

**UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE PATENT TRIAL AND APPEAL BOARD**

GOOGLE LLC AND MOTOROLA MOBILITY LLC,
Petitioners,

v.

MULTIFOLD INTERNATIONAL INCORPORATED PTE. LTD.,
PO

Case No. IPR2025-00058

U.S. Patent No. 9,158,494

PATENT OWNER SUR-REPLY

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I. INTRODUCTION

Petitioners premise their substantive opposition to the appropriate priority date of the '494 Patent on a single dispute—whether the evidence at bar is sufficient to establish reduction to practice of the claimed inventions prior to Seo. The answer is yes. Reduction to practice can be proven through inventor testimony and corroboratory evidence, and Patent Owner (“PO”) provided both, explaining how documents and testimony demonstrate how and when the minimization and maximization functionality claimed by the '494 Patent was reduced to practice in connection with the Imerj project. Unable to dispute that evidence, Petitioners resort to meritless allegations that the evidence should be disregarded in its entirety—which is plainly incorrect and contrary to the law for evaluating the sufficiency of corroborative evidence.

And while Petitioners allege that all three third-party declarants—Mr. Sirpal and non-inventors Mr. Cassar and Mr. Becze—should be discredited, those attacks are baseless. Petitioners’ attempts to discredit are based on *ad hominem* attacks, and bare speculation that discovery that Petitioners never sought in this proceeding could reveal their bias and unreliability. Petitioners even go so far as to suggest that the declarants’ failure to waive attorney client privilege over their discussions with counsel should cut against their credibility—a proposition that is foreclosed by both common sense and binding precedent. Petitioners’ attacks should be disregarded.

Lastly, with respect to claims 14 and 18-20, Petitioners try to salvage the Petition's deficient obviousness grounds by improperly attempting to flip the burden on invalidity to PO. But there can be no dispute that Petitioners failed to properly address those claims in the Petition, and Petitioners' obviousness challenge should fail accordingly.

II. PETITIONERS' STRATEGIC CREDIBILITY ATTACKS LACK MERIT

A. Petitioners' Discovery Complaints Should Be Rejected— Petitioners Failed to Properly Seek Additional Discovery

At the outset, Petitioners' attacks on the credibility of Mr. Sirpal, Mr. Cassar, and Mr. Becze which center on *potential* discovery allegedly not provided should be disregarded. Petitioners never properly sought any such discovery, and having forgone a timely request cannot now lever the non-production of unsought discovery as an inchoate bogeyman to challenge the record evidence at bar—voluminous exhibits, declarations, and sworn testimony which establish that the inventions of the '494 Patent antedate Seo.

Discovery in an *Inter Partes* Review is limited—there are two available categories: routine discovery under 37 C.F.R. § 42.51(b)(1) and additional discovery under 37 C.F.R. § 42.51(b)(2). PO provided routine discovery—producing the documents cited in the relevant declarations of Messrs. Sirpal, Cassar, and Becze. That is exactly what is required by the rules in this proceeding. Specifically, 37

C.F.R. § 42.51(b)(1) explains the extent of “[r]outine discovery,” and that it includes “any exhibit cited in a paper or in testimony.” Again, that is what has been provided, which Petitioners do not dispute.

The rules also provide for “[a]dditional discovery” under 37 C.F.R. § 42.51(b)(2). Additional discovery requires either that the “parties [] agree to additional discovery between themselves,” or, failing agreement, “a party may move for additional discovery.” *Id.* Petitioners’ Reply evidences a clear lack of agreement on the scope of discovery, and yet Petitioners never moved for additional discovery. Having failed to so move, Petitioners should not be heard to complain *now* at the conclusion of this proceeding that the potential existence of unsought discovery precludes consideration of the matters properly before the Board. Moreover, Petitioners have already been provided with fulsome discovery, including sworn declarations from Messrs. Sirpal, Cassar, and Becze, the exhibits cited by those declarants, and hours of sworn deposition testimony from all three individuals, who traveled from abroad to provide that testimony in person at Petitioners’ request.

Nor can Petitioners dispute that they were aware of this tribunal’s rules or lacked the ability to seek the discovery they allege is lacking. The documents and declarations at issue were filed with PO’s preliminary response and have not changed. And PO made Petitioners aware of the requirement to seek additional discovery if they thought it necessary. EX1023, 2-4. Having chosen not to seek such

discovery, Petitioners cannot now raise the specter of unsought discovery to undermine the established record. *See, e.g., Dionex Softron GmbH v. Agilent Techs., Inc.*, 56 F.4th 1353, 1362 (Fed. Cir. 2023) (finding there is “no mandate that the Board draw a negative inference whenever a party fails to present some types of documentary evidence an opposing party insists must exist.”)

Regardless, Petitioners’ allegations of missing discovery are unfounded. At the outset, Petitioners’ surprising suggestion that the third-party declarants’ failure to waive attorney-client privilege should cut against their testimony flies in the face of hundreds of years of jurisprudence—as the Supreme Court found in *Upjohn* “[t]he attorney-client privilege is the oldest of the privileges for confidential communications known to the common law... Its purpose is to encourage full and frank communication between attorneys and their clients and thereby promote broader public interests in the observance of law and administration of justice.” *Upjohn Co. v. U.S.*, 449 U.S. 383, 389 (1981); [Reply at 5] (alleging that “[i]f nothing harmful occurred in the meetings with its declarants, why hide behind privilege?”); 37 CFR § 42.51 (routine discovery excludes “anything otherwise protected by legally recognized privileges such as attorney-client”). And Petitioners’ argument that a failure to affirmatively waive privilege should undermine witness credibility is demonstrable of the remainder of their complaints—contesting the

record, not through substantive dispute, but by raising the specter of unsought or protected discovery.

As another example, Petitioners’ complaint that Mr. Cassar conveyed prototype software dates to counsel by email, and that related emails were not produced, ignores that he testified to the relevant dates being “either February or March 2011.” EX1020, 197:5-12. Thus, the non-privileged fact was properly disclosed while the privileged communication was properly withheld. Regardless, Mr. Cassar explained why the dates of software on a prototype *today*, in 2026, do not impact the inquiry here—because they “were constantly updating the software...[u]ntil we stopped the project.” *Id.*, 195:9-196:5.¹ Thus, it is not germane when the software that is *currently* on a prototype was released, given that the software developers were continuously updating that software after the relevant timeframe. *Id.*, 195:9-196:5; *see also id.*, 192:19-193:1.

¹ *See also id.*, 192:19-193:1 (“THE WITNESS: ...we installed the software every day. It was something that was always done every day...”); *id.*, 197:13-18 (“Q. And why is it that you didn’t indicate in your declaration how you pulled up those dates? A. Because it wasn’t relevant to the window maximizing and minimizing, which is what this is about.”).

Moreover, Petitioners’ complaint as to Mr. Cassar again highlights their failure to properly pursue discovery—Petitioners did not ask for discovery as to the *prototypes themselves*, which could have been provided if timely sought. Instead, Petitioners sought disclosure of the contents of an email Mr. Cassar sent to his counsel, suggesting that Mr. Cassar should simply waive privilege as a shortcut. [Reply at 1, 11]. Petitioners cannot lever nondisclosure of privileged communications against valid and affirmed evidence.

The same is applicable with respect to Mr. Cassar’s liability waiver with Flextronics. That Mr. Cassar (a third-party) sought a liability waiver from his former employer Flextronics to ensure that he would not face liability for testifying as to confidential matters that occurred during his employ is neither surprising nor relevant.² Regardless, while Petitioners misconstrue this waiver as having been “in exchange for ‘cooperating’ with PO in this proceeding,” Petitioners omit that Mr. Cassar unequivocally testified that was not the case—confirming that no one at Flextronics even asked him to participate in this proceeding as a condition of any waiver. *Id.* 264:2-264:3 (“Q. Did anyone at Flextronics require you to participate in

² Nor is it clear how such a waiver from Flextronics could implicate Mr. Cassar’s credibility to serve as a corroborative source independent from Mr. Sirpal.

this proceeding as a condition of that waiver? . . . A. No, they did not. Q. Did anyone at Flextronics ask you to participate in this proceeding? . . . THE WITNESS: No, they did not.”); [Reply at 2].

Moreover, Petitioners’ decision to highlight that they sought *informal* discovery directly from third-party witnesses during their depositions again only demonstrates that their approach to discovery in this matter differed from the rules. EX1019, 76:5-7; EX1020, 85:18-86:1. And Petitioners’ characterization of Mr. Cassar’s request to confer with counsel regarding the production of a personal liability waiver with as somehow improper is baffling. [Reply at 10]. Of course, third-party witnesses are not obligated to provide *ad hoc* personal discovery in the midst of a deposition, and of course such discovery was ultimately not provided after Petitioners declined to pursue it under the relevant rules.

B. Petitioners’ Personal Attacks on the Third-Party Declarants’ Credibility Should Be Rejected

Failing a credible discovery dispute, Petitioners turn on the third-party declarants themselves, criticizing their personal credibility, and accusing them, e.g., of “stretch[ing] the facts to support the ’494 patent’s validity.” [Reply at 8]. Again, those attacks lack merit and ignore the record.

Initially, Petitioners incorrectly characterize Messrs. Cassar, Becze, and Sirpal as having an inappropriate financial interest in this matter. Not so. Petitioners simply disregard the context of the declarants’ compensation. All three declarants

are third-parties that only received hourly compensation unconnected to the outcome of this proceeding for their time spent working on matters related to this proceeding—work that was necessitated only by Petitioners’ attempt to invalidate the ’494 Patent with non-prior art.

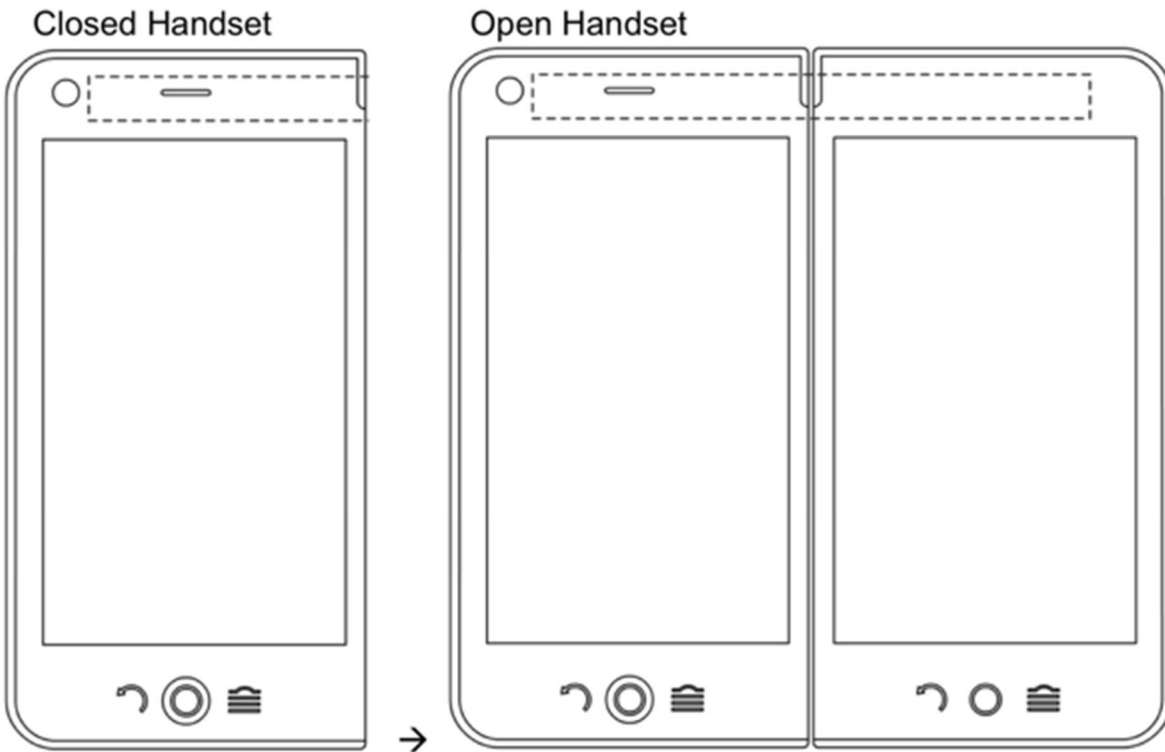
Indeed, Mr. Becze is currently the **CEO and Managing Partner** of Pegmatis, Inc., and he testified that he charges Pegmatis’ clients “upwards of...sometimes 3, \$400 an hour” and that he and Mr. Cassar “manage all 18 or 20 [people working at Pegmatis] directly.”. EX1021, 10:10-14; *id.*, 11:8-12:8. Mr. Cassar is similarly **COO and CFO** of Pegmatis, and he testified that he runs the software side of Pegmatis, that “it’s a very busy time for [his] company,” and that “[w]e’ve got a lot o[f] initiatives going on right now [at Pegmatis].” EX1020, 11:11-14:5; *id.*, 27:15-19, 69:2-9, 70:6-13. Unsurprisingly, to make up for the time and burden of their involvement in this matter, Mr. Cassar and Mr. Becze asked to be compensated—originally at \$200/hour, which is well below what they typically charge their Pegmatis clients. EX1021, 12:2-8. Petitioners highlight that Mr. Cassar and Mr. Becze’s rate increased to \$500/hour for their depositions, but Mr. Cassar explained that was to account for travel to New York from Canada to appear in person for deposition, and that “it’s a very busy time for [Pegmatis],” and that it’s “difficult” to “tak[e] the two senior guys from [Pegmatis] and us[e] their time for a week.” EX1020, 26:20-27:19, 68:20-70:13.

Petitioners’ allegations as to Mr. Sirpal are similarly refuted—Petitioners’ characterize Mr. Sirpal as having no other “source of income aside from a Kickstarter campaign and negligible revenue from book sales” [Reply at 4], but elide that Mr. Sirpal “was employed as the head of design for a startup in Silicon Valley” immediately prior to his deposition and earned approximately “250,000 Canadian” in 2025. EX1019, 64:15-65:7. That Petitioners omitted Mr. Sirpal’s significant income from his primary line of work demonstrates the lack of merit to their characterization. Nor is it improper for a witness to be compensated—indeed, Petitioners have retained expert witnesses in this and related proceedings, paying them upwards of \$600/hour. *See, e.g.*, EX1002 at 6; EX2011 in IPR2025-0038, 20:12-25; EX1003 in IPR2025-0038, 8.

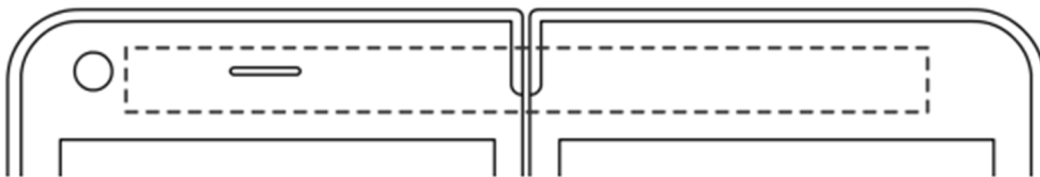
As to Mr. Sirpal, Petitioners further seek to impugn his credibility, arguing that his deposition testimony was inconsistent with his declaration as to (now disclaimed) Claim 2 and Claim 14 of the ’494 Patent, but Petitioners’ arguments fail on multiple counts. [Reply at 6]. At the outset, Petitioners ignore that Mr. Sirpal’s testimony is ***not*** inconsistent. Mr. Sirpal’s declaration explained:

[e]ach display had a gesture capture region along the top of the display and a touch display encompassing most of the display below the gesture capture region.

EX2001, ¶ 62. And his deposition testimony is consistent, confirming that the gesture capture region identified by Petitioners’ counsel was located above the display, as shown below in the dashed boxes (EX1019, 95:9-17):



EX2006, 15.



Id., 30.

Petitioners argue that Mr. Sirpal’s declaration “impl[ied] that the gesture capture region was part of the display” [Reply at 7], but again omit that both Mr.

Sirpal and Mr. Cassar testified that “[g]estures could be tracked from the off-screen gesture region *through the screen itself – through the display region itself*” (EX1019, 101:15-102:11; *see also* EX1020, 138:14-139:14), which would be consistent with the position they seek to import through implication onto Mr. Sirpal in any event. Selectively quoting deposition testimony cannot establish a lack of credibility where none exists. And accordingly, Petitioners’ callous accusation that “Sirpal is willing to stretch the facts to support the ’494 patent’s validity” [Reply at 8] lacks any basis in fact and should be disregarded.

As to Mr. Cassar, aside from that addressed above, Petitioners’ further allegations rest, for example, on a purported “clear misstatement” that finds a basis only in Petitioners’ characterization of the record. [Reply at 11]. Petitioners argue that Mr. Cassar misstated the provenance of a photograph in his declaration, but omit that he initially explained, “I don’t know who took that picture.” EX1020, 87:6-15. Regardless, Petitioners do not explain why it would *discredit* Mr. Cassar, if true, that one of the photos actually dates back to 2011, the timeframe at issue here. And that Petitioners’ efforts to identify inconsistencies in Mr. Cassar’s declaration through internet sleuthing only turned up *confirmatory evidence* further corroborating declarants’ testimony underscores that their attacks should be disregarded.

As to Mr. Becze, Petitioners criticize his unwillingness to testify as to the appropriate construction of claim terms like “parent or child,” but that ignores that

Mr. Becze is not a named inventor, did not draft the claims at issue, and was not asked to analyze the claims. [Reply at 13]. For the same reason, it is both unsurprising and appropriate that Mr. Becze did not engage in an effort to map evidence to claim language that he testified he did not analyze. EX1021, 114:19-115:14; *see also id.*, 107:2-9.

And while Petitioners seek to tar Mr. Becze (and the other witnesses) as “simply [having] signed a declaration written by PO’s attorneys describing what documents Becze had never seen before may say about things Becze does not himself know” [Reply at 13], Petitioners’ aspersion, again, ignores the record evidence. As to his declaration, Mr. Becze testified, for example, that “several meetings” occurred “where [counsel] took down information,” that his draft declaration was then “edited [] for accuracy,” and that his declaration was finalized after a “follow-up meeting [with counsel]” to confirm it “was accurate.” EX1021, 33:3-10, 33:18-34:3, 35:1-13.

Petitioners’ resort to *ad hominem* personal attacks which are refuted by the record, alongside their stratagem of non-discovery designed to establish the non-production of protected or irrelevant materials, should be rejected. Mr. Cassar, Mr. Becze, and Mr. Sirpal are third-parties that each appeared in this proceeding and testified in good faith to establish that which is now plain from the record—Google and Motorola, two of the largest technology companies in the world, are seeking to

invalidate a validly issued United States patent based on a reference that simply does not predate the inventions of that patent. Petitioners' allegations should be rejected and their attempts to invalidate denied.

III. PETITIONERS FAIL TO REBUT PO'S CORROBORATION OF REDUCTION TO PRACTICE

As with their efforts to impugn the credibility of Messrs. Sirpal, Cassar, and Becze, Petitioners' attempt to rebut PO's evidence corroborating reduction to practice must fail. [Reply at Sec. II.B].

Initially, Petitioners do not contest the limitation-by-limitation analysis in the POR explaining how the EV-1 and EV-2 prototypes performed the limitations of the challenged claims. [POR at Sec. VIII]. As such, Petitioners do not appear to contest that the wealth of evidence analyzed in Section VIII of the POR depicts functionality that satisfies the requirements of the challenged claims. Instead, Petitioners argue that PO has not sufficiently *corroborated* that the functionality depicted in the exhibits and described by the declarants was actually reduced to practice. Petitioners are wrong.

The Federal Circuit has established the standard for evaluating the sufficiency of corroborative evidence in establishing reduction to practice:

Inventor testimony may serve as evidence of reduction to practice, but it must be corroborated by independent evidence. *Cooper*, 154 F.3d at 1330. The sufficiency of such corroborating evidence is evaluated under a *“rule of reason,” considering all pertinent evidence. Id.* Corroboration can come from documentary evidence, noninventor testimony, or a

combination of both. *Loral Fairchild Corp. v. Matsushita Elec. Indus. Co.*, 266 F.3d 1358, 1364 (Fed. Cir. 2001) (“Under the ‘rule of reason,’ the inventor’s testimony must be sufficiently corroborated by independent evidence, but not necessarily documentary evidence.”). ***Corroborating evidence may also be circumstantial.*** *Cooper*, 154 F.3d at 1330 (“In order to corroborate a reduction to practice, it is not necessary to produce an actual over-the-shoulder observer. Rather, sufficient circumstantial evidence of an independent nature can satisfy the corroboration requirement.”). ***Nor must every individual aspect of reduction to practice be corroborated.*** *E.I. du Pont*, 921 F.3d at 1077. Rather, the corroborative evidence simply needs to be sufficient to support the credibility of the inventors’ story. *Id.*

Medtronic, Inc. v. Teleflex Innovations S.A.R.L., 68 F.4th 1298, 1306 (Fed. Cir. 2023) (emphases added). Here, considering the wealth of evidence submitted in connection with the POR, as well as the deposition testimony taken thereafter, it is clear that PO has corroborated the reduction to practice of the challenged claims of the ’494 Patent.

In an attempt to undermine PO’s corroborative evidence, Petitioners rely on arguments that are fundamentally flawed, seeking to sweep aside vast swaths of the record—including the entire testimony of Messrs. Cassar and Becze, as well as documents sourced from Mr. Sirpal. As described further below, Petitioners’ arguments are meritless. And even if they were not—which they are—documentary evidence sourced from Mr. Cassar (including, but not limited to, EX2033) described further below and in great detail in the POR (at 28-30) nonetheless would provide competent independent evidence corroborating the reduction to practice of the challenged claims.

In any event, Petitioners first attempt to summarily sweep aside the entirety of the declarations of Messrs. Cassar and Becze due to unfounded allegations regarding: (1) the role played by PO's counsel in drafting the declarations; and (2) a group meeting that occurred between Messrs. Cassar, Becze, and Sirpal. [Reply at 15]. Petitioners' allegations misrepresent the record. Both Mr. Cassar and Mr. Becze testified as to how their declarations were drafted—detailing extensive meetings with counsel where declarants relayed information to counsel prior to drafting, as well as declarants' role in revising those initial drafts and having follow-up meetings to confirm the accuracy of the finalized declarations. *See, e.g.*, EX1020, 46:2-49:2, 59:1-16; EX1021, 33:3-10, 33:18-34:3, 35:1-13.

And as to the meetings between Messrs. Cassar, Becze, and Sirpal, no witness testifies that those discussions impacted the content of their declarations in any way. *See, e.g.*, EX1019, 42:5-44:13, 51:9-20; EX1020, 50:11-51:1 (“THE WITNESS: With regard to my declaration, there was no discussion. I have never had a conversation with anybody with regards to the content of my declaration outside of my legal counsel.”). For example, in their group meetings, the declarants discussed general information regarding how to power on old prototypes in their possession. EX1021, 38:22-40:10. And, Mr. Sirpal testifies that an exhibit sourced *from Mr. Cassar* (EX2033) (and not any conversation with the other declarants) refreshed *Mr. Sirpal's* recollection in part. EX1019, 38:10-16, 42:5-43:1. If anything, that Mr.

Sirpal's recollection was refreshed by an exhibit sourced from Mr. Cassar belies Petitioners' assertion that Mr. Sirpal provided information to Messrs. Cassar or Becze such that they cannot be sources independent from Mr. Sirpal. As such, the non-inventor declarations and testimony from Messrs. Cassar and Becze are competent corroborative evidence establishing reduction to practice.³

Second, relying upon case law related to the weight to be afforded to unwitnessed inventor laboratory notebooks [Reply at 13-15 (citing *Hahn v. Wong*, 892 F.2d 1028, 1032 (Fed. Circ. 1989))], Petitioners argue that *any* document sourced from Mr. Sirpal's files cannot serve as corroborative evidence—irrespective of the nature of the document, or what it independently confirms. That assertion is without basis and improperly conflates the source of the document with the content and circumstances of the document. Notably, Petitioners gloss over that, among the Sirpal-sourced exhibits that Petitioners seek to cast aside, are exhibits that: (1) are authored by individuals *other* than Mr. Sirpal (*e.g.*, EX2012, EX2013, EX2024);

³ Notably, Petitioners do not contest that the contents of the Cassar and Becze declarations would corroborate the reduction to practice of the challenged claims of the '494 Patent—only that the declarations should not be considered at all due to alleged credibility concerns.

(2) include specific date stamps automatically affixed to them (*e.g.*, EX2008, EX2024); (3) have associated metadata provided (*e.g.*, EEX2008/2009, EX2022/2023/2025); and (4) include a presentation that Mr. Cassar testified he recalled seeing at an internal meeting he attended that was presented by Mr. Sirpal (*e.g.*, EX2006; *see also* EX1020, 128:18-130:16). Thus, contrary to Petitioners, the Sirpal-sourced exhibits that Petitioners seek to summarily sweep aside are competent corroborative evidence because they “d[o] not depend solely on statements or writings by the inventor himself.” *See Cooper v. Goldfarb*, 154 F.3d 1321, 1330 (Fed. Cir. 1998). And, “[m]oreover, the ‘law does not impose an impossible standard of “independence” on corroborative evidence by requiring that every point of a reduction to practice be corroborated by evidence having a source totally independent of the inventor; indeed, such a standard is the antithesis of the rule of reason.’” *Medtronic, Inc.*, 68 F.4th at 1307 (quoting *Knorr v. Pearson*, 671 F.2d 1368, 1374 (C.C.P.A. 1982)).⁴

⁴ Even if all exhibits sourced from Mr. Sirpal could be swept aside the declarations and testimony of Messrs. Cassar and Becze, and the exhibits sourced from *their* files (*e.g.*, EX2033 – which Mr. Sirpal testified that he received from Mr. Cassar (*see*

Setting aside these fundamentally flawed arguments, Petitioners' attacks on PO's corroborative evidence amount to little more than nitpicks and strawman arguments regarding PO's documentary evidence. For example, Petitioners complain that certain of PO's documents (*e.g.*, EX2033 and EX2035) only use "vague" terms like "minimize," "maximize," and "ParentChild" without further explanation. [Reply at 16]. However, Petitioners ignore that other documents use those same terms, and further describe what functionality each term relates to (*e.g.*, EX2012, 9-27; EX2013, 44; EX2006, 34-36). In its Reply, Petitioners ignore the declarants' testimony regarding the content of those documents, at what stage in the reduction to practice they were generated, and what was meant by the language contained therein. [POR at 12, 14-23 (and accompanying citations)]. For example, regarding EX2033, Mr. Cassar explained in detail how the project plan reflected therein shows that the listed WPC Gesture functionality (including screen minimization and maximization) was "100%" complete as of January 14, 2011. EX2002, ¶¶ 36-39. And at his deposition, Mr. Cassar testified that, at the time of EX2033, the only work left to be complete on the WPC code was refactoring,

EX1019, 42:9-43:1)), would nonetheless serve as independent corroborative evidence of the reduction to practice.

smoothing, and animation (and not the underlying functionality of the minimization/maximization feature). EX1020, 165:8-167:4, 260:9-263:19. This is dispositive.

Petitioners also complain that certain other exhibits fail to provide a detailed description of the precise nature in which the minimization and maximization functionality found in the prototypes operated at the time. Reply at 17-18. The alleged deficient exhibits include emails discussing Imerj's meetings presenting the working prototypes to potential customers, and bug reports evidencing that there were no issues with the minimizing and maximizing functionality of the prototypes. *Id.* But Petitioners ignore the declarants' testimony about those documents in their declarations (*e.g.*, EX2002, ¶¶ 30-35, 40-41, 59-62), as well as the non-inventors' testimony regarding the operation of the EV-1 and EV-2 prototypes (*e.g.*, EX2002, ¶¶ 63-77). And at deposition, Mr. Cassar further explained how he knew the claimed minimization and maximization functionality was reduced to practice by the time of both the bug reports and the meetings with Vodafone and CPW—testifying that “[he] would have lost [his] job” had that functionality not been working at the time. EX1020, 215:14-216:19, 235:1-237:12.

Essentially, Petitioners argue that any document referencing that the minimization and maximization functionality of the prototypes was working as of a specific date, without also specifically describing precisely how the minimization

and maximization functionality fully operated, should be disregarded summarily [Reply at 17-19].⁵ Petitioners' apparent position, is that each document, on its own and without further context, must fully corroborate the reduction to practice of the claimed invention. But that is not the law. For example, the Federal Circuit has held that "[e]ven though no single independent document precisely shows the entire claimed [functionality], these documents sufficiently support the credibility of [the inventor's] account." *E.I. du Pont de Nemours & Co. v. Unifrax I LLC*, 921 F.3d 1060, 1077-78 (Fed. Cir. 2019); *see also Fleming v. Escort Inc.*, 774 F.3d 1371, 1377 (Fed. Cir. 2014) (finding sufficient corroboration although "none of the

⁵ Petitioners' vague assertions of hearsay should be disregarded (Reply at 18), as the Board regularly relies upon emails in evaluating corroboration of reduction to practice. *See, e.g., E.I. du Pont de Nemours & Co. v. Unifrax I LLC*, 921 F.3d 1060, 1077 (Fed. Cir. 2019) (finding that "[company] emails, progress reports, and an internal presentation" were corroborating evidence that supported the inventor's testimony). And Petitioners' aspersions regarding the Smartpad video excerpts ignores the declarants' testimony regarding the origin of those excerpts, and the metadata and supporting emails produced in connection therewith. EX1019, 145:5-147:17; *see also* EX2001, ¶¶ 79-80; EX2024; EX2025.

corroborating evidence constitute[d] definitive proof of [the inventor's] account or disclose[d] each claim limitation as written” because “the corroboration requirement has never been so demanding”).

Finally, Petitioners again attempt to distract from the evidence presented by pointing to an alleged failure to cite to other documents that Petitioners speculate must have existed. [Reply at 16-17]. But, “[t]here is . . . no mandate that the Board draw a negative inference whenever a party fails to present some types of documentary evidence an opposing party insists must exist.” *Dionex*, 56 F.4th at 1362. Accordingly, when weighing all the evidence, the rule of reason supports that PO has established reduction to practice of the challenged claims.

IV. PETITIONERS FAIL TO REBUT PO’S CORROBORATION OF DILIGENCE FROM BEFORE FEBRUARY 10, 2011 THROUGH FEBRUARY 22, 2011

Petitioners’ attempt to rebut PO’s evidence of diligence from before February 10, 2011 through February 22, 2011 also must fail. Reply at Sec. II.B.2. Initially, in its Reply Brief, Petitioners do not contest that the JIRA tickets cited in the POR establish diligence in the relevant time period. Nor do Petitioners address EX2008, which shows the Top Ten open issues for WPC identified by the Tiger Team as of February 22, 2011 as a result of their daily testing of the EV-2 prototypes. Instead, Petitioners simply argue that only some—but not all—of the roughly 40 members of the Tiger Team that were testing the prototypes daily were responsible for the

minimization and maximization functionality. Even if Petitioners' assertions were true and only certain team members were testing for minimization, it is unclear how the daily efforts of three or four engineers from February 10, 2011 through February 22, 2011 to test and verify the functionality of the EV-2's minimization and maximization features would not qualify as diligence in establishing the reduction to practice of the challenged claims.

V. PETITIONERS HAVE NOT SHOWN THAT MARTIN GIMPL IS AN UNNAMED INVENTOR

Petitioners' further argument that an individual named Martin Gimpl is an unnamed inventor, and that his claimed inventorship status thus precludes a priority date ahead of Seo, can be rejected on its face. It presumes, without proving the premise upon which it is based, that Mr. Gimpl *is* an unnamed inventor. Indeed, Petitioners fail to address the "presumption that the named inventors on a patent are the true and only inventors" and that to overcome that presumption, a party challenging inventorship must prove the "misjoinder or nonjoinder of inventors [] by facts supported by clear and convincing evidence." *Trovan, Ltd. v. Sokymat SA, Irori*, 299 F.3d 1292, 1301 (Fed. Cir. 2002); *see also Caterpillar Inc. v. Sturman Indus., Inc.*, 387 F.3d 1358, 1377 (Fed. Cir. 2004) ("Patent issuance creates a presumption that the named inventors are the true and only inventors."). And Petitioners cite no evidence other than that Mr. Gimpl's name appearing on a single document must establish that he is an inventor. That is simply not enough, especially

in light of the undisputed testimony that Mr. Gimpl “was an interaction designer that reported to [Sanjiv Sirpal],” who is a named inventor. EX1019, 52:2-4. And no witness testified that Mr. Gimpl contributed anything to the ’494 Patent. *See* EX1020, 250:19-251:4 (“Q. In your role on the Imerj project, do you -- did you gain an understanding on which ideas Martin Gimpl contributed versus which ideas Sanjiv Sirpal contributed? . . . THE WITNESS: No.”). Petitioners cannot impugn inventorship through bare speculation. And that non-inventor Mr. Gimpl may have authored a document confirming conception only further corroborates the priority date here.

Regardless, challenging inventorship is not within the ambit of the present proceeding. *Intel Corp. v. Alacritech, Inc.*, 817 F. App’x 1014, 1019 (Fed. Cir. 2020) (citing 35 U.S.C. § 311(b) as “limiting the scope of *inter partes* review to ‘ground[s] that could be raised under section 102 or 103.’”) And Petitioners’ citation to *Solvay S.A. v. Honeywell Int’l, Inc.* only demonstrates that their argument is misplaced. 622 F.3d 1367, 1374 (Fed. Cir. 2010). In *Solvay*, it was an “undisputed fact” that a **third-party** “RSCAC performed in Russia a process that corresponds to the invention” and that subsequently “RSCAC transmitted to Honeywell in the United States complete instructions for the process.” *Id.* Only after that did Honeywell practice the invention in the United States, and while Honeywell attempted to rely on that practicing to invalidate a different patent, Honeywell itself never had a patent to the claimed

invention. *Id.* (“[T]here is no Honeywell patent at issue here”). There are no such facts here, where the ’494 Patent is a validly issued United States patent, with a presumed valid set of named inventors, and where Petitioners have raised no colorable dispute that Mr. Gimpl (another Flextronics employee) qualifies as an unnamed inventor—let alone that Mr. Sirpal copied his invention from Mr. Gimpl.

VI. PETITIONER CANNOT PREVAIL ON ITS CHALLENGE OF CLAIMS 14 AND 18-20

In the Petition, Petitioner’s only arguments with respect to claims 14 and 18-20 of the ’494 Patent are the obviousness arguments found in Ground 3 of the Petition. In its Reply (at 25-26), Petitioners do not dispute that the Petition’s only argument for obviousness of the minimization function recited in limitations 14[m] and 18[c] is a simple recitation back to limitation 1[d]. [POR at 95-99]. Nor do Petitioners dispute that, in terms of which page is required to be minimized as a result of a minimization input, limitation 1[d] requires the opposite of limitations 14[m] and 18[c]. As explained in the POR, for claim 1, in response to the minimization input, the parent page is displayed, and the child page is discontinued. *Id.* at 96. On the other hand, limitations 14[m] and 18[c] require that, in response to the minimization input, the child page is displayed, and the parent page is discontinued. *Id.* at 95-96.

In an attempt to overcome this fatal flaw, Petitioner confusingly asserts that the “child” identifier is not material to the analysis because the claims do not require

any functionality be ascribed to the “child” page other than using the “child” designation to identify which page’s display is discontinued following the minimization input. [Reply at 26]. But that is precisely the point. Claim 1 requires the child page to be discontinued after minimization. And claims 14 and 18 required that the child page remain displayed after minimization. And Petitioners have not explained why it would be obvious in view of Seo’s disclosure of minimizing the child page after receiving a minimization input to instead minimize a parent page after receiving a minimization input. Thus, their obviousness challenge with respect to claims 14 and 18-20 must fail.

Petitioners do not dispute that the Petition fails to explain any proposed modification to Seo that would incorporate the claimed minimization of the parent page, let alone any motivation for doing so, or any reasonable expectation of success. Nor do Petitioners dispute that the Petition fails cite to any expert testimony or art evidencing that it was known to minimize a parent page (instead of a child page) in the manner claimed in limitations 14[m] and 18[c]. To overcome these failings, Petitioners only resort to an improper burden flipping argument in asserting that PO did not dispute it would have been obvious in view of Seo to discontinue display of the parent page after receipt of a minimization input. But PO cannot be at fault for allegedly failing to dispute an argument that Petitioner never advanced in its Petition.

Accordingly, Petitioners' obviousness challenge to claims 14 and 18-20 should be denied.

VII. CONCLUSION

For the reasons set forth above, the Board should confirm Claims 1, 4, 6, 9, 10, 12-14, and 18-20 as patentable.

Dated: January 9, 2026

Respectfully submitted,

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CERTIFICATE OF COMPLIANCE WITH TYPE-VOLUME LIMITS

This PO Sur-Reply consists of 5,570 words, excluding table of contents, table of authorities, certificate of service, this certificate, or table of exhibits. The Sur-Reply complies with the type-volume limitation of 5,600 words as set forth in 37 C.F.R. § 42.24(c)(4). In preparing this certificate, counsel has relied on the word count of the word-processing system used to prepare the paper (Microsoft Word).

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CERTIFICATE OF SERVICE

I hereby certify that on January 9, 2026, I caused a true and correct copy of the foregoing PO Sur-Reply to be served on the following counsel for Petitioners by electronic mail to the following email addresses:

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