing date is no later than May 31, 2017, the filing date of the '663 application, Ex-2017 at 2, which is less than one year after Cohen's publication date. Accordingly, Cohen is not prior art.

The '731 patent is entitled to the filing date of the '663 application because the '731 patent and '663 application satisfy the requirements of 35 U.S.C. § 120. The '663 application is part of the green chain shown above, and is the immediate

child of the '620 application. *See* § II, *supra*. The '731 patent names all three inventors in the '663 application (Marc Cohen, Erik Katz and Jeffrey Cohen) and contains a "specific reference to" the '663 application. 35 U.S.C. § 120; Ex-1001 at cover field (72), 1:44-62; Ex-2017 at 3-5. Likewise, each intervening application in the chain names at least one inventor in the '663 application and contains a specific reference to the '663 application. Ex-2011 at cover field (72), [0003]; Ex-2012 at cover field (72), 1:41-58; Ex-2013 at cover field (72), 1:38-53; Ex-2014 at cover field (72), 1:20-33; Ex-2015 at cover field (72), 1:8-19; Ex-1017 at cover field (72), 1:7-15. Each intervening application in the chain also "expressly and unambiguously incorporate[s] by reference the disclosure" of the '663 application and was co-pending with its parent application in the chain. *Curio*, No. IPR2024-01289, Paper 10 at 29-30; Ex-2011 at [0003]; Ex-2012 at 1:41-58; Ex-2013 at 1:38-53; Ex-2014 at 1:20-33; Ex-2015 at 1:8-19; Ex-1017 at 1:7-15; *see* footnote 2, *supra*. And, as detailed below, the '663 application provides written-description support for every challenged claim.

1. Independent Claim 1

1[pre] An apparatus for use with a group-based communication system to facilitate messaging communication over a network between users of said system, comprising:

The '663 application discloses the preamble. Ex-2018, ¶48. The '663 application states, "Examples described herein also relate to an ***apparatus*** for

performing the methods described herein." Ex-2017 at 60 (emphasis added); *see also* Petition at 20.[5] This apparatus is used with a group-based communication system that allows users to communicate within a "group chat conversation." Ex-2017 at 26; *see also* Petition at 20. "[T]he system 100 may facilitate the transfer of electronic communications between computing devices of two or more users or participants over a communication network." Ex-2017 at 19; *see also* Petition at 20. Thus, the '663 application discloses the preamble. Ex-2018, ¶48.

> *1[a] a processor, and a memory associated with said processor having computer coded instructions therein, with said computer coded instructions configured to, when executed by said processor, cause the apparatus to:*

The '663 application discloses this limitation. Ex-2018, ¶49. The '663 application discloses that "computing devices of system 100, such as client device 110, may include one or more I/O (input/output) devices 111, processors 112, memory 114, and other components typically present in general purpose computers. 'Processor' or 'Processing device' herein refers to a device capable of executing instructions encoding arithmetic, logical, or I/O operations." Ex-2017 at 20; *see also* Petition at 20-21. Figure 1 depicts such a computing device:

[5] Throughout this section, Patent Owner cites the Petition to show that Petitioner relies on the same disclosure in Cohen to argue anticipation and, therefore, cannot dispute that the '663 application discloses the challenged claims.

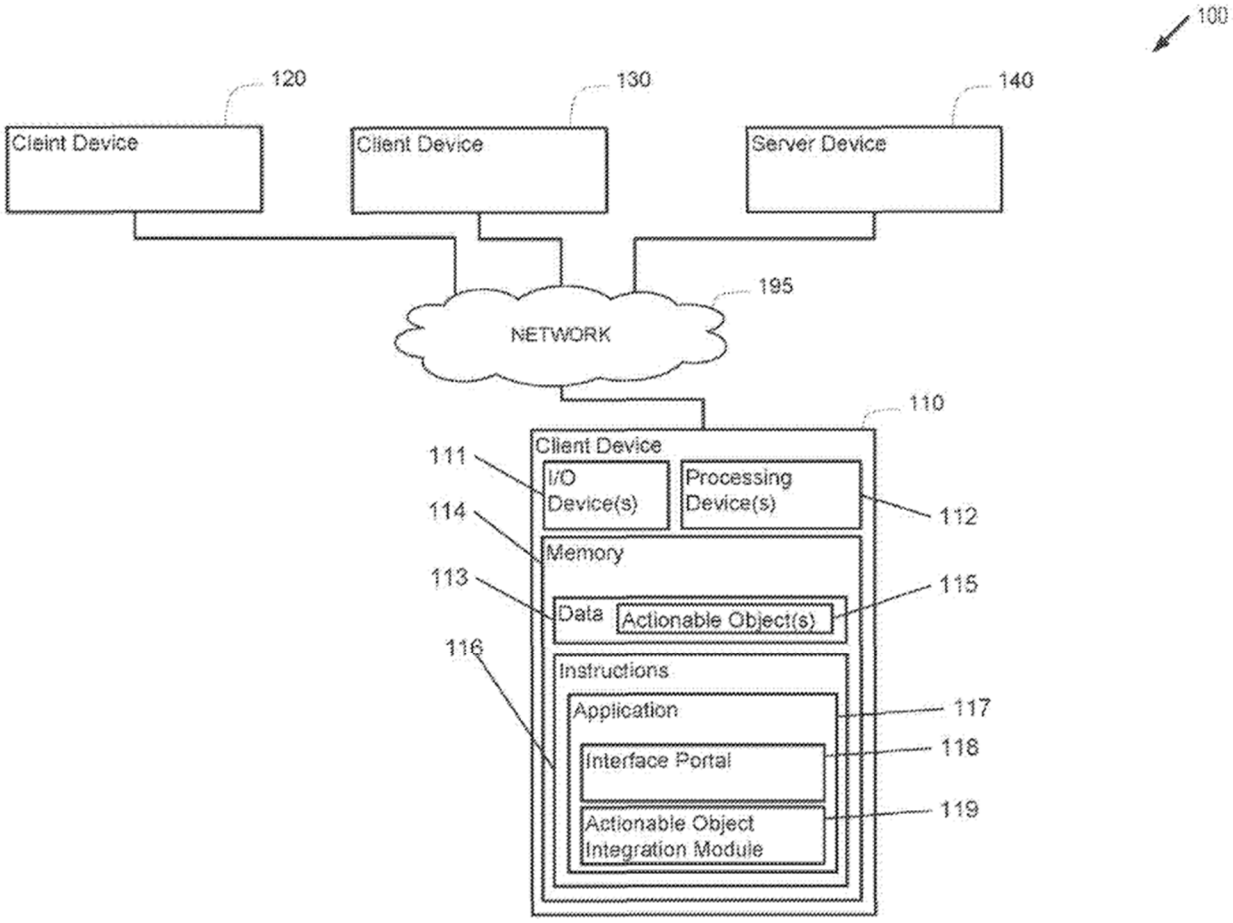


FIG. 1

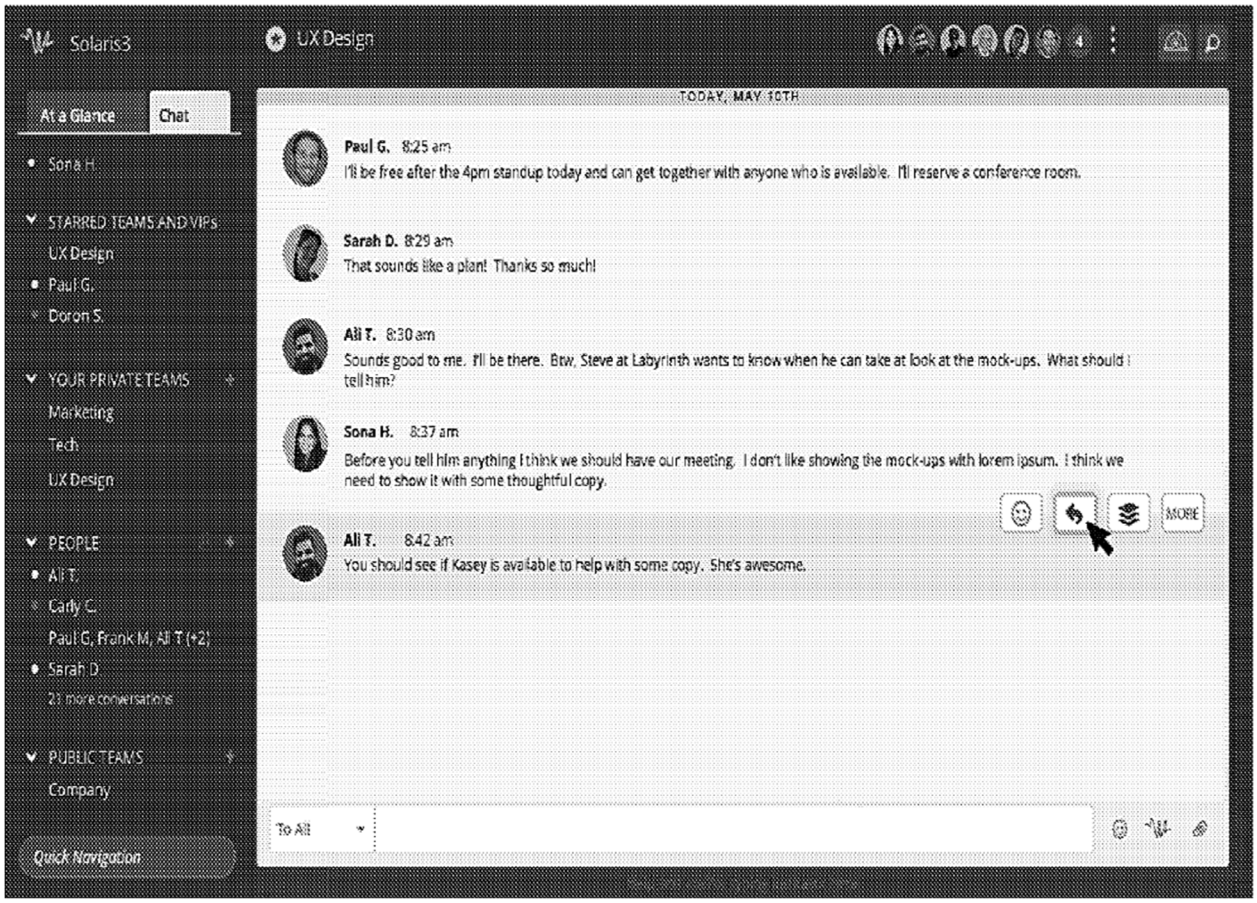
Ex-2017 at 80 (Fig. 1); *see also* Petition at 21.

The '663 application further discloses that the processor includes computer coded "instructions." Ex-2017 at 96; *see also* Petition at 21. Thus, the '663 application discloses this claim limitation. Ex-2018, ¶50.

> *1[b] generate a group-based communication interface on a display screen of a user client device, the group-based communication interface defining:*

The '663 application discloses this limitation. Ex-2018, ¶51. The '663 application discloses a variety of interactive interfaces available to participants in a

chat session. *See, e.g.*, Ex-2017 at 82-92; *see also* Petition at 22. Figure 10A illustrates an example interface:



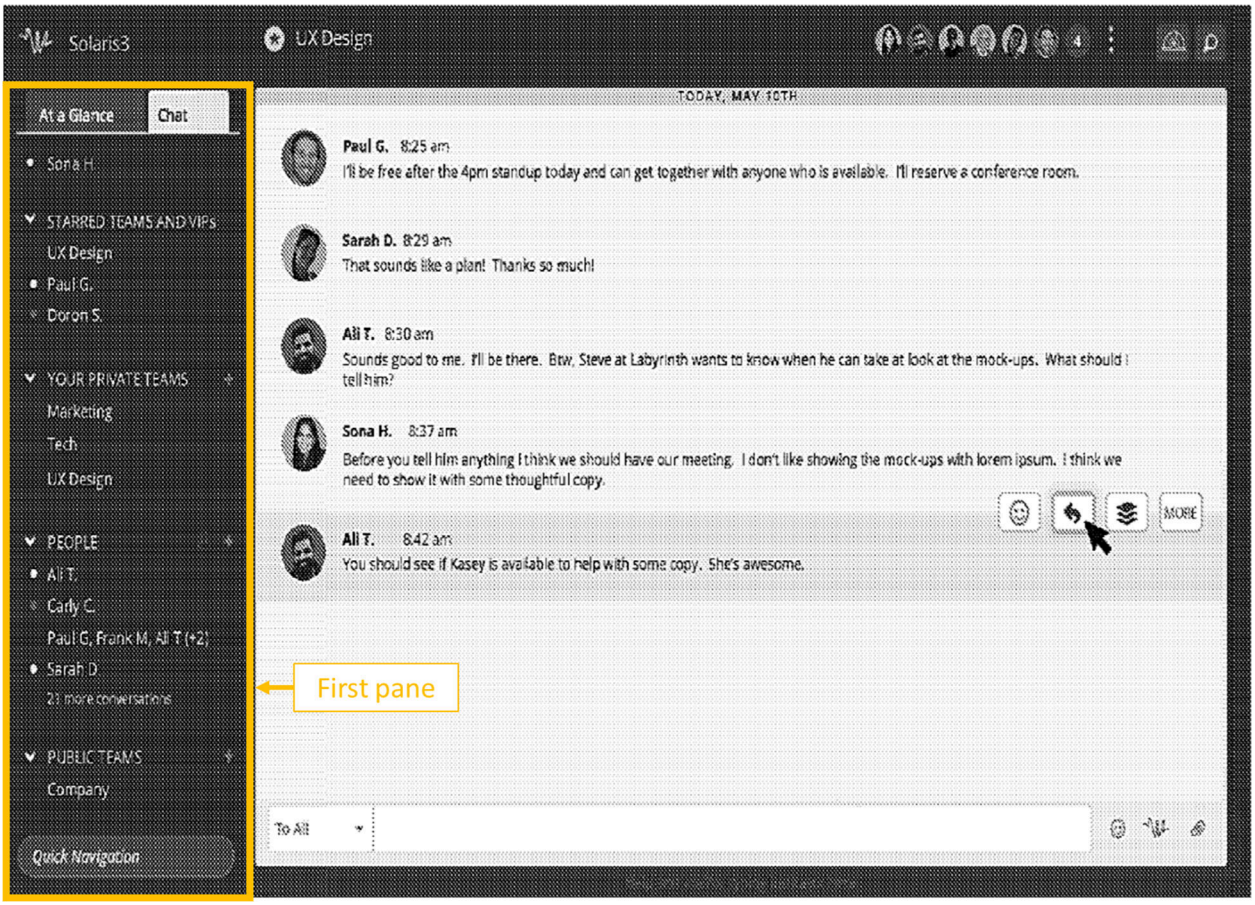
Ex-2017 at 206 (Fig. 10A). Thus, the '663 application discloses this limitation. Ex-2018, ¶51.

> *1[c] a first pane configured to display a plurality of channel identifiers, each of said plurality of channel identifiers corresponding to a respective one of a plurality of group-based communication channels, each of such channels having an associated group of members who are users of said system, and*

The '663 application discloses this limitation. Ex-2018, ¶52. The '663 application discloses a "channel/dialog panel" that displays identifiers

corresponding to "the different chat session groups 315 [i.e., channels] that a particular participant 317 has joined." Ex-2017 at 27; *see also* Petition at 23. Each such channel has an associated group of members who are users of said system. *See, e.g.*, Ex-2017 at 206 (showing "UX Design" channel includes Paul, Sarah, Ali, and Sona).

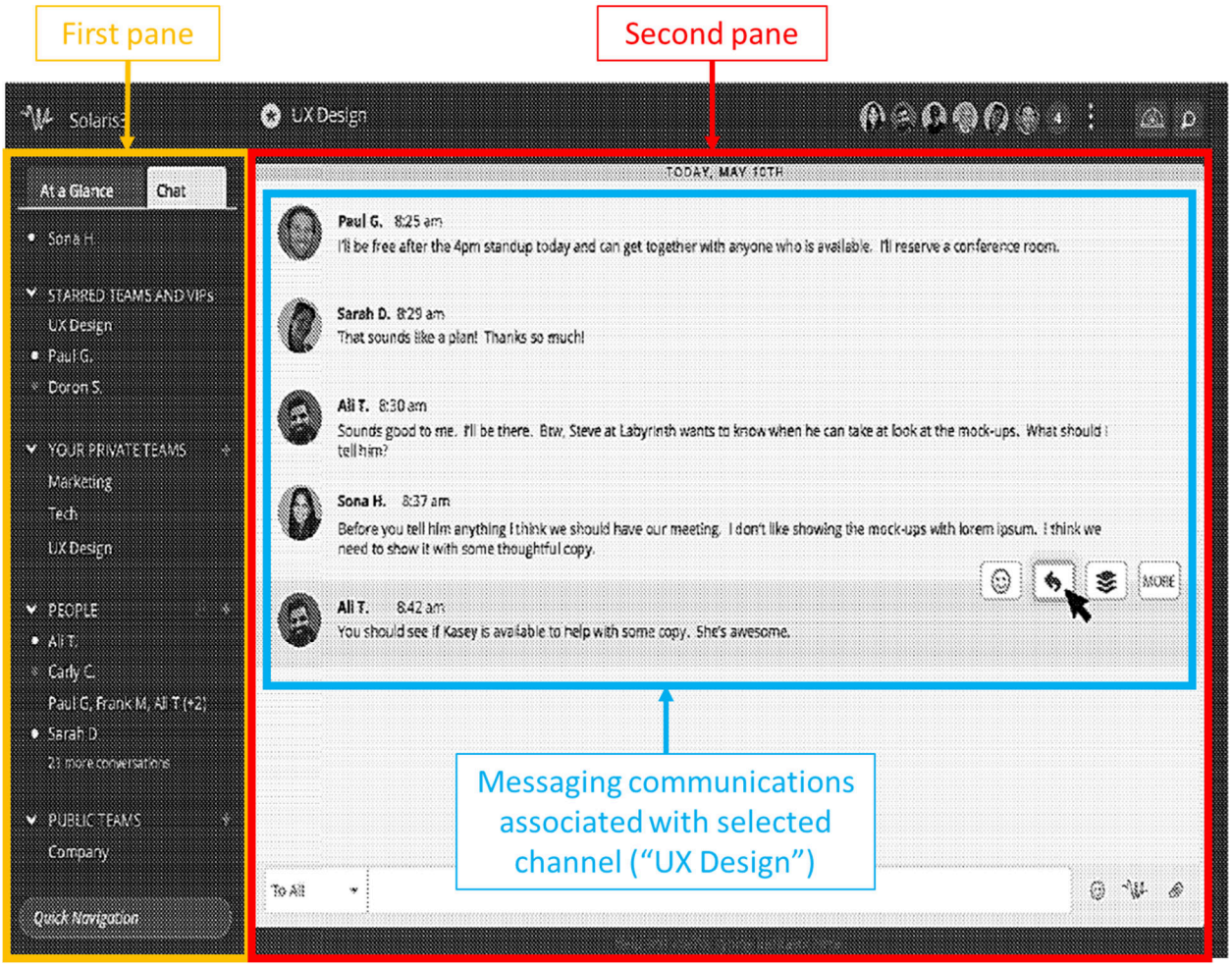
Figure 10A depicts an example of this first pane configured to display a plurality of channel identifiers:



Ex-2017 at 206 (Fig. 10A) (annotated). Thus, the '663 application discloses this limitation. Ex-2018, ¶53.

1[d] a second pane configured to display messaging communications associated with a selected one of said plurality of group-based communication channels corresponding to one of said plurality of channel identifiers,

The '663 application discloses this limitation. Ex-2018, ¶54. For example, the '663 application discloses a "main conversation pane" in which "a plurality of messages that are exchanged between a plurality of participants are displayed." Ex-2017 at 57. The '663 application also refers to this "main conversation pane" as a "message window panel 320." *Id.* at 27 ("The message window panel 320 displays the chat messages 325 exchanged by the participants."); *see also* Petition at 24. Figure 10A depicts an example of this second pane:



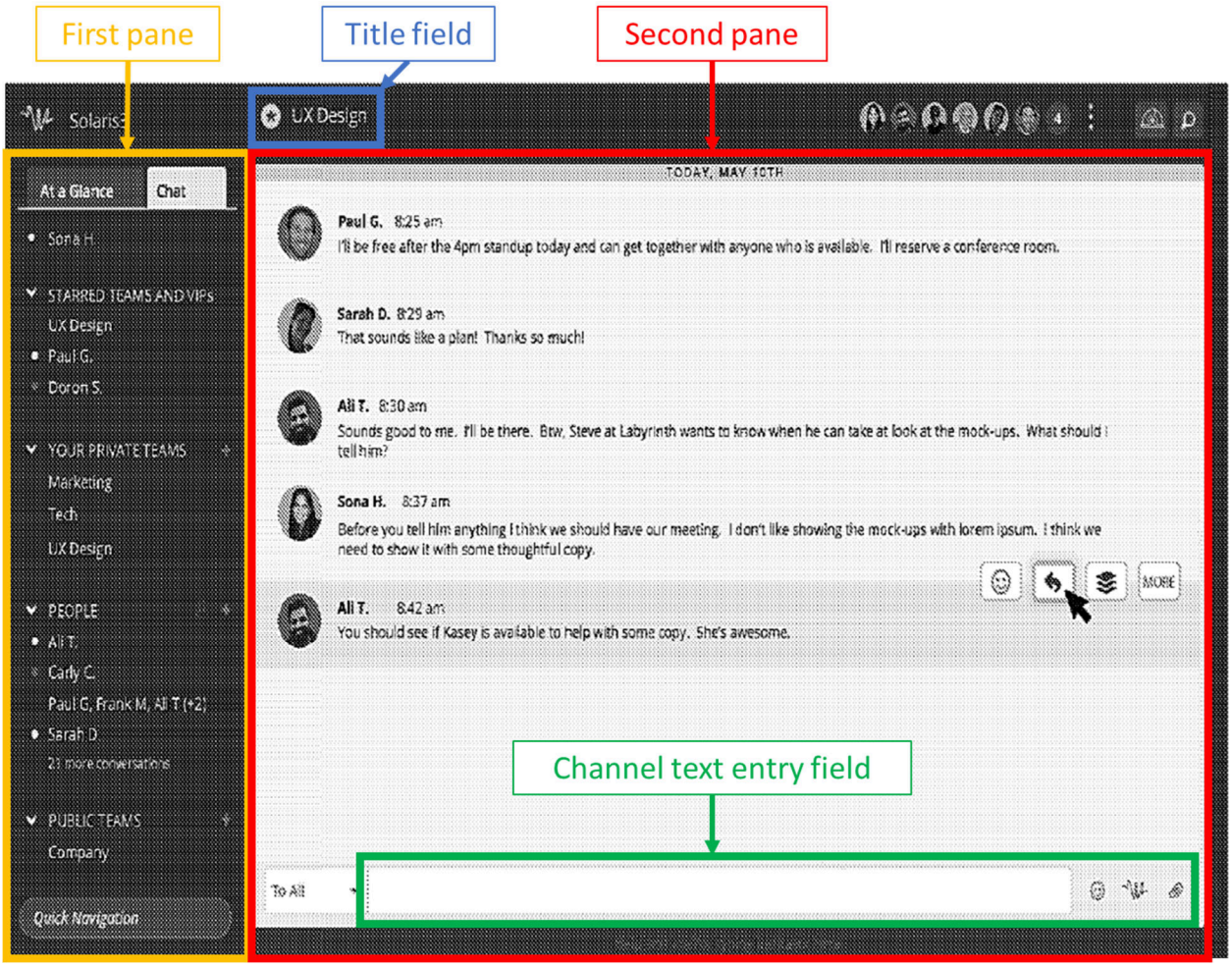
Ex-2017 at 206 (Fig. 10A) (annotated). Thus, the '663 application discloses this limitation. Ex-2018, ¶54.

> *1[e] wherein, associated with said second pane, is a channel text entry field that is user operable to generate communication in said selected one of said plurality of group-based communication channels, and a title field displaying information identifying said selected one of said plurality of group-based communication channels,*

The '663 application discloses this limitation. Ex-2018, ¶55. The '663 application discloses that "message window panel 320 [i.e., the second pane] also includes . . . a text entry region 327 that allows the participants to insert and

reformat the text (i.e., bold, italics, color), add a link (hypertext link) or file, or insert an actionable object or bundle communications into a chat session." Ex-2017 at 27; *see also* Petition at 26-27. "Each message that is entered into the text entry region 327 is displayed in the message window panel 320 [i.e., second pane]." Ex-2017 at 27; *see also* Petition at 27.

Figure 10A depicts an example of this channel text entry field associated with the second pane, and it discloses a title field displaying information identifying the selected channel:

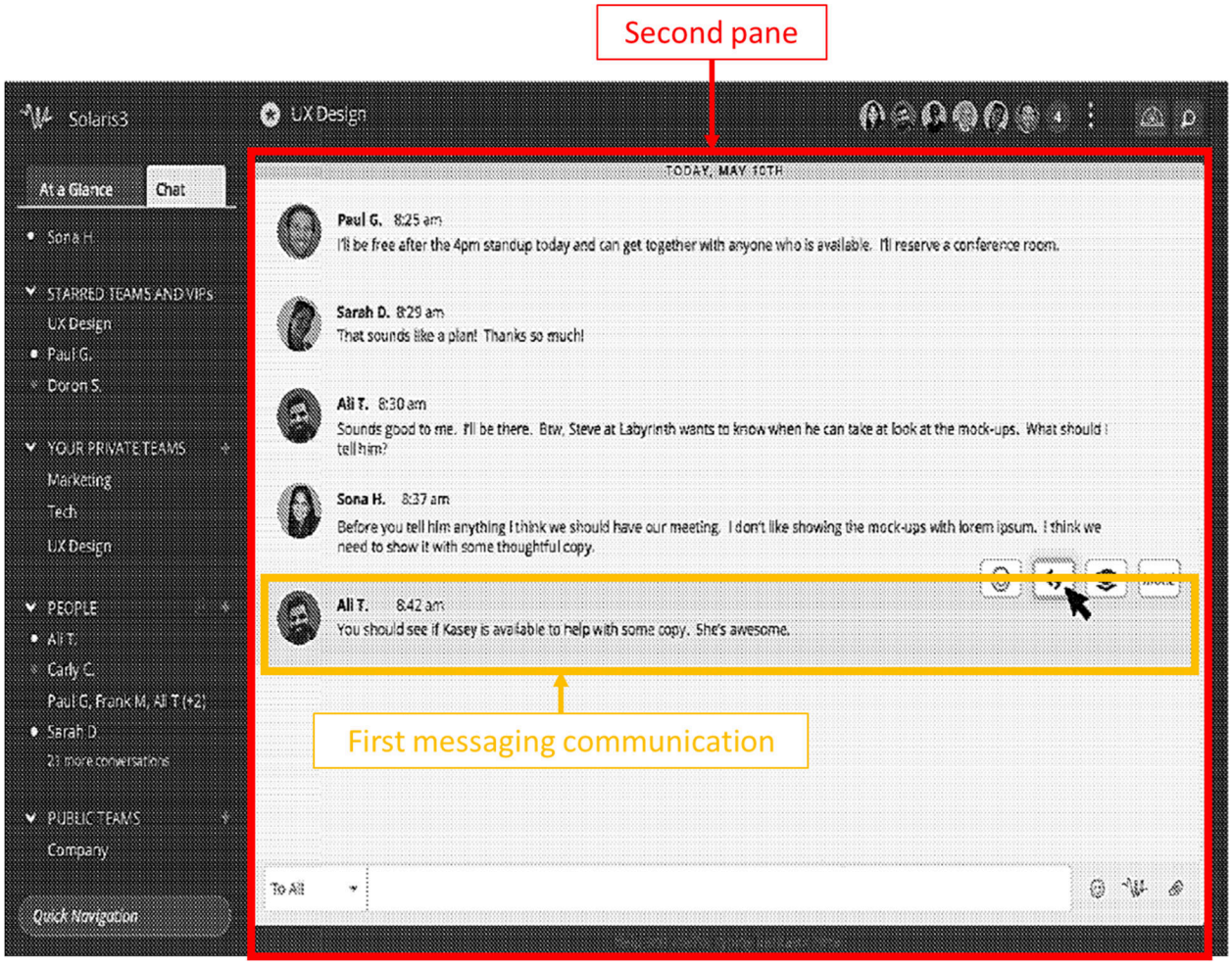


Ex-2017 at 206 (Fig. 10A) (annotated). Thus, the '663 application discloses this limitation. Ex-2018, ¶56.

> *1[f] receive a first messaging communication associated with the selected one of the plurality of group-based communication channels, the selected one of the plurality of group-based communication channels comprising messaging communications, including said first messaging communication, between members of the group associated with said selected one of the plurality of group-based communication channels;*

The '663 application discloses this limitation. Ex-2018, ¶57. The '663 application teaches that a participant can create and send a first messaging communication to the client device of a receiving participant who is actively engaged in the same chat session. Ex-2017 at 33; *see also* Petition at 29. The second pane then "displays the chat messages 325 exchanged by the participants." Ex-2017 at 27; *see also* Petition at 29.

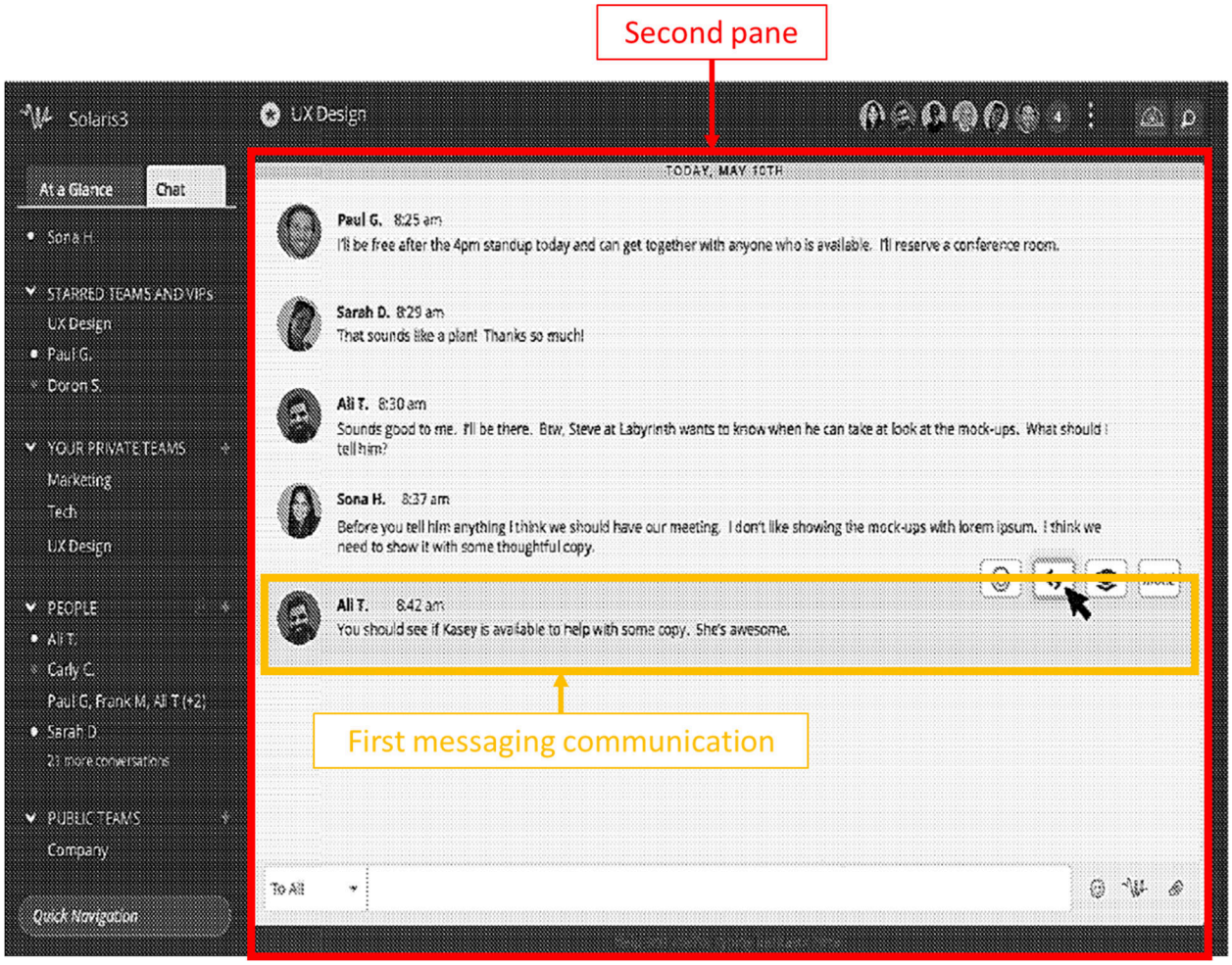
Figure 10A illustrates receiving a first messaging communication associated with the selected channel and displaying it in the second pane along with other messaging communications associated with the selected channel:



Ex-2017 at 206 (Fig. 10A) (annotated). Thus, the '663 application discloses this limitation. Ex-2018, ¶58.

1[g] display said first messaging communication within said second pane;

The '663 application discloses this limitation. Ex-2018, ¶59. For example, Figure 10A illustrates displaying the first messaging communication within the second pane:

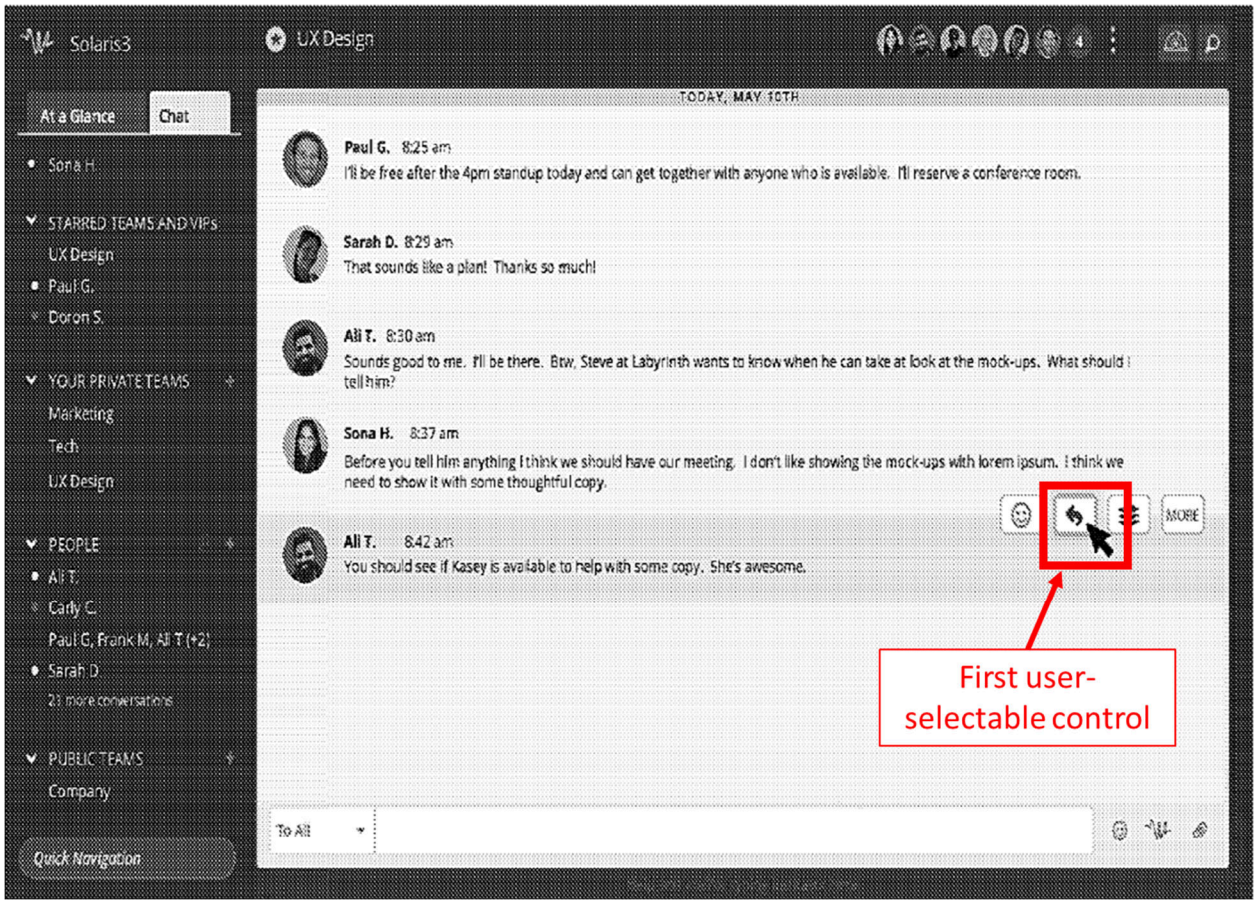


Ex-2017 at 206 (Fig. 10A) (annotated). Thus, the '663 application discloses this limitation. Ex-2018, ¶59.

1[h] display a first user-selectable control associated with said first messaging communication;

The '663 application discloses this limitation. Ex-2018, ¶60. The '663 application discloses a "control 533" that is "associated with a message" and "activat[able]" (i.e., selectable) by a user to "initiate [a] sidebar session 531." Ex-2017 at 43; *see also* Petition at 34. For example, control 533 may include an "'arrow' icon" that, when clicked, causes the associated message to be "designated

an 'anchor message'" and be "displayed in a separate pane . . . referred to as a sidebar." Ex-2017 at 57. Figure 10A depicts this arrow icon (first user-selectable control):



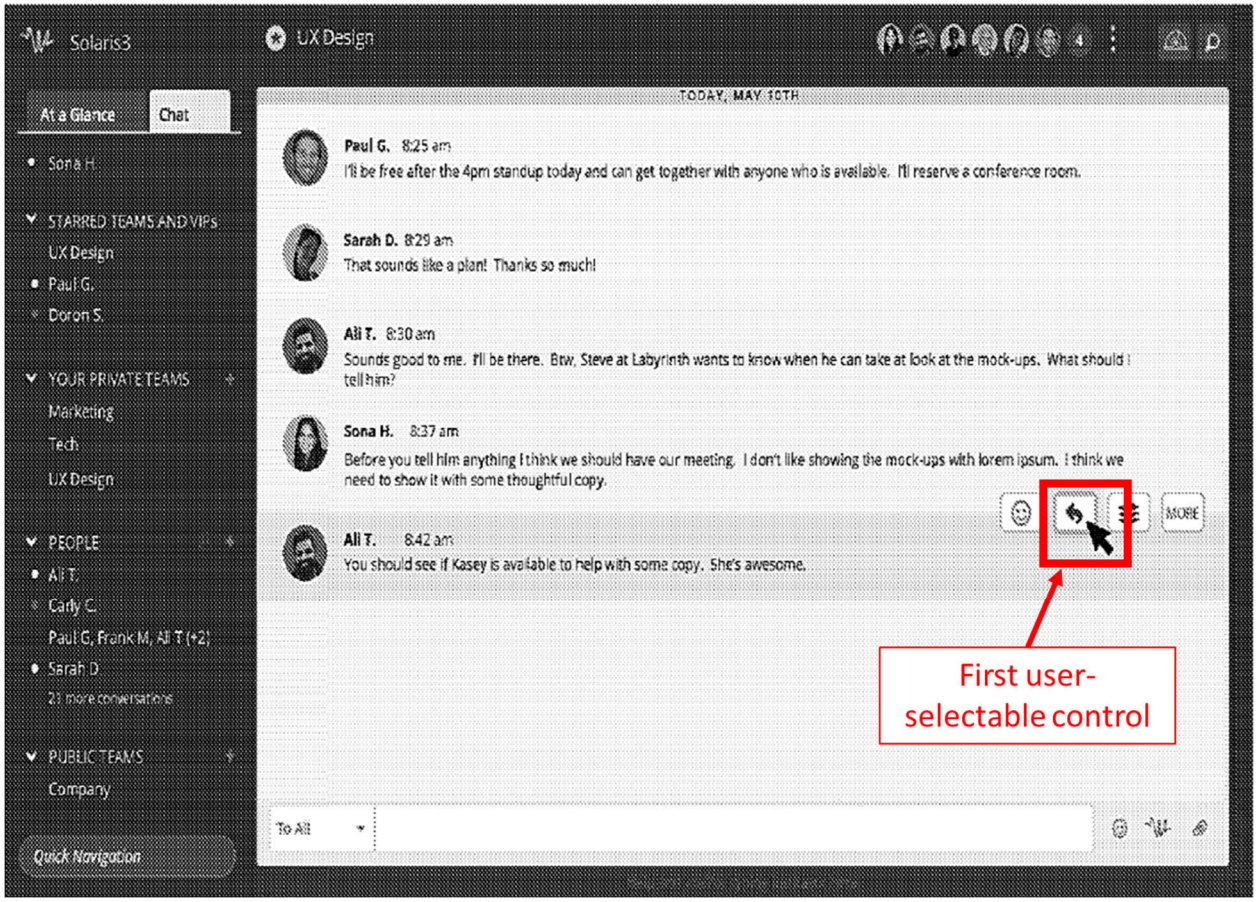
Id. at 206 (Fig. 10A) (annotated). Thus, the '663 application discloses this limitation. Ex-2018, ¶60.

> *1[i] in response to a user selection of said first user-selectable control, display a third pane, said third pane displaying said first messaging communication and having an associated sidebar text-entry field that is different from said channel text-entry field and operable to receive user input of an additional messaging communication;*

The '663 application discloses this limitation. Ex-2018, ¶61. For example,

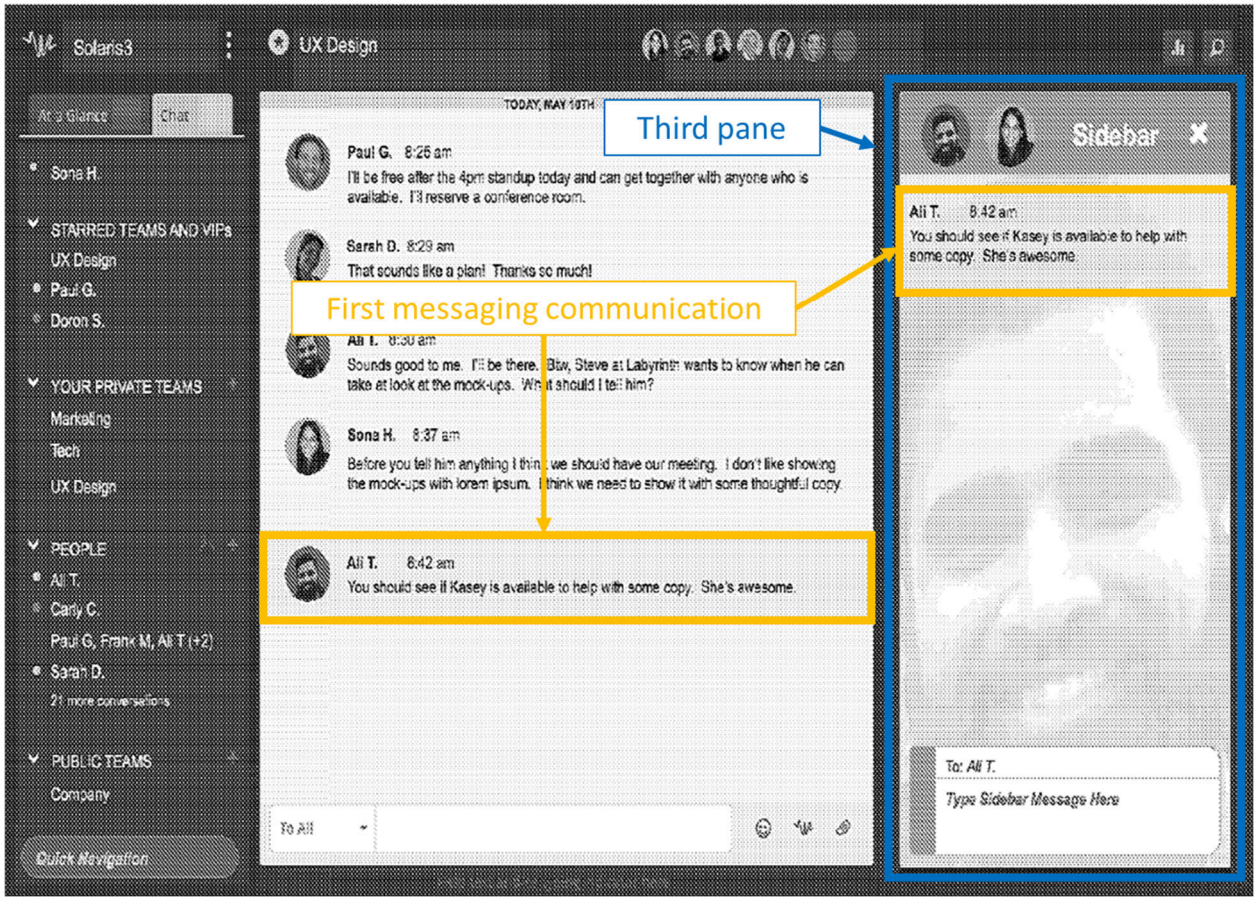
the '663 application discloses that when a user selects the first user-selectable control associated with a first messaging communication, it "results in the message . . . being designated an 'anchor message'" and "being displayed in a separate pane [i.e., third pane] . . . referred to as a sidebar." Ex-2017 at 57; *see also id.* at 43; Petition at 36.

Figures 10A and 10B illustrate this process. Figure 10A depicts a user ("in this case, Sona, but it could be another participant") clicking the first user-selectable control (arrow icon) associated with the first messaging communication ("the message that was sent by Ali at 8:42 AM"). Ex-2017 at 57.



Id. at 206 (Fig. 10A) (annotated).

"Sona's action results in the message that was sent by Ali at 8:42 AM [i.e., the first messaging communication] being designated an 'anchor message'" and "being displayed in a separate pane . . . referred to as a sidebar," as shown in Figure 10B. *Id.* at 57.



Id. at 207 (Fig. 10B) (annotated).

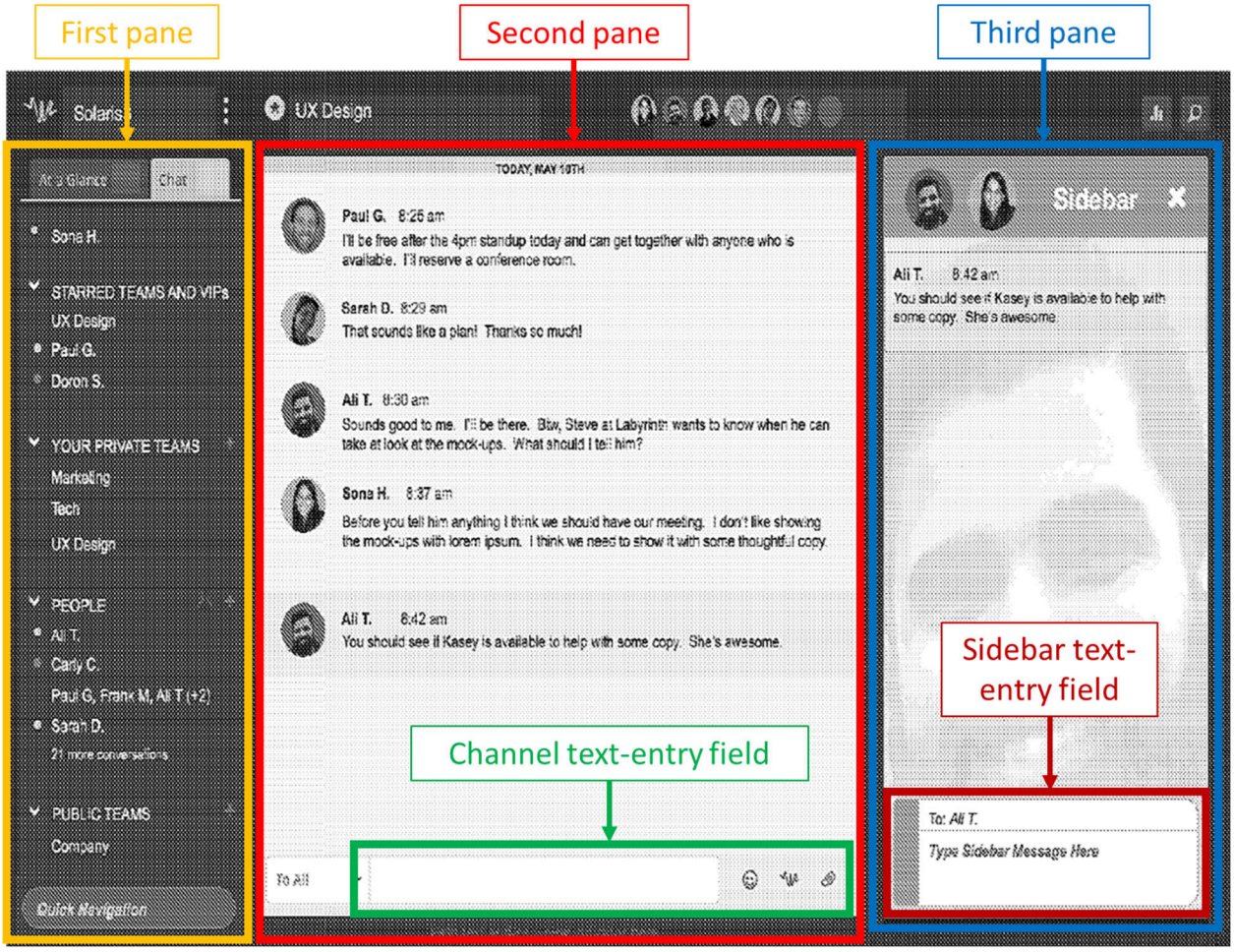
Figure 10B also shows that the third pane (sidebar) has an associated sidebar text-entry field that is different from the channel text-entry field and operable to receive user input of an additional messaging communication:



Id. (Fig. 10B) (annotated). Thus, the '663 application discloses this limitation. Ex-2018, ¶64.

> *1[j] wherein said third pane and said sidebar text-entry field are displayed simultaneously with said first pane, said second pane and said channel text-entry field; and*

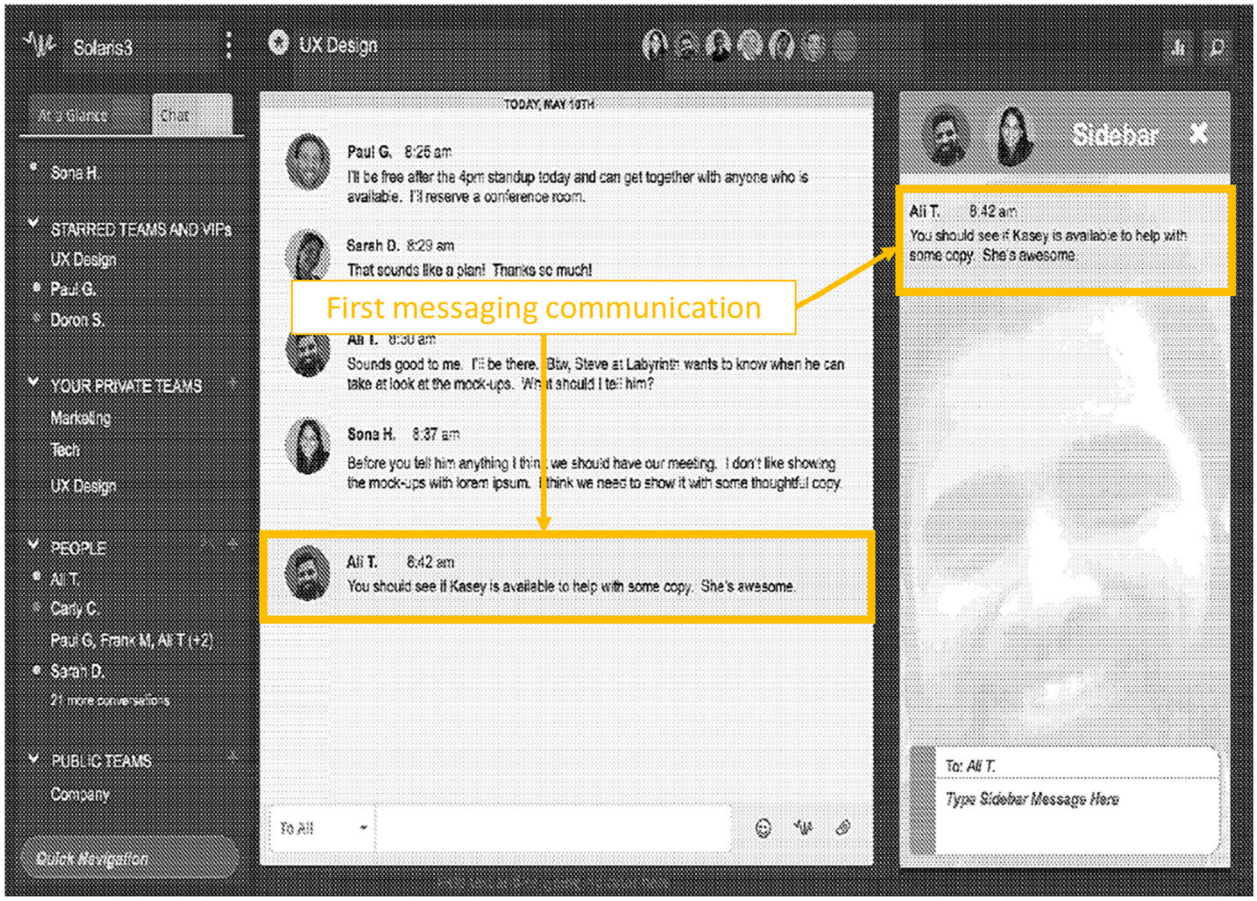
The '663 application discloses this limitation. Ex-2018, ¶65. For example, Figure 10B illustrates the third pane and the sidebar text-entry field displayed simultaneously with the first pane, second pane, and channel text-entry field:



Ex-2017 at 207 (Fig. 10B) (annotated). Thus, the '663 application discloses this limitation. Ex-2018, ¶65.

1[k] wherein said first messaging communication is displayed within said third pane and said second pane simultaneously;

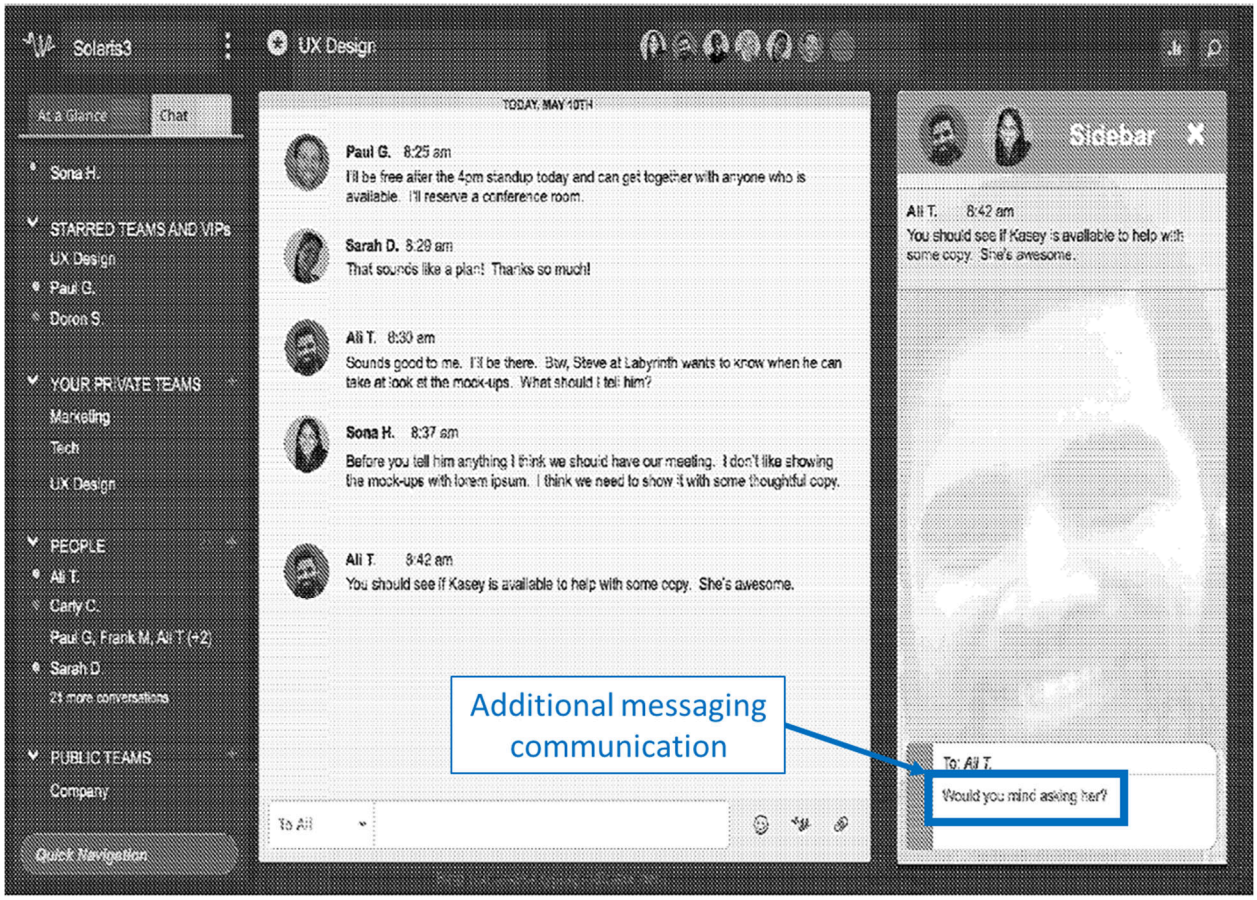
The '663 application discloses this limitation. Ex-2018, ¶66. For example, Figure 10B illustrates an example where the first messaging communication is displayed within the third pane and second pane simultaneously:



Ex-2017 at 207 (Fig. 10B) (annotated). Thus, the '663 application discloses this limitation. Ex-2018, ¶66.

1[l] receive user input of an additional messaging communication in said sidebar text-entry field;

The '663 application discloses this limitation. Ex-2018, ¶67. For example, Figure 10D illustrates receiving user input of an additional messaging communication in the sidebar text-entry field. "In Fig. 10D, Sona types the message 'would you mind asking her?'" into the sidebar text-entry field. Ex-2017 at 58.

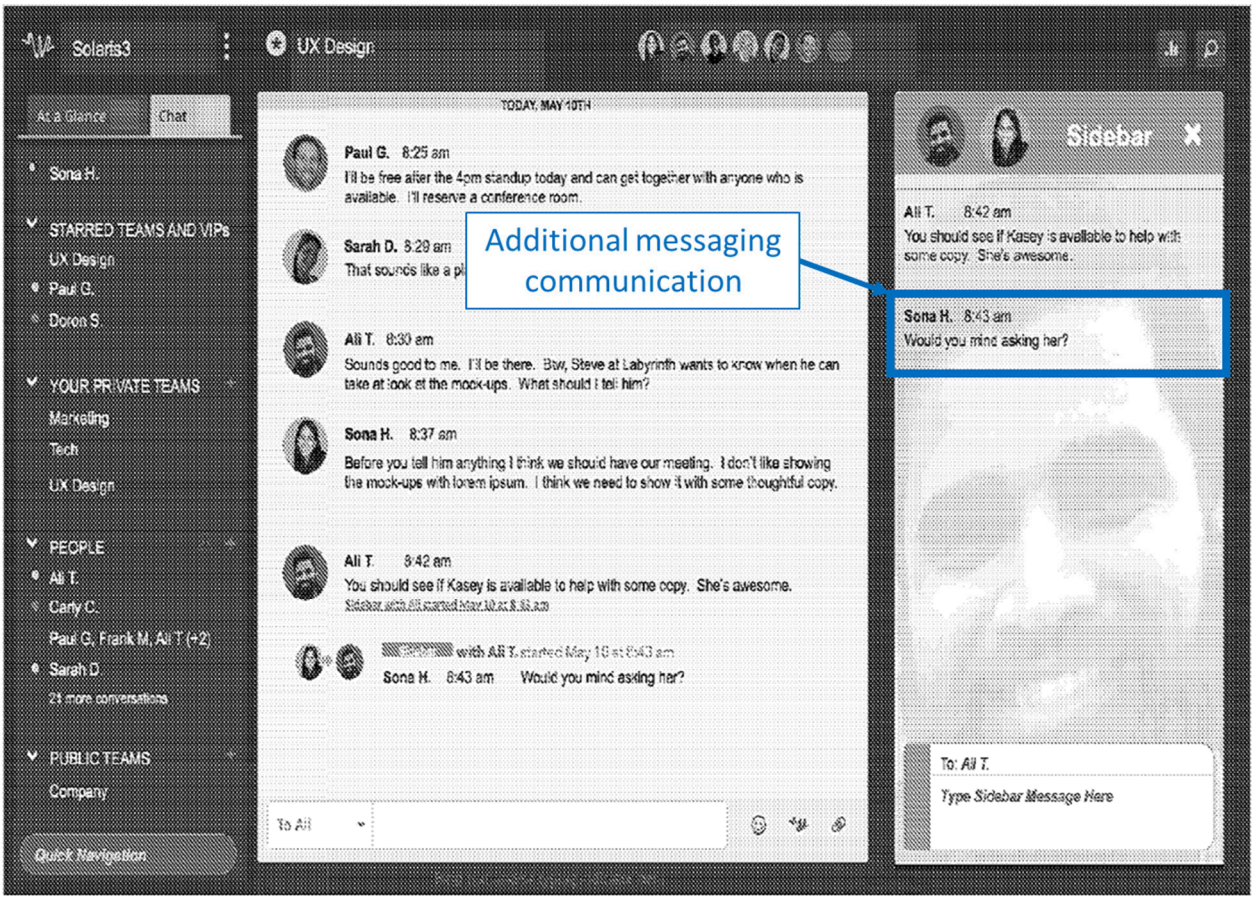


Ex-2017 at 209 (Fig. 10D) (annotated). Thus, the '663 application discloses this limitation. Ex-2018, ¶67.

> *1[m] after receipt of said user input: transmit said additional messaging communication, via a network, to at least one member of the group associated with said selected group-based communication channel and*

The '663 application discloses this limitation. Ex-2018, ¶68. Continuing with the example discussed above in which Sona types an additional messaging communication into the sidebar text-entry field, the '663 application states: "Upon pressing the enter key (or taking some other step that transmits the character[s] just typed in) . . . , Sona's response appears in the sidebar and is transmitted to Ali" via

a network. Ex-2017 at 58. This process is illustrated in Figure 10E:

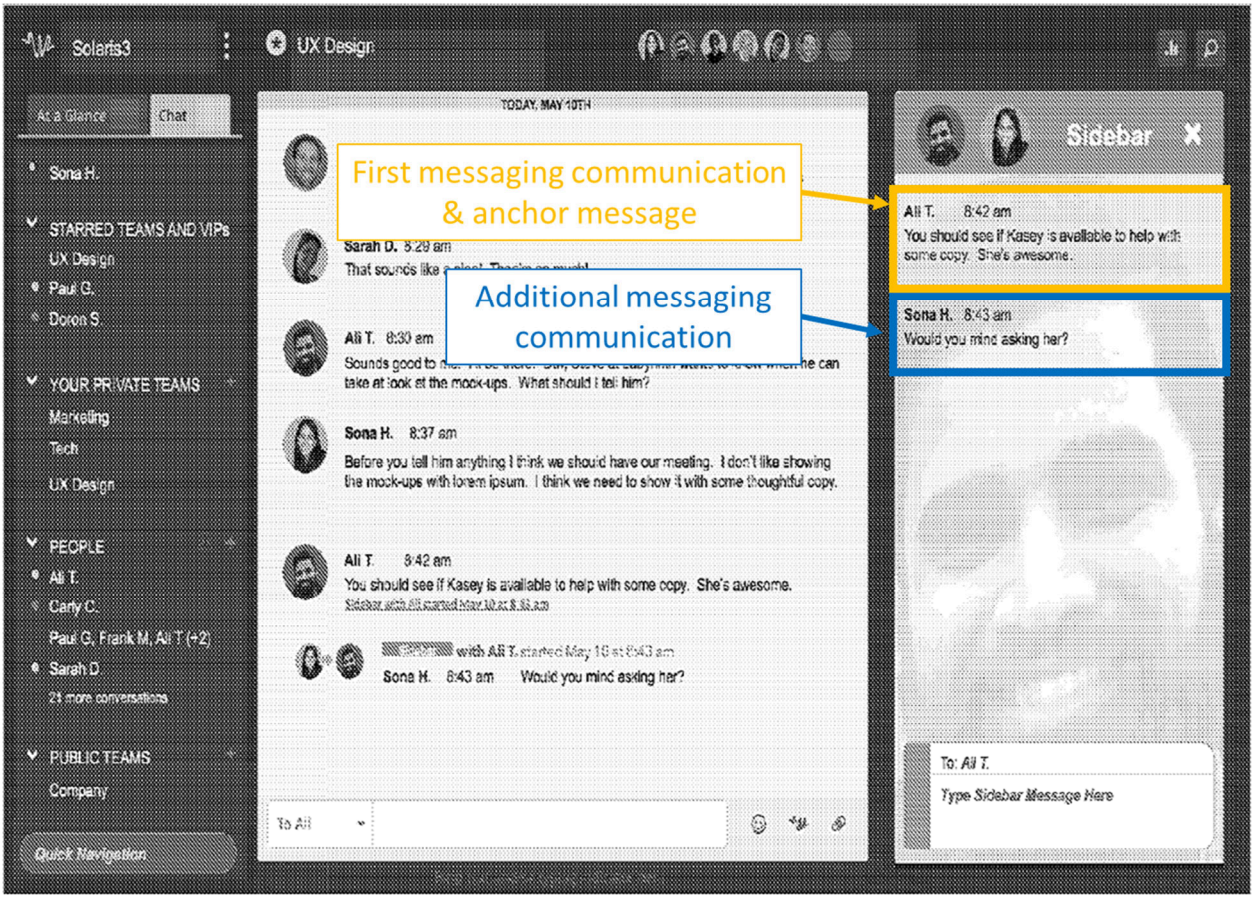


Id. at 210 (Fig. 10E) (annotated). Thus, the '663 application discloses this limitation. Ex-2018, ¶68.

> *1[n] display, in said third pane, a first subsidiary communication thread having an anchor message, said thread comprising said first messaging communication together with said additional messaging communication, wherein said first messaging communication is the anchor message of said first subsidiary communication thread;*

The '663 application discloses this limitation. Ex-2018, ¶69. Continuing with the example mentioned above, Sona's action of clicking the arrow icon (first user-selectable control) associated with Ali's 8:42 AM message (first messaging

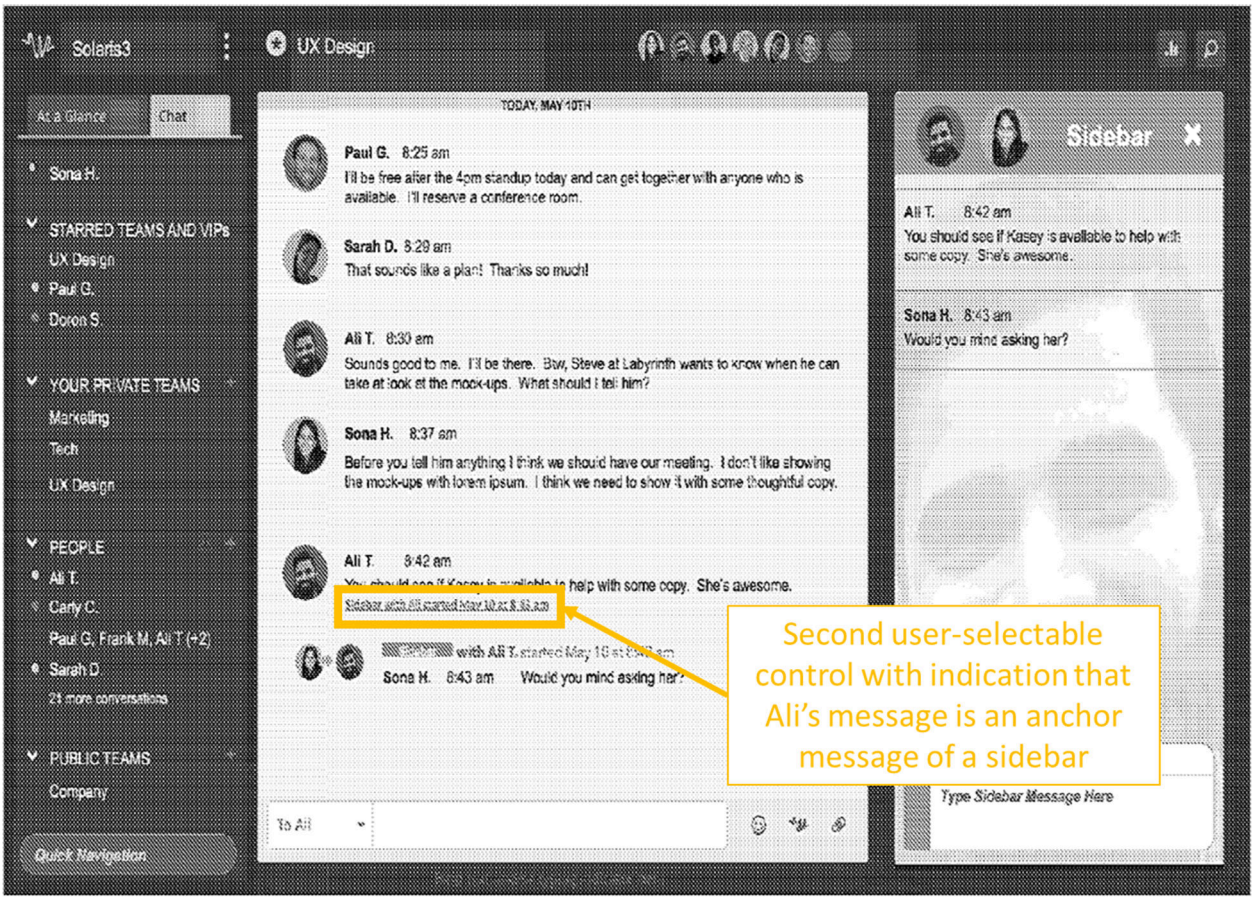
communication) "results in the message . . . being designated an 'anchor message'" of a "sidebar conversation" (first subsidiary communication thread) and being displayed in the sidebar (third pane). Ex-2017 at 57. Further, Sona's response (additional messaging communication) is also displayed in the sidebar (third pane) as part of this "sidebar conversation" (first subsidiary communication thread). *Id.* at 57-58. Figure 10E illustrates:



Id. at 210 (Fig. 10E) (annotated). Thus, the '663 application discloses this limitation. Ex-2018, ¶69.

1[o] display a second user-selectable control associated with said first messaging communication in said second pane, said second user-selectable control being associated with an indication that said first messaging communication is an anchor message of a subsidiary communication thread, and being configured to:

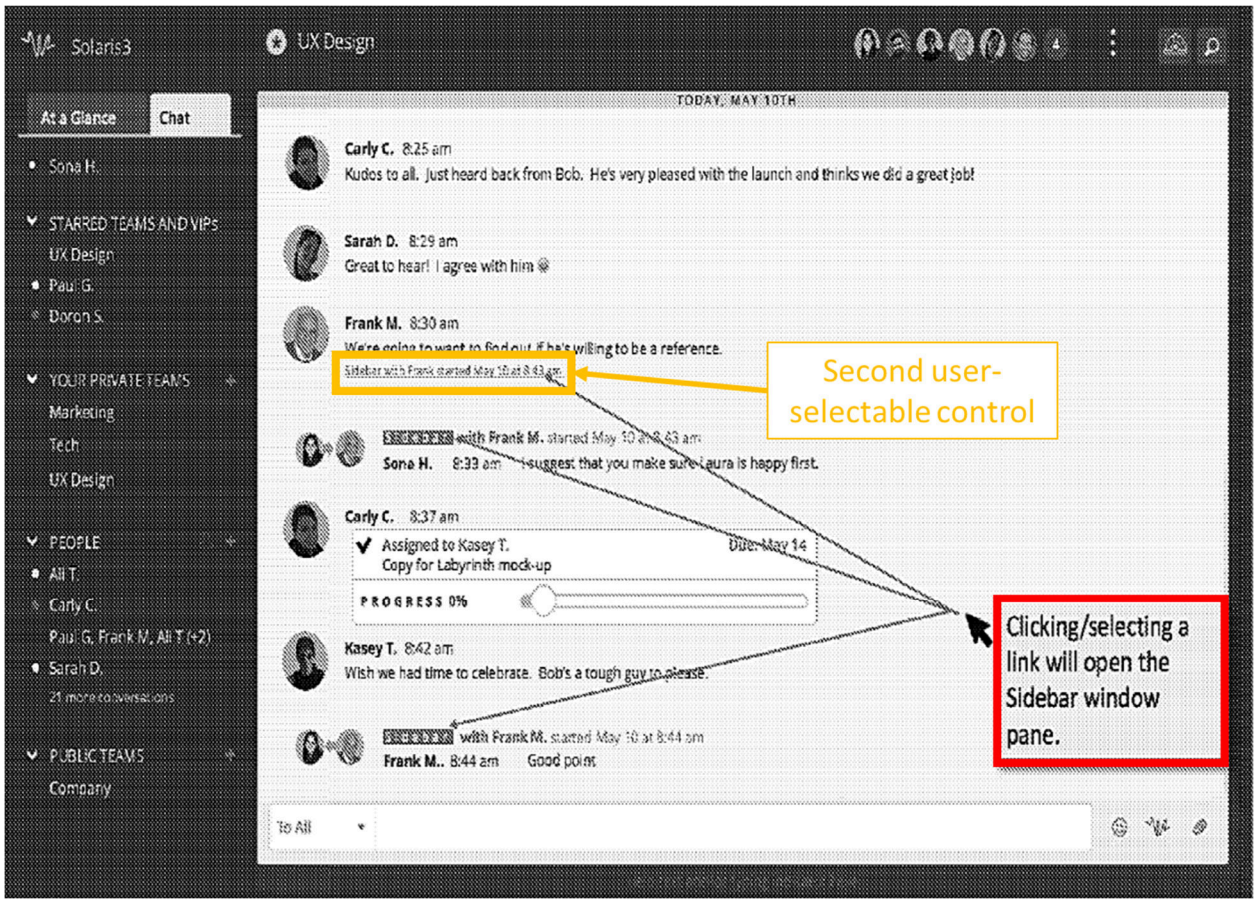
The '663 application discloses this limitation. Ex-2018, ¶70. For example, Figure 10E shows a link (second user-selectable control) associated with Ali's 8:42 AM message (first messaging communication) in the second pane, and this link includes an indication that the message is an anchor message of a "Sidebar" conversation (subsidiary communication thread):



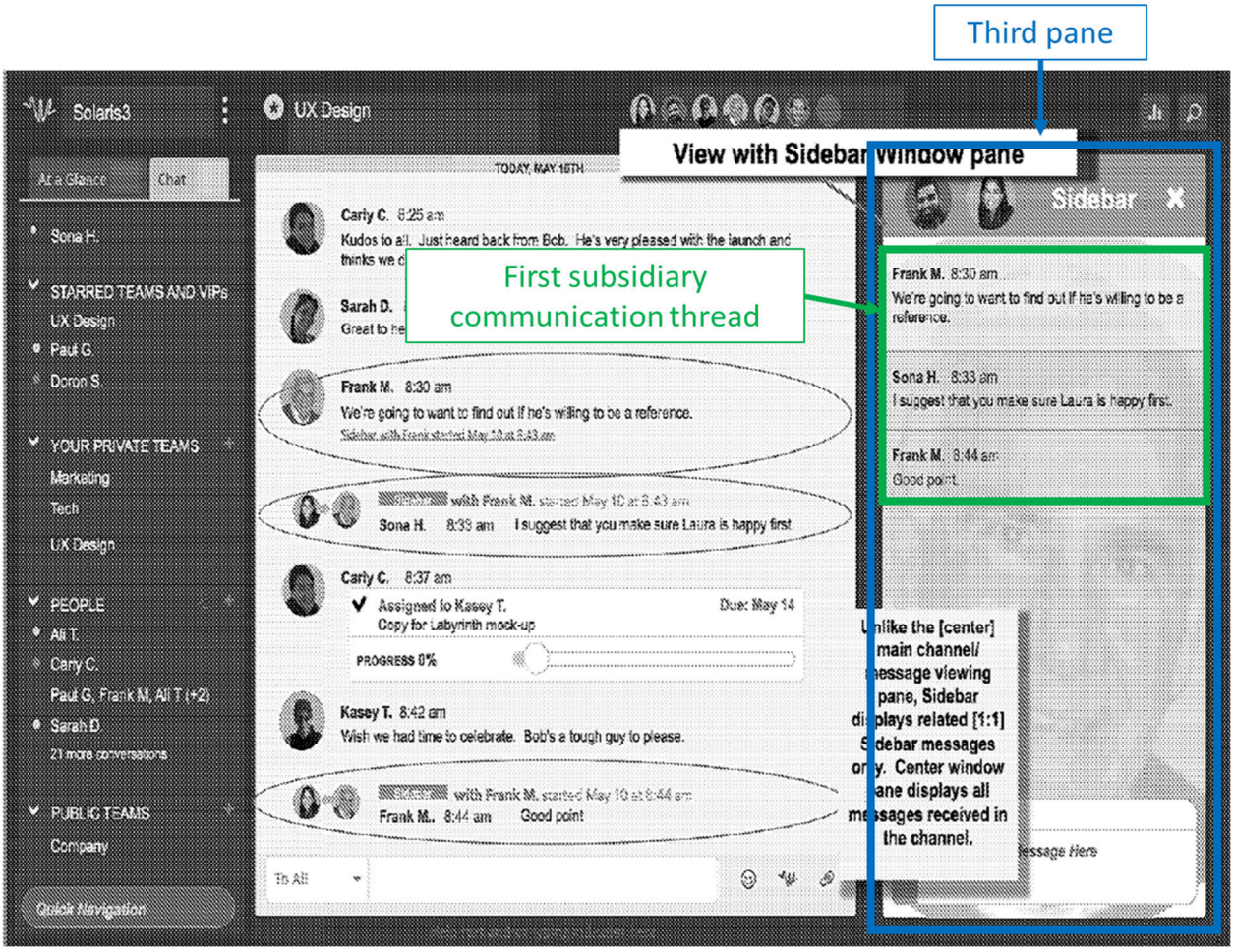
Ex-2017 at 210 (Fig. 10E) (annotated); *see also id.* at 211-214 (showing additional examples of the second user-selectable control). Thus, the '663 application discloses this limitation. Ex-2018, ¶70.

> *1[p] in response to a user selection of said second user selectable control, cause at least a portion of said first subsidiary communication thread containing said first messaging communication to be displayed in said third pane.*

The '663 application discloses this limitation. Ex-2018, ¶71. For example, the '663 application states, "Clicking/selecting one of the links corresponding to a collapsed sidebar message will open the sidebar [i.e., third pane] and allow the conversation [i.e., first subsidiary communication thread] to continue in the sidebar." Ex-2017 at 58. Figures 10G and 10H illustrate this process:



Id. at 212 (Fig. 10G) (annotated).



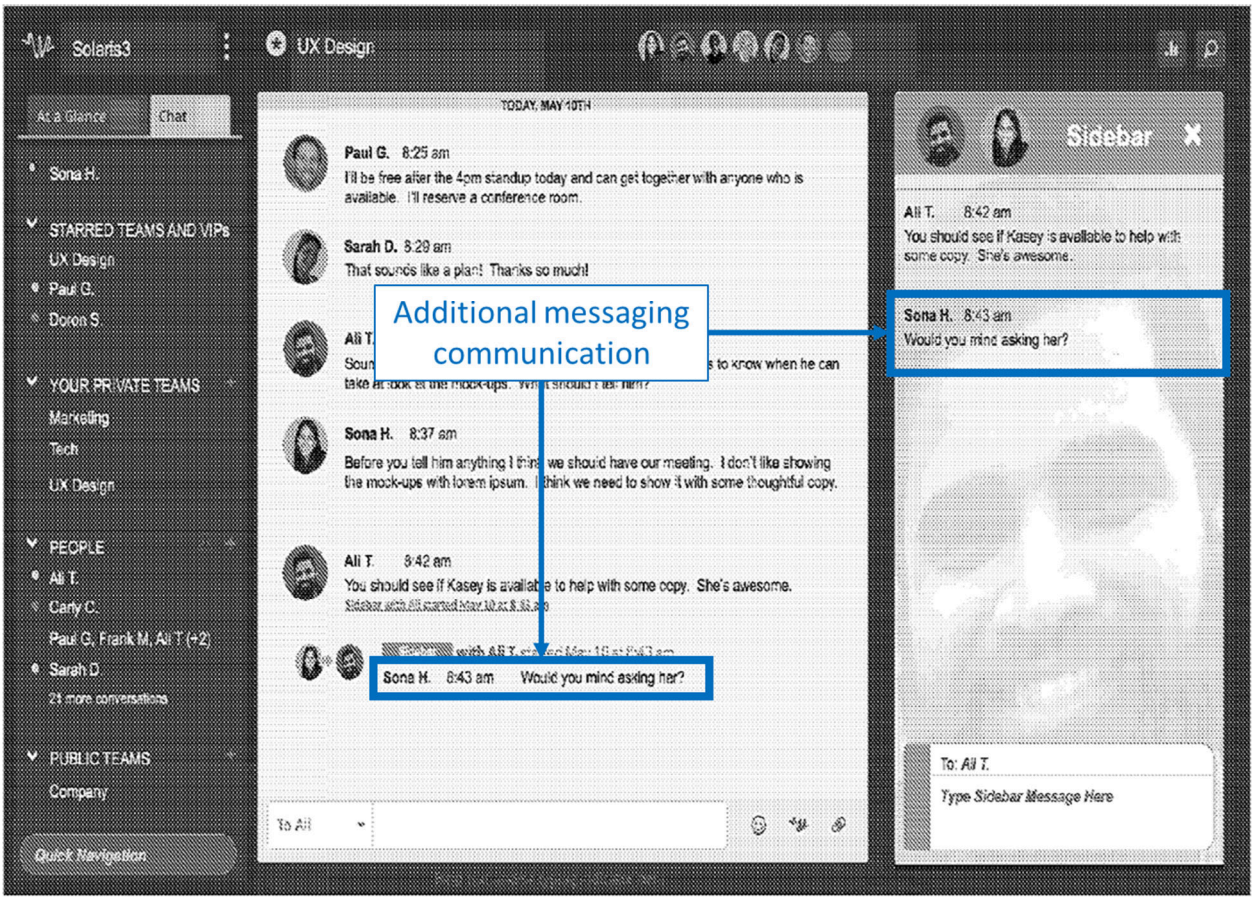
Id. at 213 (Fig. 10H) (annotated). Thus, the '663 application discloses this limitation. Ex-2018, ¶71.

2. Dependent Claim 2

The apparatus of claim 1, further comprising instructions for causing the apparatus to display said additional messaging communication in said second pane while said additional messaging communication is being displayed in said third pane.

The '663 application discloses this claim. Ex-2018, ¶72. For example, the '663 application states that "the conversation that appears in the sidebar," which as explained above includes the additional messaging communication (*see, e.g.*, claim

limitations 1[l] and 1[m]), "can also (optionally) be displayed in the main conversation pane [i.e., second pane]." Ex-2017 at 58; *see also id.* at 43 ("In one implementation, the interface portal 500 may include controls 533 to integrate some or all of the private chat session 537 [i.e., first subsidiary communication thread] into the larger group session channel 525 for display to other participants."), 38 (discussing visibility field 434 to set whether a message is made visible to other participants in the second pane), 86 (depicting visibility field 434 as a checkbox labeled "Visible To All Dialog Participants?"); Petition at 52. Figure 10E illustrates this concept:

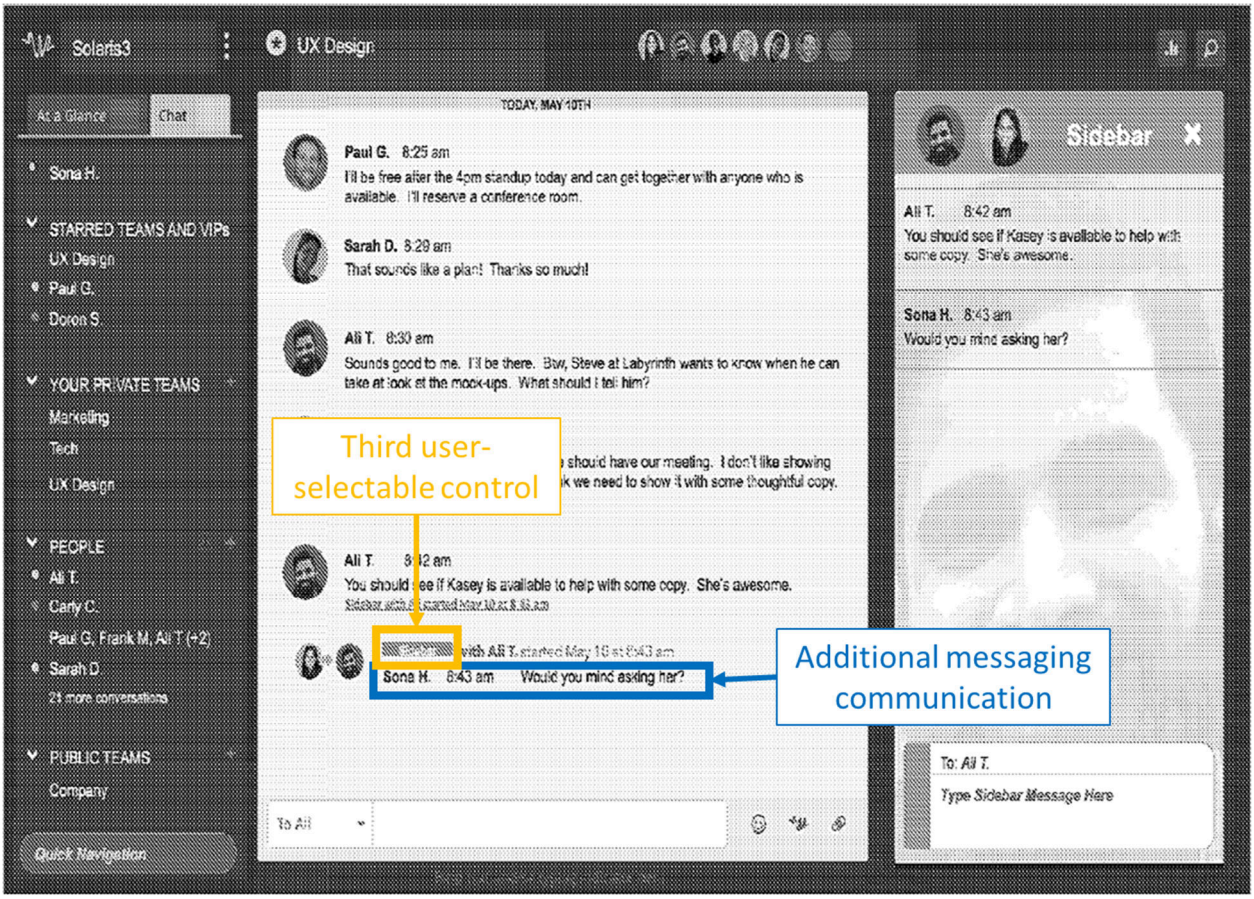


Ex-2017 at 210 (Fig. 10E) (annotated). Thus, the '663 application discloses this claim. Ex-2018, ¶72.

3. Dependent Claim 3

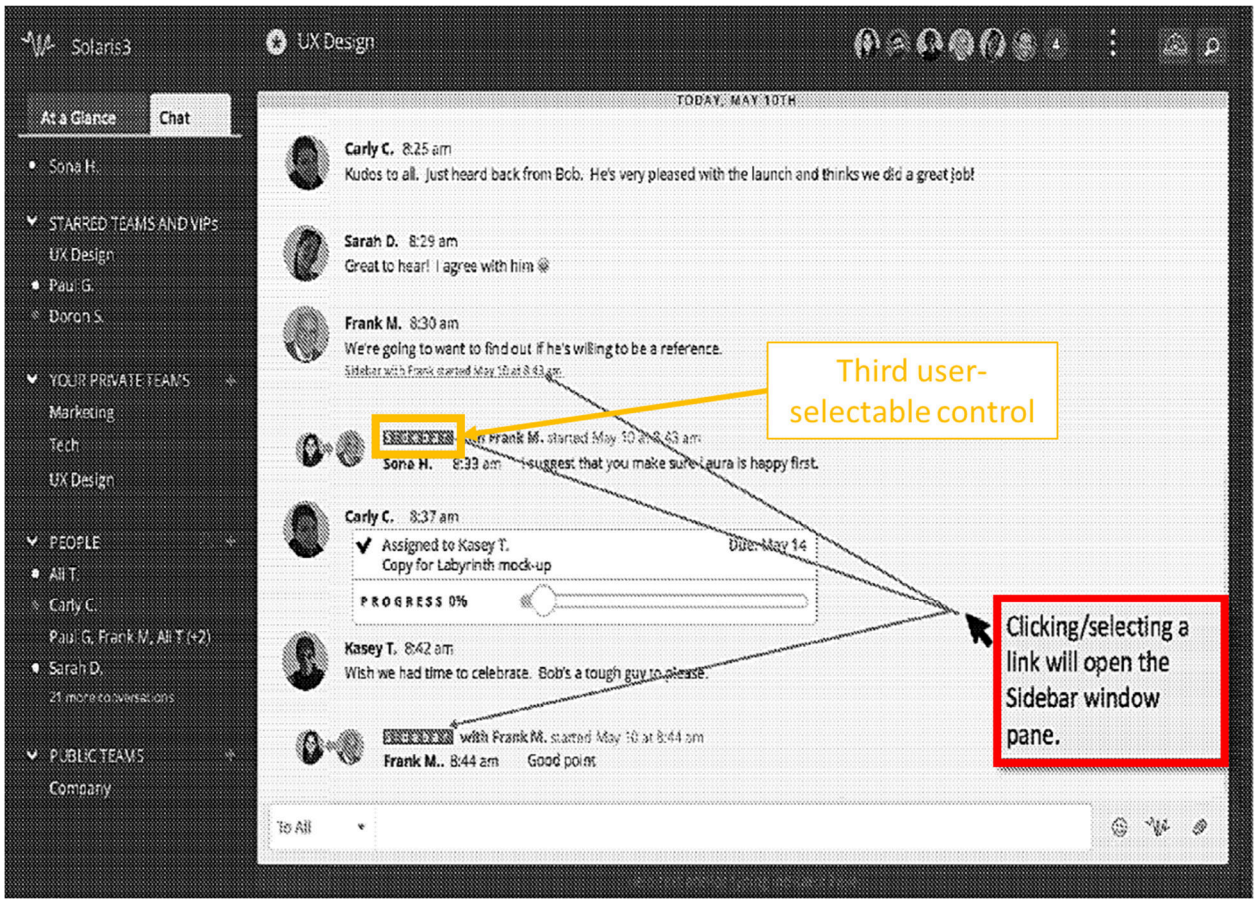
> *The apparatus of claim 2, wherein displaying said additional messaging communication in said second pane comprises providing a third user-selectable control associated with said additional messaging communication in said second pane, wherein said third user-selectable control is configured to: in response to user selection of said third user-selectable control, cause at least a portion of said first subsidiary communication thread containing said additional messaging communication to be displayed in a third pane.*

The '663 application discloses this claim. Ex-2018, ¶73. For example, Figure 10E depicts a "Sidebar" link (third user-selectable control) associated with Sona's additional messaging communication ("Would you mind asking her?") in the second pane:

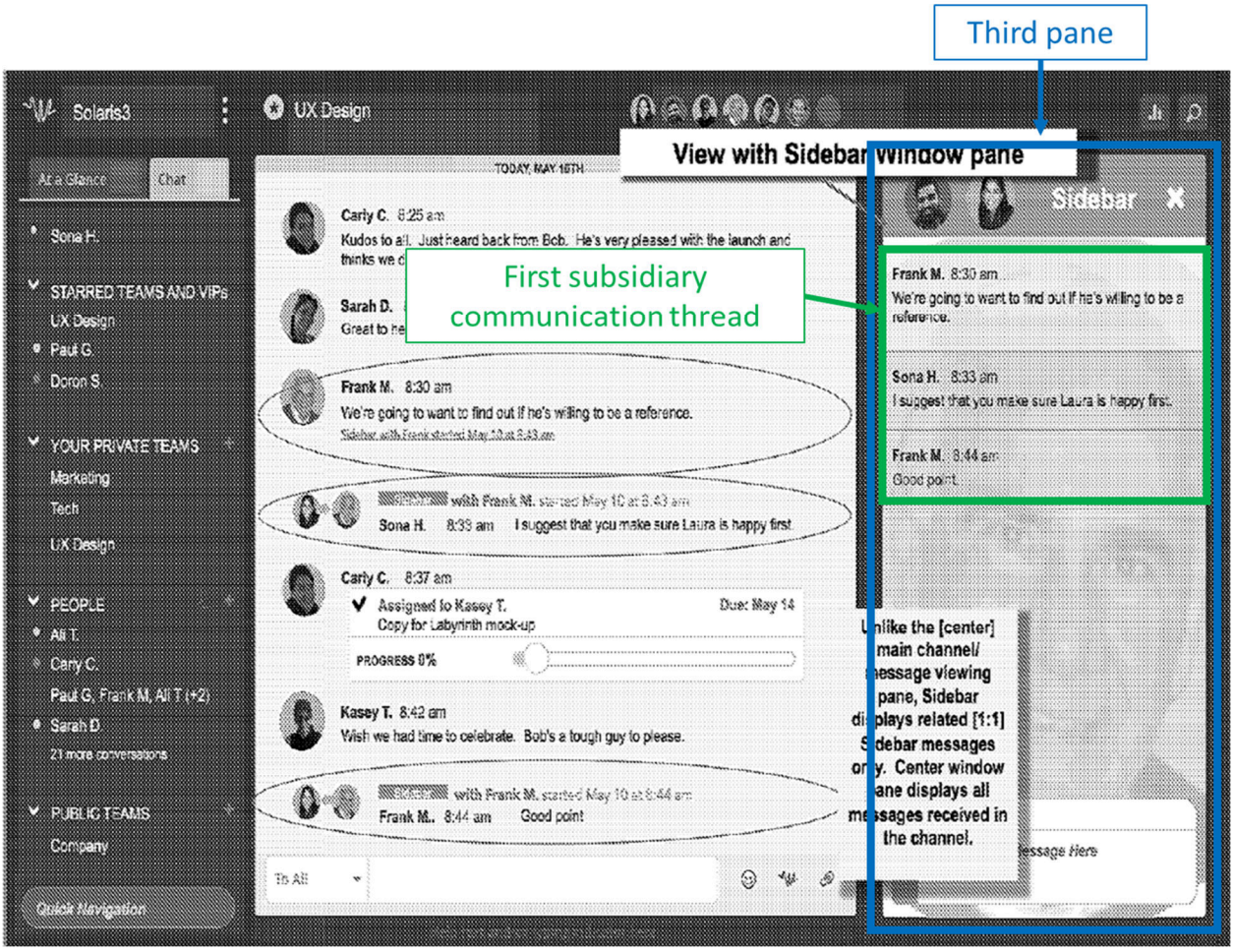


Ex-2017 at 210 (Fig. 10E) (annotated); *see also id.* at 211-214 (showing additional examples of the third user-selectable control).

The '663 application further states, "Clicking/selecting one of the links corresponding to a collapsed sidebar message will open the sidebar [i.e., third pane] and allow the conversation [i.e., first subsidiary communication thread] to continue in the sidebar." *Id.* at 58. Figures 10G and 10H illustrate this process:



Id. at 212 (Fig. 10G) (annotated).



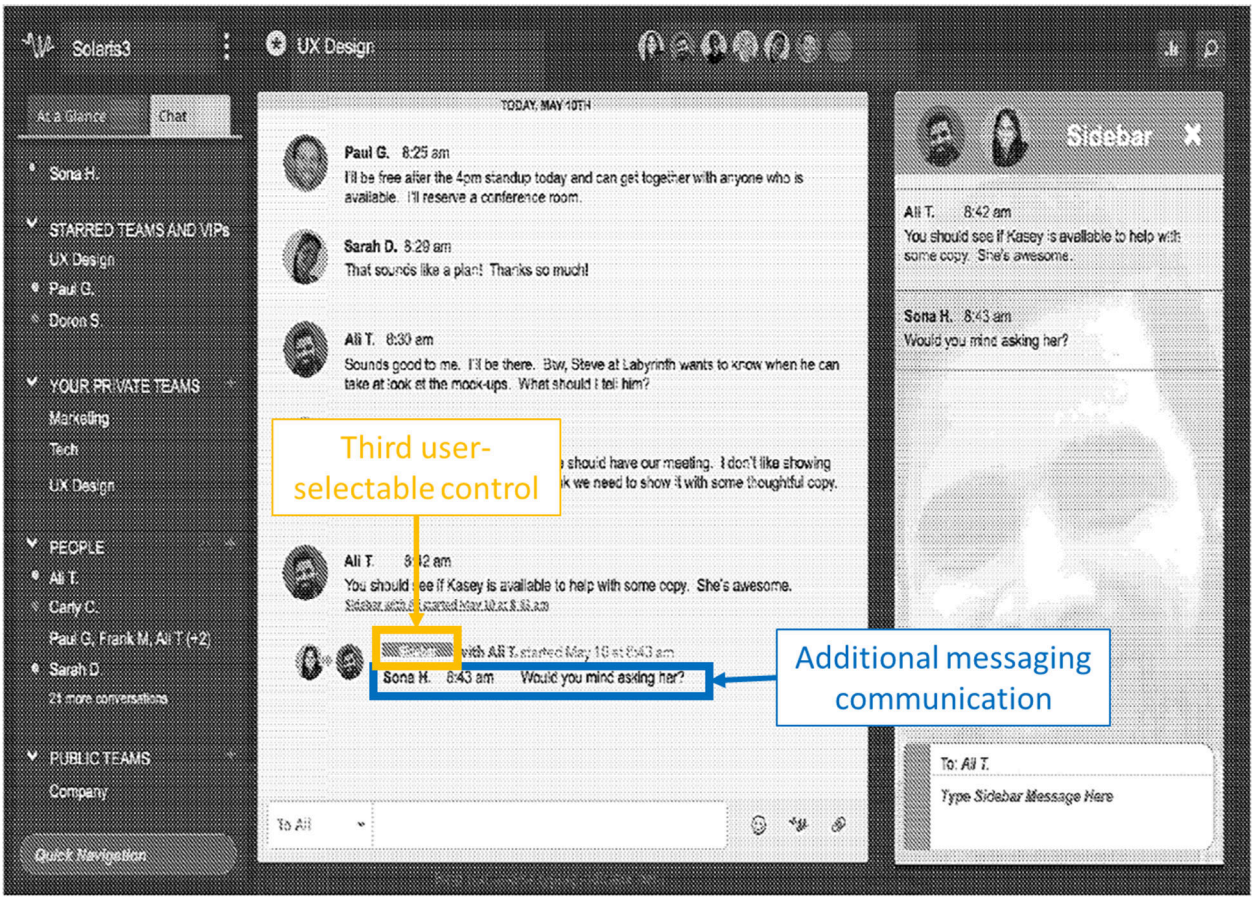
Id. at 213 (Fig. 10H) (annotated). Thus, the '663 application discloses this claim. Ex-2018, ¶74.

4. Dependent Claim 4

The apparatus of claim 3, wherein providing said third user-selectable control comprises displaying said third user-selectable control proximate to said additional messaging communication.

The '663 application discloses this claim. Ex-2018, ¶75. For example, Figure 10E shows that the "Sidebar" link (third user-selectable control) is displayed proximate to (i.e., in a location that creates a visual relationship with)

Sona's additional messaging communication ("Would you mind asking her? "):

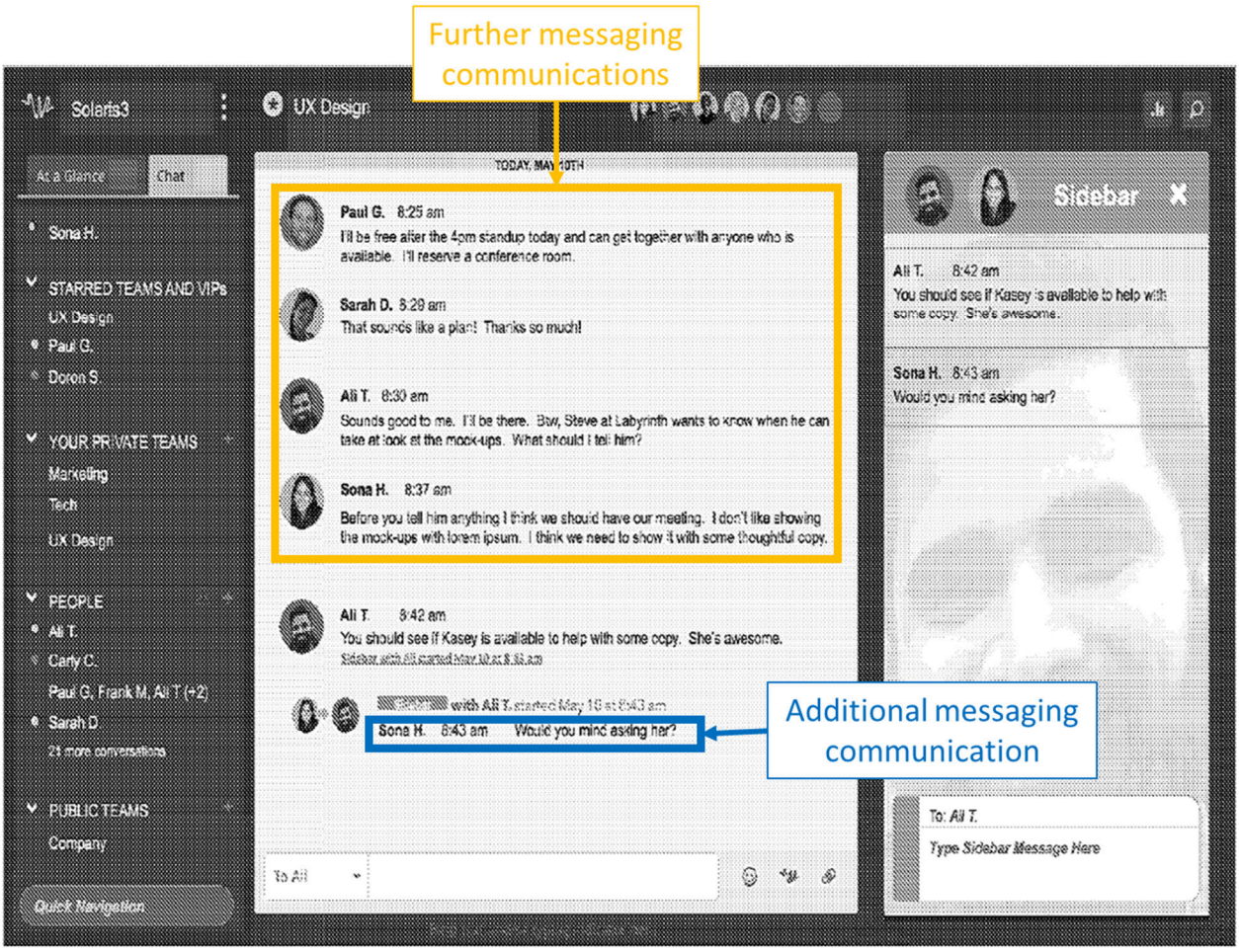


Ex-2017 at 210 (Fig. 10E) (annotated); *see also id.* at 211-214 (showing additional examples of the third user-selectable control, all proximate to additional messaging communications). Thus, the '663 application discloses this claim. Ex-2018, ¶75.

5. Dependent Claim 5

> *The apparatus of claim 2, wherein further messaging communications other than said first messaging communication and said additional messaging communications are also displayed in said second pane, and wherein displaying said additional messaging communication comprises displaying said additional messaging communication in the second pane in chronological order relative to said further messaging communications that are displayed in the second pane.*

The '663 application discloses this claim. Ex-2018, ¶76. For example, in Figure 10E, the second pane includes not only Sona's additional messaging communication ("Would you mind asking her?"), but also earlier messages from Paul, Sarah, Ali, and Sona (further messaging communications), all in chronological order:

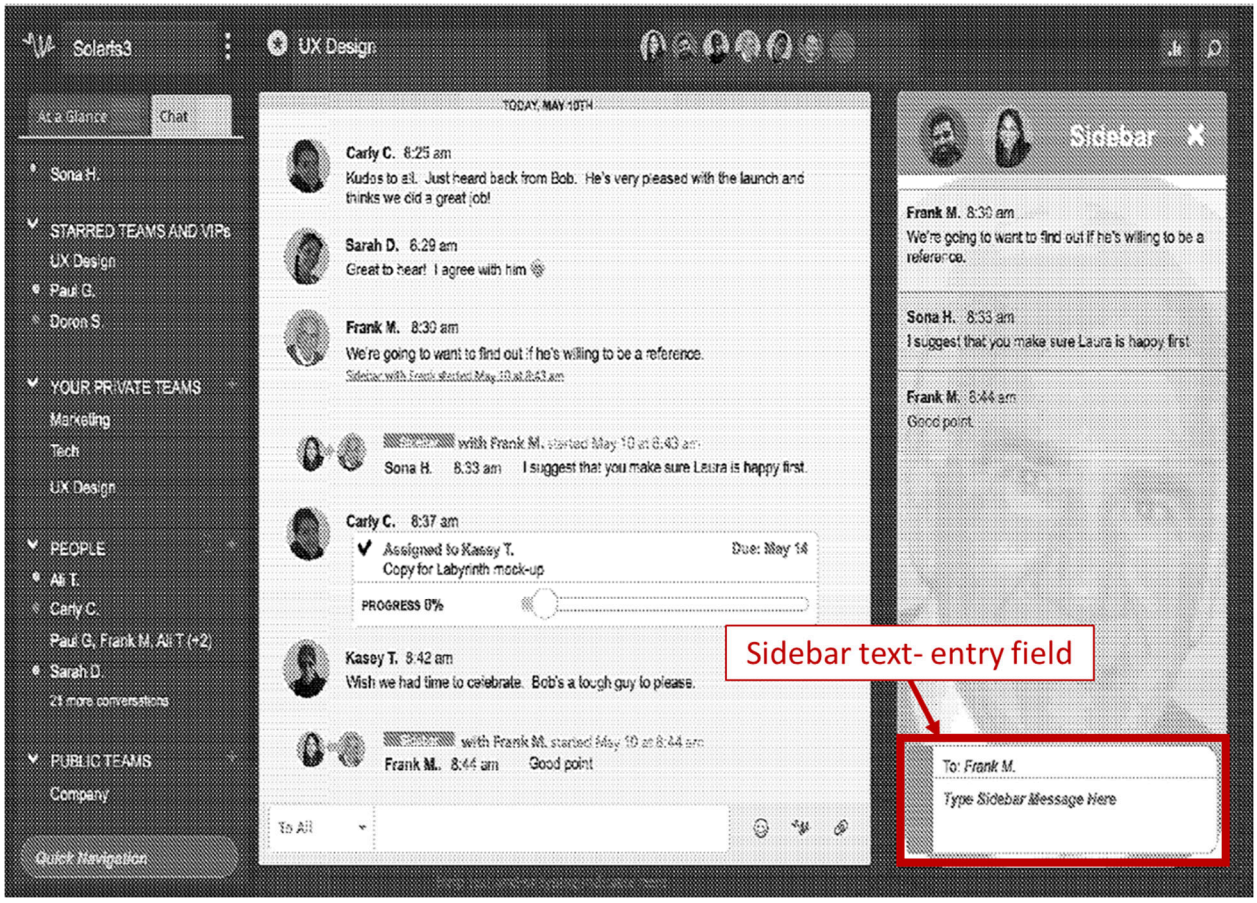


Ex-2017 at 210 (Fig. 10E) (annotated); *see also id.* at 211-214 (showing additional examples of additional messaging communications and further messaging communications displayed in the second pane in chronological order). Thus, the '663 application discloses this claim. Ex-2018, ¶76.

6. Dependent Claim 6

> *The apparatus of claim 3, wherein causing at least a portion of said first subsidiary communication thread containing said additional messaging communication to be displayed in said third pane comprises displaying said sidebar text-entry field associated with said third pane that is operable to receive said additional messaging communication.*

The '663 application discloses this claim. Ex-2018, ¶77. For example, the '663 application explains that Figure 10I depicts the interface following user selection of "one of the links corresponding to a collapsed sidebar message" (e.g., the third user-selectable control), which "open[s] the sidebar and allow[s] the conversation to continue in the sidebar." Ex-2017 at 58. And Figure 10I shows the sidebar text-entry field displayed:



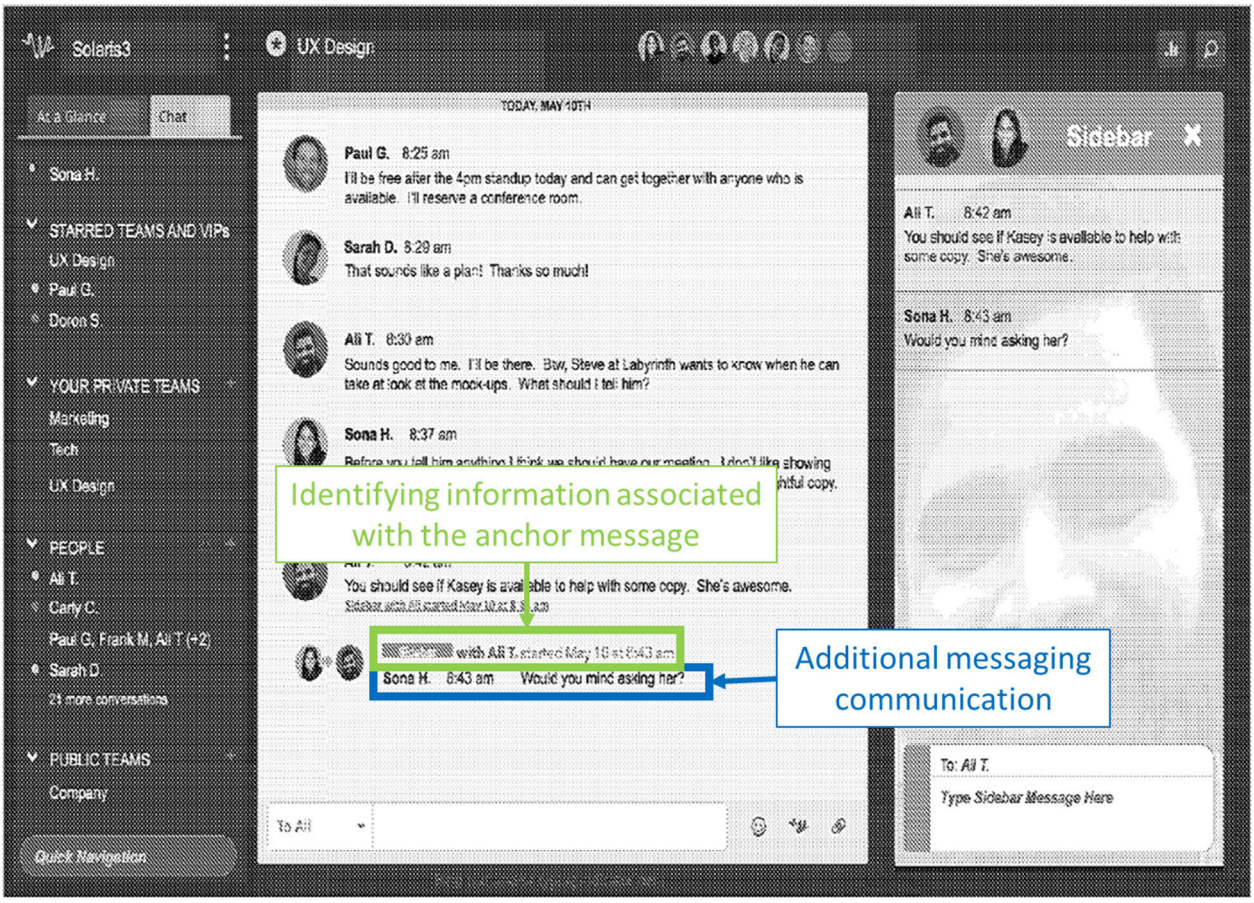
Id. at 214 (Fig. 10I) (annotated). Thus, the '663 application discloses this claim. Ex-2018, ¶77.

7. Dependent Claim 7

The apparatus of claim 3, wherein displaying said additional messaging communication in said second pane comprises, while said additional messaging communication is displayed in said second pane, displaying identifying information associated with the anchor message in association with said additional messaging communication in said second pane.

The '663 application discloses this claim. Ex-2018, ¶78. For example, in Figure 10E, the second pane displays the additional messaging communication ("Would you mind asking her?") and, in association with that communication, a

label stating that it is part of a "Sidebar with Ali T. started May 10 at 8:43 am." Ex-2017 at 210. This label includes identifying information associated with the anchor message because it identifies the anchor message as having been sent by "Ali T." *Id.*

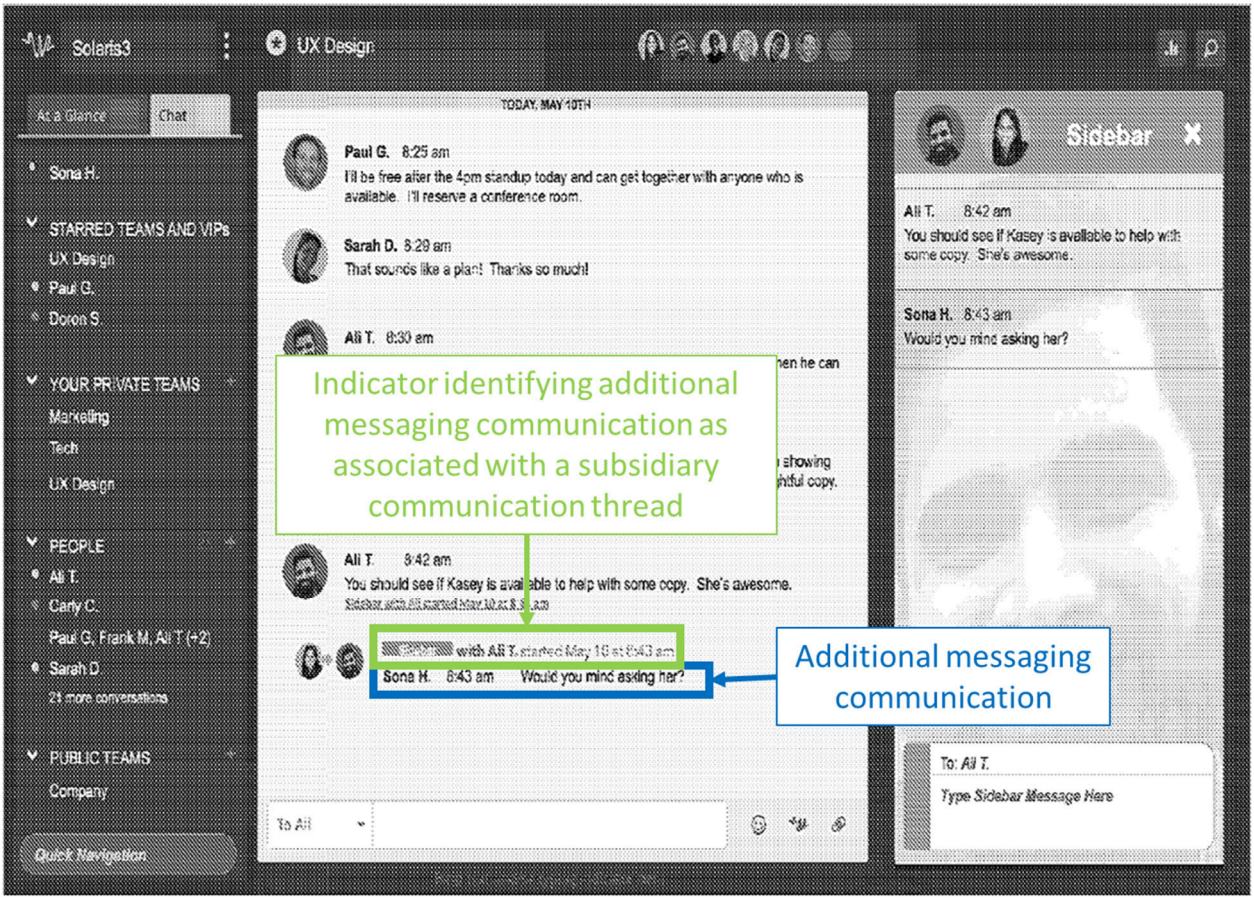


Id. (Fig. 10E) (annotated). Thus, the '663 application discloses this claim. Ex-2018, ¶78.

8. Dependent Claim 8

> *The apparatus of claim 3, wherein, displaying said additional messaging communication in said second pane comprises, while said additional messaging communication is displayed in said second pane, displaying an indicator identifying said additional messaging communication as associated with a subsidiary communication thread in association with said additional messaging communication in said second pane.*

The '663 application discloses this claim. Ex-2018, ¶79. For example, in Figure 10E, the second pane displays the additional messaging communication ("Would you mind asking her?") and, in association with that communication, an indicator identifying the communication as being associated with a "Sidebar with Ali T. started May 10 at 8:43 am" (i.e., a subsidiary communication thread):



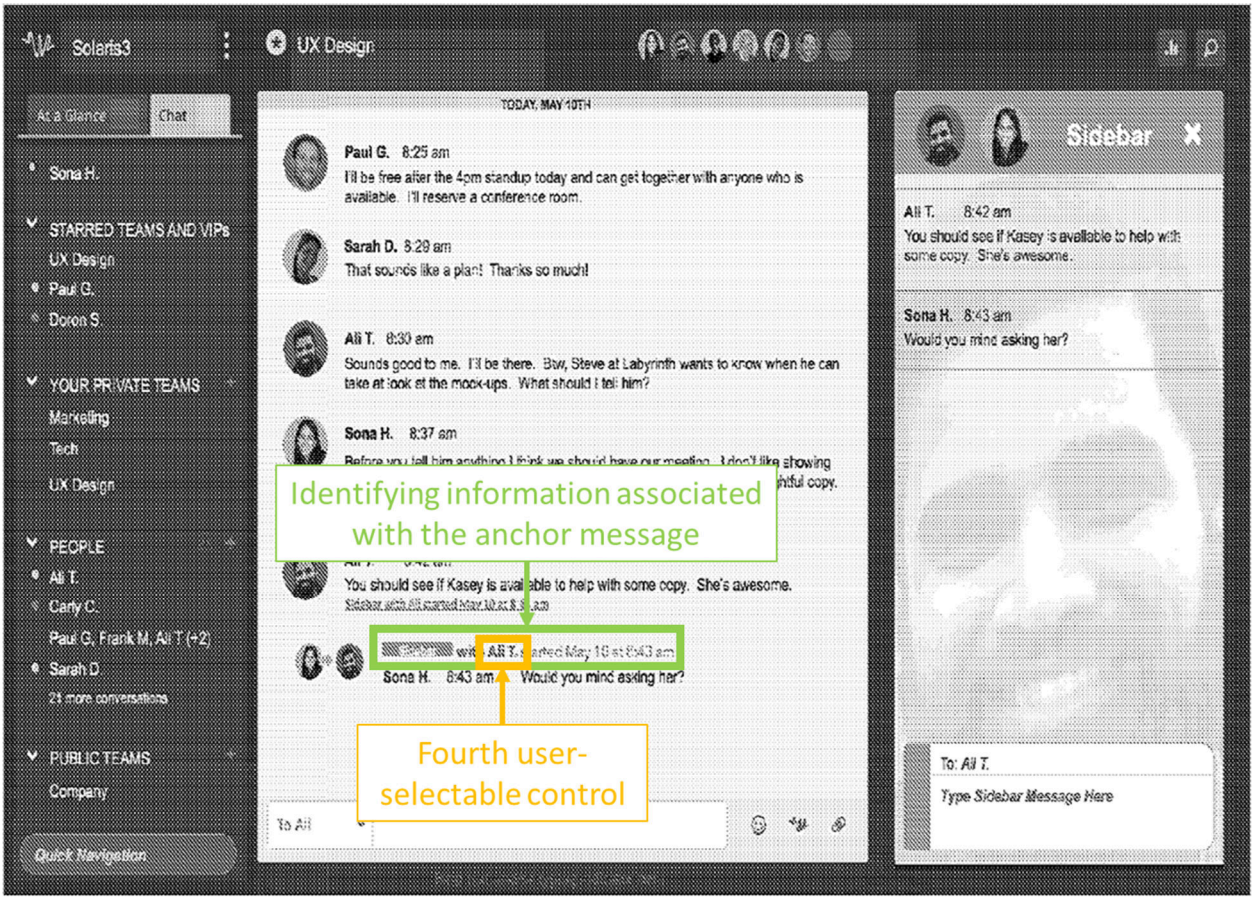
Ex-2017 at 210 (Fig. 10E) (annotated). Thus, the '663 application discloses this claim. Ex-2018, ¶79.

9. Dependent Claim 9

The apparatus of claim 7, wherein at least some of said identifying information associated with said anchor message comprises a fourth user-selectable control operable to cause the display of at least a portion of said subsidiary communication thread in said third pane.

The '663 application discloses this claim. Ex-2018, ¶80. Continuing with the example described above with respect to claim 7, the identifying information comprises a display name: "Sidebar with **Ali T.** started May 10 at 8:43 am." Ex-

2017 at 210 (emphasis added). The '663 application states that when a user "clicks on and/or hovers over the display name for a . . . chat participant, such as [Ali T.], in the main window 520 [i.e., second pane], a sidebar session 531 opens." *Id.* at 43; *see also* Petition at 72. Thus, the '663 application teaches that the display name "Ali T." in the identifying information is a fourth user-selectable control that, upon selection, causes the display of at least a portion of the subsidiary communication thread in the third pane. Figure 10E illustrates:



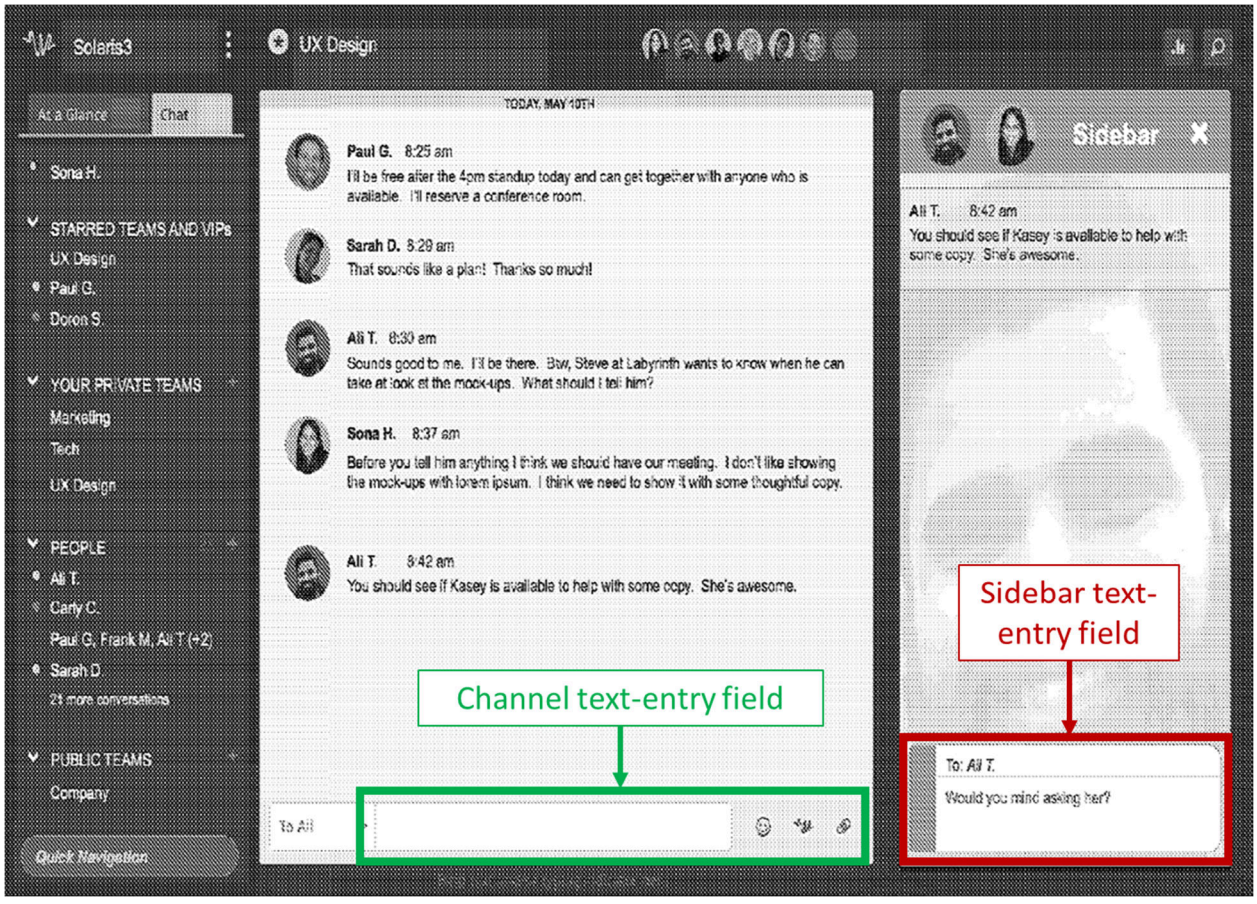
Ex-2017 at 210 (Fig. 10E) (annotated); *see also id.* at 211-214 (showing additional examples of third user-selectable control); *see also* Petition at 72-73. Accordingly,

the ’663 application discloses this claim. Ex-2018, ¶80.

10. Dependent Claim 10

The apparatus of claim 1, wherein displaying said third pane having said associated sidebar text-entry field further comprises displaying said sidebar text-entry field simultaneously with the display of said channel text-entry field, and wherein both said sidebar text-entry field and said channel text-entry field are selectable by a user to receive input representing a new message while they are being simultaneously displayed.

The ’663 application discloses this claim. Ex-2018, ¶81. For example, Figure 10D depicts displaying the sidebar text-entry field simultaneously with the display of the channel text-entry field:



Ex-2017 at 209 (Fig. 10D) (annotated).

Figure 10D also depicts a user (Sona) typing a message into the sidebar text-entry field, which demonstrates that both the sidebar text-entry field and the channel text-entry field are selectable by a user to receive input representing a new message while they are being simultaneously displayed. *Id.*; *see also* Petition at 75-76. Thus, the '663 application discloses this claim. Ex-2018, ¶82.

11. Dependent Claim 11

> *The apparatus of claim 1, wherein transmitting said additional messaging communication, via said network, to at least one member of the group associated with the selected group-based communication channel comprises transmitting said additional messaging communication to fewer than all of the members of said group.*

The '663 application discloses this claim. Ex-2018, ¶83. For example, the '663 application states that messages in a sidebar (additional messaging communications) "can be kept private from other group members" and "hidden from display to the other participants of the larger group session." Ex-2017 at 42-43; *see also* Petition at 77. The '663 application further states that a sidebar conversation may be "a private 1:1 conversation" or a "1:N" conversation, where "N [is] greater than 1," such that the sidebar "exclude[s] at least one person who is participating in the messaging that is displayed on the main conversation pane [i.e., second pane]." Ex-2017 at 57. In that scenario, additional messaging

communications are transmitted to fewer than all members of the group associated with the selected channel. Thus, the '663 application discloses this claim. Ex-2018, ¶83.

12. Dependent Claim 12

The apparatus of claim 1, further comprising instructions for receiving a request to permit a non-member user that is not a member of the associated group of members of said group-based communication channel to receive messaging communications comprising said subsidiary communication thread and, in response to receiving said request, enabling said non-member user to receive such communications.

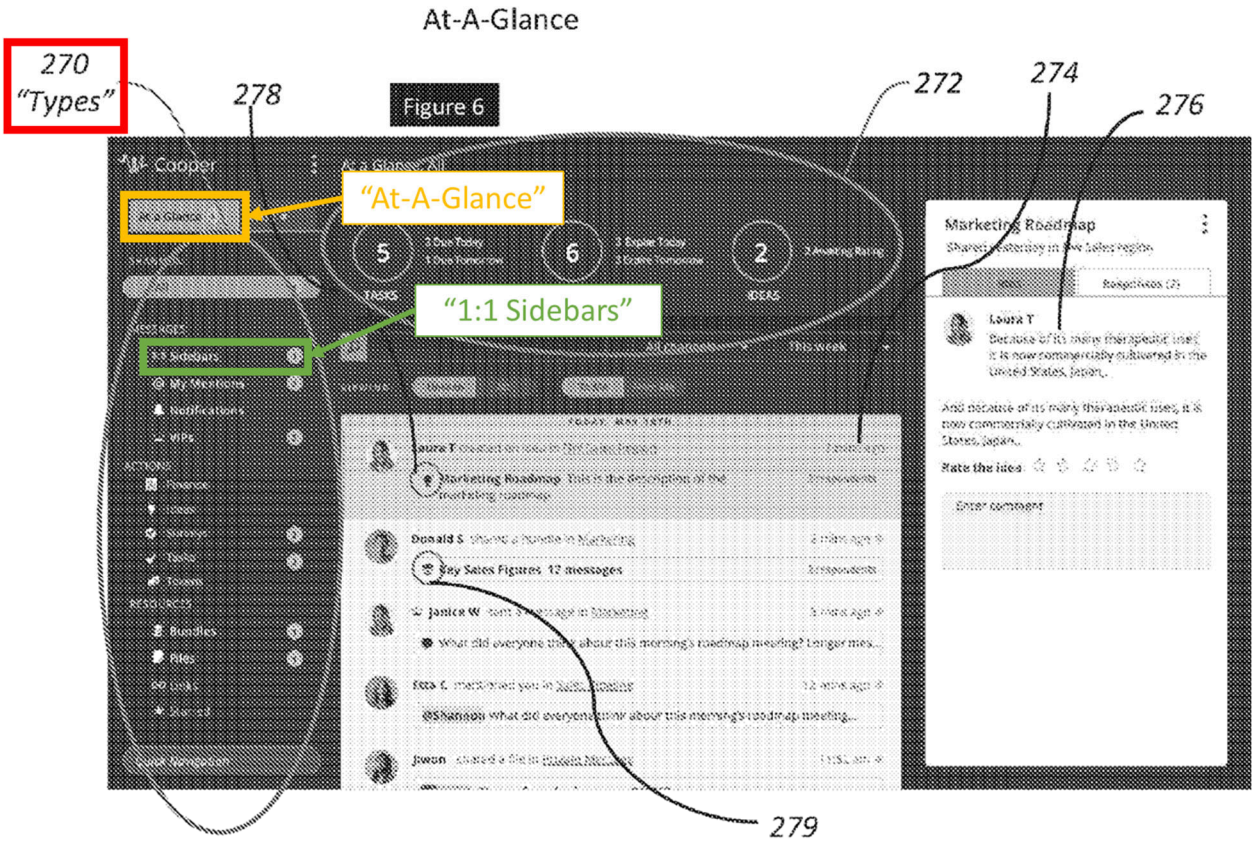
The '663 application discloses this claim. Ex-2018, ¶84. For example, the '663 application states that "[i]n some implementations, the private chat session 535 in response to a request from the first participant or the second participant may permit a third participant to join the second chat session that is either currently in or not in the larger group session channel 525." Ex-2017 at 43; *see also* Petition at 77-78. Thus, the '663 application discloses this claim. Ex-2018, ¶84.

13. Dependent Claim 13

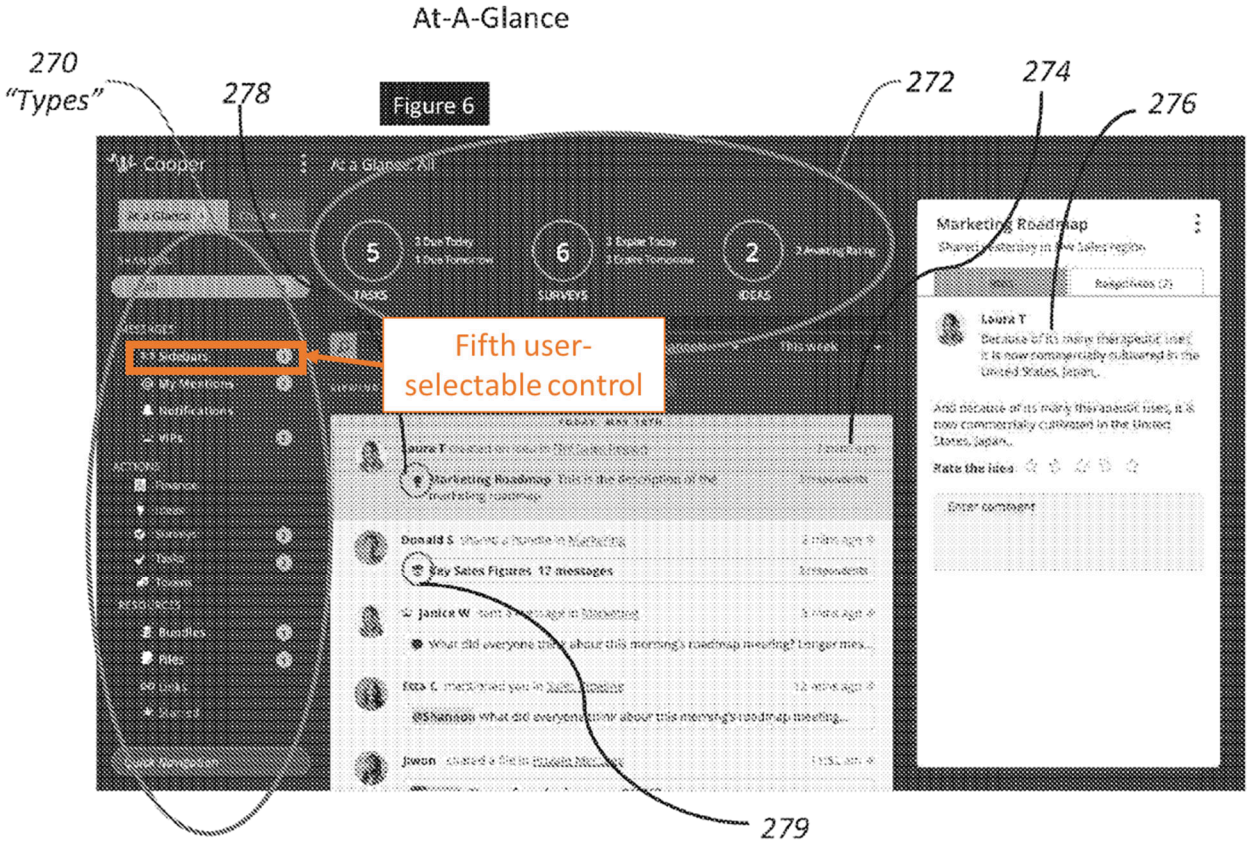
The apparatus of claim 1, further comprising instructions for displaying a fifth user-selectable control, said control being operable to: in response to user selection of said fifth user-selectable control, selectively display messaging communications having a specific type associated with said selected fifth user-selectable control, said messaging communications being from at least two separate group-based communication channels.

The '663 application discloses this claim. Ex-2018, ¶85. The '663

application incorporates by reference the entirety of U.S. Provisional Application No. 62/358,719 ("the '719 provisional"). Ex-2017 at 14. The '719 provisional discloses "a method to distill, extract, present and/or highlight the most important elements of a single one-to-one (a.k.a. 'Sidebar') or group chat conversation, or across multiple one-to-one or group chat conversations" based on their "type." Ex-2019 at 16. The '719 provisional "call[s] the associated presentation of the distilled, extracted and presented information 'At-A-Glance.'" *Id.* This "At-A-Glance" functionality includes, for example, a list of different "Types" of "Messages," such as "1:1 Sidebars":



Id. at 17 (annotated). Using this list of message types, "[a] user can request to view just a specific type" by clicking on that type in the list. *Id.* For example, if a user clicks on "1:1 Sidebars," then the interface selectively displays messages from the sidebar conversations in which the user is a participant. Moreover, if the user is a participant in multiple sidebar conversations across multiple channels, then such display includes messages from multiple channels. Thus, in this example, the "1:1 Sidebars" type identifier is a fifth user-selectable control operable to, in response to user selection of said fifth user-selectable control, selectively display messaging communications having a specific type (i.e., the "Sidebars" type) associated with said selected fifth user-selectable control, said messaging communications being from at least two separate group-based communication channels:



Id. (annotated). Accordingly, the '719 provisional (and thus the '663 application) discloses this claim. Ex-2018, ¶86.

14. Dependent Claim 14

> *The apparatus of claim 13, wherein said specific type is a class of messaging communications in which the messaging communications are all parts of subsidiary communication threads that incorporate messaging communications generated by a specific user of said system.*

The '663 application discloses this claim. Ex-2018, ¶87. Continuing with the example explained above with respect to claim 13, the specific type of messages that are selectively displayed when a user selects the "1:1 Sidebars" type identifier (fifth user-selectable control) are all parts of the sidebar conversations

(subsidiary communication threads) in which that user is a participant (i.e., that incorporate messaging communications generated by that specific user). Thus, the '663 application discloses this claim. Ex-2018, ¶87.

15. Independent Claims 15 and 25

As the Board recognized in its Institution Decision, "[i]ndependent claims 15 and 25 are the same as independent claim 1, except claim 15 is directed to a method and claim 25 is directed to computer-readable media." Paper 6 at 34. Accordingly, for the reasons discussed above with respect to claim 1, the '663 application discloses claims 15 and 25. Ex-2018, ¶88.

16. Dependent Claims 16-24 and 26-29

Petitioner admits (and Patent Owner agrees) that dependent claims 16-24 and 26-29 correspond to dependent claims 2, 3, 6-10, 13, and 14. *See* Petition at 89-92, 97-99. For the reasons discussed above with respect to claims 2, 3, 6-10, 13, and 14, the '663 application discloses claims 16-24 and 26-29. Ex-2018, ¶89.

17. Independent Claim 30

> *30[pre] An apparatus comprising at least a processor, and a memory associated with the processor having computer coded instructions therein, wherein the computer coded instructions are configured to, when executed by the processor, cause the apparatus to perform acts comprising:*

The '663 application discloses this limitation. *See* evidence cited for claim elements 1[pre] and 1[a]; *see also* Petition at 99; Ex-2018, ¶90.

30[a] receiving a first messaging communication associated with a communication platform;

The '663 application discloses this limitation. *See* evidence cited for claim element 1[f]; *see also* Petition at 99; Ex-2018, ¶91.

30[b] causing the first messaging communication to be rendered within a messaging pane in a communication interface of the communication platform;

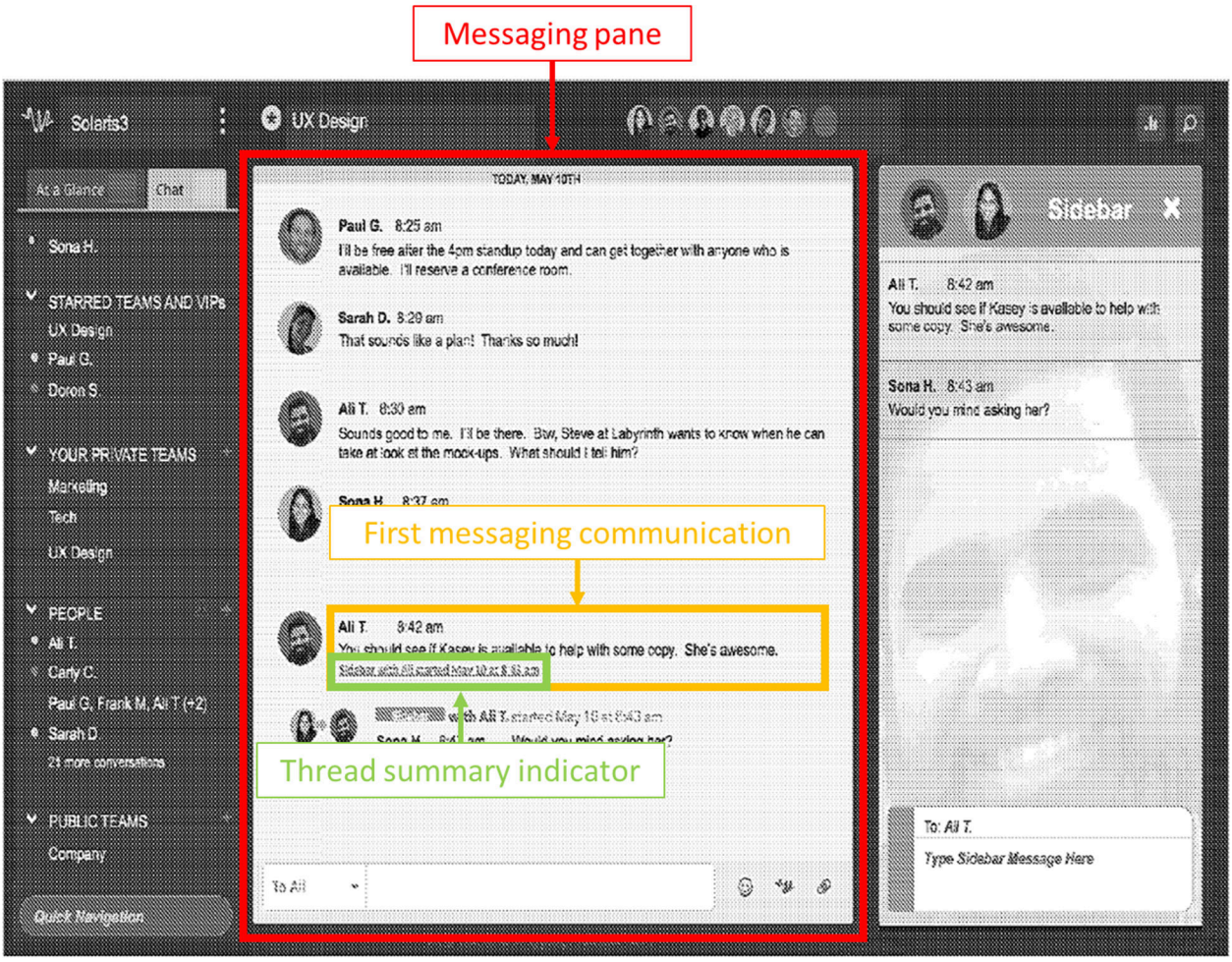
The '663 application discloses this limitation. *See* evidence cited for claim elements 1[d] and 1[g]; *see also* Petition at 99; Ex-2018, ¶92.

30[c] receiving a thread request to create a subsidiary thread communication;

The '663 application discloses this limitation. *See* evidence cited for claim elements 1[h] and 1[n]; Ex-2018, ¶93.

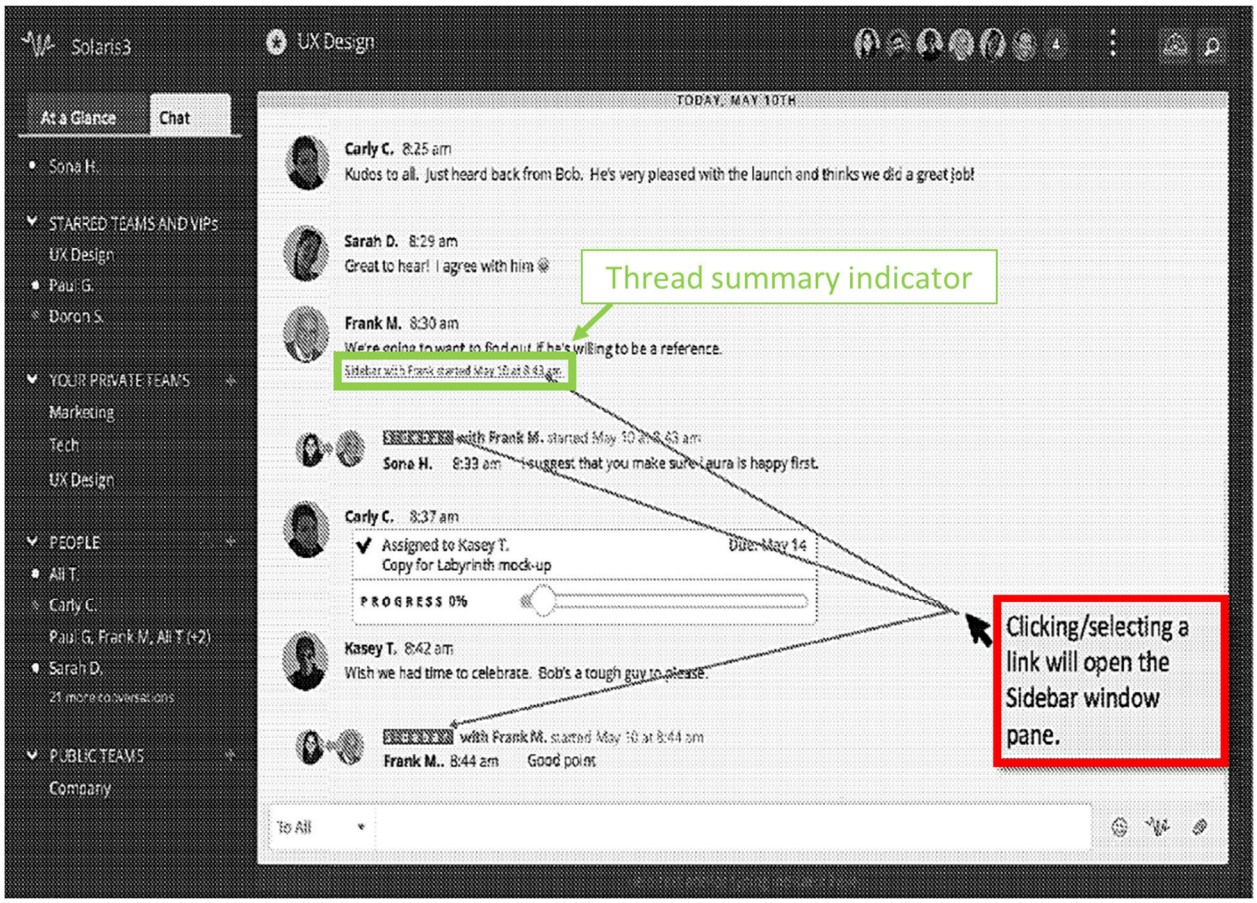
30[d] in response to receiving the thread request, generating and transmitting for display a thread summary indicator renderable within the messaging pane proximate the first messaging communication, wherein the thread summary indicator is configured to be selectable by a user with access to the first messaging communication;

The '663 application discloses this limitation. Ex-2018, ¶94. For example, Figure 10E shows that when a user (in this case, Sona) creates a "Sidebar" conversation (subsidiary thread communication), the interface generates and transmits for display a thread summary indicator (in this case, "Sidebar with Ali started May 10 at 8:43 am") renderable within the messaging pane proximate the first messaging communication:



Ex-2017 at 210 (Fig. 10E) (annotated).

The '663 application further discloses that this thread summary indicator is a link, and that "[c]licking/selecting [the] link will open the Sidebar window pane":



Id. at 212 (Fig. 10G) (annotated). Thus, the '663 application discloses that the thread summary indicator is configured to be selectable by a user with access to the first messaging communication. Ex-2018, ¶95.

The '663 application further states that selection of the thread summary indicator "allow[s] the conversation [i.e., subsidiary thread communication] to continue in the sidebar." Ex-2017 at 58. The '663 application therefore discloses this limitation. Ex-2018, ¶96.

30[e] receiving an indication of an input indicating a selection of the thread summary indicator; and

The '663 application discloses this limitation. *See* evidence cited for claim

element 30[d]; *see also* Petition at 105; Ex-2018, ¶97.

> *30[f] causing, based at least in part on receiving the indication of the input, rendering of the subsidiary thread communication to a thread communication pane within the communication interface, wherein a list pane, the messaging pane, and the thread communication pane are configured to be rendered within a defined display window as viewable simultaneously.*

The ’663 application discloses this limitation. *See* evidence cited for claim elements 1[n]-1[p]; *see also* Petition at 105; Ex-2018, ¶98.

C. Petitioner Does Not Attack the Sufficiency of Any Application in the Chain to Cohen and Should Not Be Heard to Do So in Reply

It was Petitioner’s burden to establish unpatentability. However, Petitioner did not attack the sufficiency of any application in the chain leading back to the ’620 application. Because the Petition frames the issues in the proceeding, and because Petitioner did not challenge the sufficiency of any intervening application between the ’731 patent and the ’620 application, the Board should not entertain any such arguments in this proceeding, should Petitioner raise them in Petitioner’s Reply. Any argument challenging the sufficiency of the intervening applications would be a new argument that the Petitioner forfeited by not raising it in the Petition. *See Yita LLC v. MacNeil IP LLC*, 69 F.4th 1356, 1367 (Fed. Cir. 2023) (affirming decision not to consider “new argument” raised in reply that petitioner “could have presented . . . in its petition” (cleaned up)); *Corephotonics, Ltd. v. Apple Inc.*, 84 F.4th 990, 1002 (Fed. Cir. 2023) (“Any marked departure from the

grounds identified with particularity in the petition would impose unfair surprise on the patent owner and, consequently, violate both the APA and the IPR statute." (internal quotation marks and citation omitted)); U.S. Patent Trial and Appeal Board, Consolidated Trial Practice Guide 73 (Nov. 2019) ("Petitioner may not submit new evidence or argument in reply that it could have presented earlier, e.g. to make out a prima facie case of unpatentability."). Thus, the Board should reject any attempt by Petitioner to present a new basis for arguing that Cohen is prior art.

VII. CONCLUSION

Because Cohen is not prior art, Petitioner has not shown by a preponderance of the evidence that any claim of the '731 patent is unpatentable in view of Cohen.

Respectfully submitted,

Dated: August 22, 2025

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CERTIFICATION UNDER 37 CFR §42.24(d)

Under the provisions of 37 CFR §42.24(d), the undersigned hereby certifies that the word count for the foregoing Patent Owner Response to Petition totals 8,706, which is less than the 14,000 allowed under 37 CFR §42.24(b)(1).

Respectfully submitted,

Dated August 22, 2025

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Proceeding No.: IPR2024-01489
Attorney Docket No: 48710-0009IP1

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. §§42.6(e), the undersigned certifies that on August 22, 2025, a complete and entire copy of this Patent Owner Response and accompanying exhibits were provided by email to Petitioner by serving the correspondence email address of record as follows:

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