

IPR2025-00480
Patent 8,433,296

Authorized Response to Director Review Request

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

HOME DEPOT U.S.A., INC.,
Petitioner,

v.

H2 INTELLECT LLC,
Patent Owner.

IPR2025-00480
U.S. Patent No. 8,433,296

**PATENT OWNER'S AUTHORIZED RESPONSE
TO DIRECTOR REVIEW REQUEST**

PATENT OWNER’S EXHIBIT LIST

Exhibit No.	Description
2001	Complaint, <i>H2 Intellect LLC v. The Home Depot, Inc., et al.</i> , No. 2:24-cv-00694 (E.D. Tex. Aug. 22, 2024), ECF No. 1.
2002	Amended Complaint, <i>H2 Intellect LLC v. The Home Depot, Inc., et al.</i> , No. 2:24-cv-00694 (E.D. Tex. Jan. 9, 2025), ECF No. 26.
2003	Amended Docket Control Order, <i>H2 Intellect LLC v. The Home Depot, Inc., et al.</i> , No. 2:24-cv-00694 (E.D. Tex. Dec. 10, 2024), ECF No. 23.
2004	Complaint, <i>H2 Intellect LLC v. The Home Depot, Inc., et al.</i> , No. 2:25-cv-00123 (E.D. Tex. Feb. 3, 2025), ECF No. 1.
2005	Docket Control Order, <i>H2 Intellect LLC v. The Home Depot, Inc., et al.</i> , No. 2:25-cv-00123 (E.D. Tex. June 2, 2025), ECF No. 46.
2006	Defendants’ Opposed Motion to Consolidate, <i>H2 Intellect LLC v. The Home Depot, Inc., et al.</i> , No. 2:25-cv-00123 (E.D. Tex. June 18, 2025), ECF No. 53.
2007	Plaintiff’s Response in Opposition to Defendant’s Motion to Consolidate, <i>H2 Intellect LLC v. The Home Depot, Inc., et al.</i> , No. 2:25-cv-00123 (E.D. Tex. July 16, 2025), ECF No. 72.
2008	U.S. District Court – Judicial Caseload Profile for the Eastern District of Texas, Administrative Office of the U.S. Courts (March 31, 2025).
2009	Declaration of Rex Mann
2010	Defendant’s Preliminary Invalidity Contentions, <i>H2 Intellect LLC v. The Home Depot, Inc., et al.</i> , No. 2:24-cv-00694 (E.D. Tex.)
2011	<i>Carolyn W. Hafeman v. Google LLC et al.</i> , Case No. 24-1600, Corrected Brief for Intervenor-Acting Director of the USPTO (Dec. 30, 2024)
2012	Declaration of Ryan Hardin

2013	Home Depot 2024 Annual Report
2014	List of Patents Assigned to “Home Depot”, USPTO Patent Public Search, https://ppubs.uspto.gov/pubwebapp/ (search “USPAT” Database using query text “home depot”.as.) (last visited July 17, 2025)
2015	Complaint, <i>Ryan Hardin et al. v. Samsung Elec. Co., Ltd. et al.</i> , No. 2:21-cv-00290 (E.D. Tex. July 30, 2021), ECF No. 1
2016	Complaint, <i>Ryan Hardin et al. v. Samsung Elec. Co., Ltd. et al.</i> , No. 2:22-cv-00344 (E.D. Tex. Sep. 2, 2022), ECF No. 1
2017	Claim Construction Order, <i>Ryan Hardin et al. v. Samsung Elec. Co., Ltd. et al.</i> , No. 2:21-cv-00290 (E.D. Tex. Aug. 25, 2022), ECF No. 86
2018	U.S. Patent No. 9,779,418
2019	U.S. Patent No. 10,049,387
2020	U.S. Patent No. 10,984,447
2021	Declaration of Andrew Hill
2022	Assignment History for U.S. Patent No. 8,433,296, USPTO, https://assignment.uspto.gov/patent/index.html#/patent/search/resultAbstract?id=8433296&type=patNum (last visited July 15, 2025)
2023	Joint Motion by Plaintiffs Ryan Hardin and Andrew Hill and Defendants LG Electronics, Inc. and LG Electronics Alabama, Inc., <i>Ryan Hardin et al. v. Samsung Elec. Co., Ltd. et al.</i> , No. 2:21-cv-00290 (E.D. Tex. May 31, 2022), ECF No. 46
2024	Plaintiff’s Motion For a New Trial and Partial Judgment as a Matter of Law, <i>Carolyn W. Hafeman v. LG Electronics, Inc.</i> , No. 6:21-cv-00696 (W.D. Tex. July 20, 2023), ECF No. 262
2025	Stipulation of Dismissal, <i>H2 Intellect LLC v. Int’l Business Machines Corp.</i> , No. 2:24-cv-00367 (E.D. Tex. Feb. 3, 2025), ECF No. 42

2026	Joint Motion to Stay All Deadlines and Notice of Settlement, <i>Ryan Hardin et al. v. Samsung Elec. Co., Ltd. et al.</i> , No. 2:21-cv-00290 (E.D. Tex. Feb. 2, 2023), ECF No. 224
2027	Termination Due to Settlement Institution of Trial, <i>Samsung Elec. Co., Ltd., et al. v. Ryan Hardin, et al.</i> , IPR2022-01331, Paper 24 (PTAB July 26, 2023)
2028	Declaration of Scott Denning
2029	ZIP Code™ – the Basics
2030	ZIP Code™ Tabulation Areas (ZCTAs™) - Geography, U.S. Census Bureau (archived, June 2013), https://web.archive.org/web/20130617034846/http://www.census.gov/geo/reference/zctas.html
2031	ZIP Code Tabulation Areas (ZCTAs), U.S. Census Bureau (Aug. 10, 2023)
2032	ZIP Codes are Not Area Polygons, Manifold.net, (archived, April 2005), https://web.archive.org/web/20050407232304/http://www.manifold.net:80/cases/zip_codes/zip_codes.html
2033	ZIP Codes are not Boundaries, Service Objects (Apr. 21, 2021), https://www.serviceobjects.com/blog/zip-codes-are-not-boundaries/
2034	Understanding Geographies in NaNDA: Tract10, Tract20, ZCTA10, and ZCTA20, Univ. of Michigan NaNDA (Mar. 25, 2025), https://nanda.isr.umich.edu/2025/03/25/geographies/
2035	Census Geography and Map Frequently Asked Questions, U.S. Census Bureau
2036	ZIP Code® Tabulation Areas (ZCTAs™), U.S. Census Bureau (Jan. 11, 2000) (archived, Jan. 2000) https://web.archive.org/web/20000304081143/http://www.census.gov:80/geo/ZCTA/

2037	ZCTAs™: Zip Code Tabulation Areas for Census Data Products, U.S. Census Bureau, ZCTA/99 (June 1999)
2038	ZIP Code® Tabulation Areas (ZCTAs™) For Census 2000 Dress Rehearsal Data Products, U.S. Census Bureau (1999)
2039	Noelke et al., <i>COI 2.0 ZIP CODE DATA, Technical Details</i> , Brandeis, The Heller School for Social Policy and Management, January 8, 2022
2040	Frank Donnelly, <i>The Trouble with ZIP Codes: Solutions for Data Analysis and Mapping</i> , At These Coordinates (May 11, 2020)
2041	Matt Forrest, <i>Stop Using Zip Codes for Geospatial Analysis</i> , Carto (Aug. 8, 2019) (https://carto.com/blog/zip-codes-spatial-analysis)
2042	Excerpts from the Deposition of Ryan Hardin (Sept. 27, 2022)

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TABLE OF ABBREVIATIONS

H2 Intellect LLC (Patent Owner)	H2
Home Depot U.S.A., Inc. (Petitioner)	HD
Petition for Inter Partes Review (Paper 1)	Pet.
Patent Owner Preliminary Response (Paper 8)	POPR
Institution Decision (Paper 15)	ID
Petitioner's Request for Director Review (Paper 16)	Request
United States Patent No. 8,433,296	296 Patent
All Emphasis Added	

HD denigrates the Board's careful analysis of the evidence and arguments but at bottom it was HD that failed to present evidence showing that its prior art disclosed the limitations in question. Indeed, HD's failure to present such evidence and argument in the Petition, as it was required to do, is highlighted by the fact that HD peppers its Request with improper new argument. HD also simply ignores the evidence and argument H2 presented in the POPR that supports the Board's ID.

As explained herein, the Board was correct to find that the evidence and argument in the Petition was lacking. The Request presents no reason why further Board resources should be expended on this proceeding. HD's Request for Director Review should be denied.

I. BACKGROUND OF THE 296 PATENT AND CLAIMS

The 296 Patent issued in 2013 to inventors Ryan Hardin and Andrew Hill from an application they filed May 1, 2009, and is now assigned to H2, a small entity owned solely by the two inventors. EX-1001; EX-2012; EX-2021. Prior to the invention, the ability to deliver content to mobile devices was limited, with most systems using a broadcast model that indiscriminately delivered overlapping or irrelevant content to all mobile devices in an area. The inventors recognized that advertisers and content sponsors needed a more precise and exclusive mechanism to reach users—one that would allow them to reserve delivery rights for particular geographic areas and for specific application program types, thereby avoiding the

pitfalls of generic, location-based advertising. *See* POPR at 5-6; EX-1001, 1:12-32; EX-2042.010-011.

Titled “Exclusive Delivery of Content Within Geographic Areas,” the 296 Patent discloses the inventors’ innovative content delivery platform that enables sponsors to obtain exclusive interests in customizable geographic areas for the delivery of content to mobile devices having registered application programs associated with particular application types. EX-1001, 1:36-2:10.

The claims cover this innovative system. Representative claim 1¹ is reproduced below with identifiers for each limitation for ease of reference:

A method comprising:

[1.a] registering a plurality of application programs for use with a content delivery platform, wherein the plurality of registered application programs are each associated with at least one application program type;

[1.b] establishing a plurality of perimeters defining a plurality of geographic areas;

[1.c] reserving delivery of content from a plurality of sponsors to the plurality of registered application programs on the basis of both a geographic area and an application program type associated with each of the plurality of registered application programs;

¹ There is no dispute that claim 1 is representative for purposes of the Board’s analysis. *See* ID at 13, 19.

[1.d] receiving, from a sponsor, a request to obtain an interest in a selected one of the plurality of geographic areas;

[1.e] providing the sponsor a response to the request;

[1.f] storing a record of the interest in the selected one of the plurality of geographic areas;

[1.g] receiving, from the sponsor, content to be delivered to registered application programs having target locations contained within the selected one of the plurality of geographic areas;

[1.h] receiving, from a registered application program, a request for content to be used within the registered application program;

[1.i] in response to receiving the request:

selecting content from at least one sponsor to be delivered to the registered application program, subject to the reserving; and

[i.j] providing the content from the at least one sponsor to the registered application program.

EX-1001, Claim 1; *see* ID at 4-5.

II. LEGAL STANDARD

Requests for Director Review of a Board's institution decision "shall be limited to decisions presenting (a) an abuse of discretion, (b) important issues of law or policy, (c) erroneous findings of material fact, or (d) erroneous conclusions of law." *See* <https://www.uspto.gov/patents/ptab/decisions/director-review-process> ("Director Review Process") at 2.B. "The Director will not consider new evidence *or new arguments* not part of the official record." *Id.* at E.

III. ARGUMENT

A. The Board's Analysis of Limitation [1.e] Was Correct

As shown above, limitation [1.d] requires “receiving, from a sponsor, a request to obtain an interest in a selected one of the plurality of geographic areas.” Limitation [1.e] requires “providing the sponsor a response to the request.” The Board correctly concluded that the prior art identified by HD (Elliott and Jacob) did not teach or suggest limitation [1.e]. ID at 13-16.

The weakness of HD's argument is demonstrated by the fact that its analysis in the Request is *more than four times* as long as its analysis in the Petition for this limitation. Whereas HD devoted barely over one page to this limitation in the Petition (*see* Pet. at 29-31), the Request spans five pages explaining how the Board allegedly erred (Request at 4-9). Not surprisingly, the Request relies on arguments found nowhere in the Petition. For this reason alone, HD's Request should be denied. Director Review Process at E (“The Director will not consider new evidence *or new arguments* not part of the official record.”).

For example, in its Petition, HD argued that “Elliott discloses this [1.e] limitation.” Pet. at 29. Now, for the first time, HD argues that Elliott “inherently” discloses limitation [1.e]. Request at 6 (“The Board also erred by failing to appreciate Elliott's *inherent* disclosure of a response.”). Whether a reference inherently discloses a limitation requires a specific analysis that appears *nowhere*

in HD's Petition or its expert declaration. *Transclean Corp. v. Bridgewood Servs.*, 290 F.3d 1364, 1373 (Fed. Cir. 2002) (rejecting an inherency analysis because "anticipation by inherent disclosure is appropriate only when the reference discloses prior art that must *necessarily* include unstated limitation.") (emphasis in original). The Board could not err by "failing to appreciate Elliott's inherent disclosure" when HD *never argued* inherency in the Petition.

HD's Request also impermissibly pivots in arguing that the Elliott-Jacob combination rendered this limitation obvious. Now, HD argues that the Board failed to consider what "Jacob *suggested* to a POSITA" concerning limitation [1.e]. Request at 5 (emphasis in original). But HD in the Petition *never* argued that Jacob "suggested" anything to a POSITA. Instead, in the scant one paragraph HD devoted to the Elliott/Jacob paragraph, HD only argued that Jacob also disclosed this limitation. Pet. at 30 ("Jacob *discloses* the advertiser receiving a response to the request.... Thus, a POSITA would have found it to be an obvious design choice to modify Elliott in light of Jacob to notify Elliot's advertiser that the request to run advertisements was received."). Once again, HD faults the Board for failing to address arguments that HD never made. Any such fault lies with HD, as the "master of its petition," for not including the argument in the first place. *See Qualcomm Inc. v. Apple Inc.*, 134 F.4th 1355, 1367 (Fed. Cir. 2025) ("Apple should

be held to the phrasing of its petition because an IPR petitioner is the ‘master of its own petition.’”) (citation omitted).

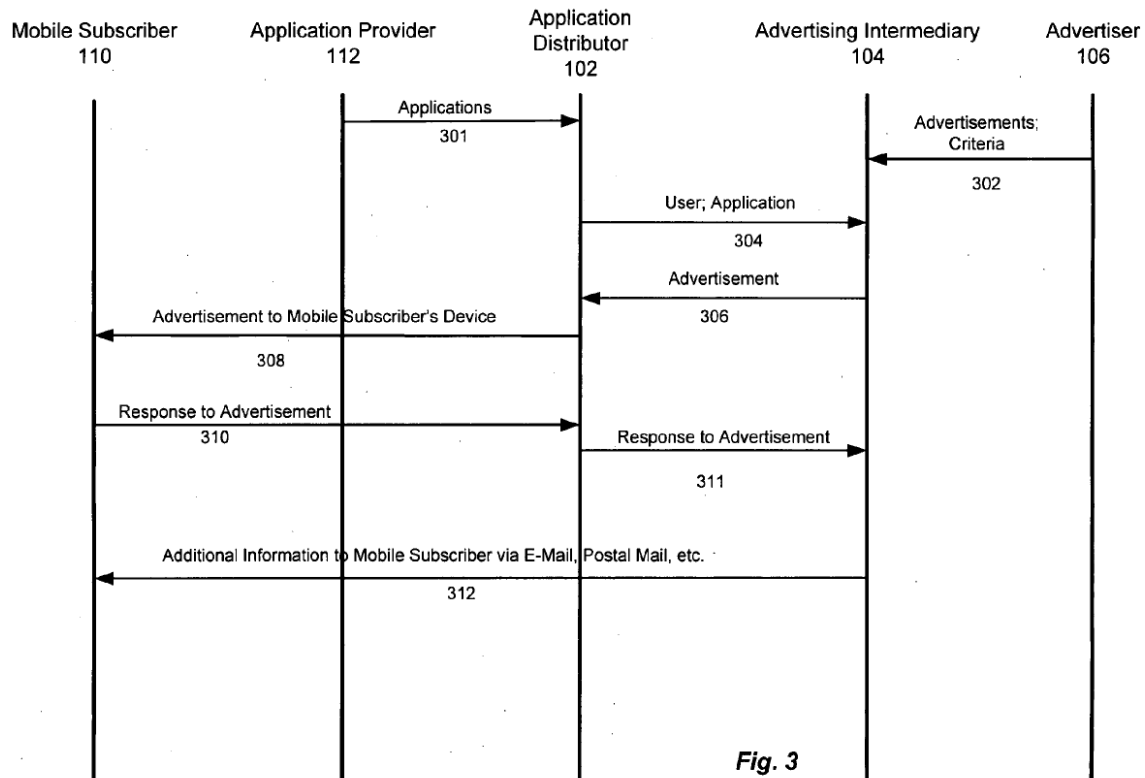
Likewise, HD now argues that a POSITA had only “two predictable choices” when considering the Elliott/Jacob combination, and thus both choices were obvious. Request at 5-6 (collecting cases). The Petition contained no such “two-choice” argument nor did it include any case law supporting a two-choice obviousness argument.

The same is true for HD’s newly asserted “common sense” obviousness argument. Request at 4 (asserting that the Petition “made the common-sense assertion that it would have been obvious for a POSITA to modify Elliott...”). The Petition contained no arguments relying on the common sense of a POSITA. And even if it did, such arguments fail given the superficial nature of HD’s analysis concerning limitation [1.e]. *See Arendi S.A.R.L. v. Apple Inc.*, 832 F.3d 1355, (Fed. Cir. 2016) (holding that “references to ‘common sense’ ... cannot be used as a wholesale substitute for reasoned analysis and evidentiary support, especially when dealing with a limitation missing from the prior art references specified.”).

The Board’s analysis of limitation [1.e], based on the evidence and arguments HD actually made in the Petition, shows that the Board made no erroneous findings. HD argued in the Petition only that Elliott disclosed limitation [1.e] because it allegedly “communicates the response rate to a particular

advertiser [] for the purpose of charging the advertiser [] based on the response rate.” Pet. at 30 (citing EX-1004, [0024]). As H2 pointed out, Elliott does not disclose that this “response rate” is communicated to anyone, much less the sponsor that sent the request to obtain an interest in a geographic area as required by preceding limitation [1.d]. *See* POPR 35-36.

The only mention of a “response rate” in Elliott is in paragraph [0024]. This relates to the rate at which mobile users click on a URL in an email delivered to them. *Id.* Elliott states only that an “advertising intermediary 104” (*see* Fig. 1) can “track the response rate” which the advertising intermediary 104 can use “to adjust the amount charged to a particular advertiser 106.” EX-1004, [0024]. How much the advertising intermediary 104 charges the advertiser is not, under any reasonable interpretation, providing the advertiser a “response to the request” to obtain an interest in a geographic area. POPR at 37-38. There is no disclosure in Elliott that the advertising intermediary 104 (or anyone else) provides the advertiser with a response to the request to obtain an interest in a geographic area. Indeed, Elliott’s Fig. 3, which is an “interaction diagram” of the disclosed embodiment, EX-1004, [0027] confirms this. That figure (reproduced below) shows no communication flow from the advertising intermediary 104 to the advertiser 106, much less communicating a response to the advertiser’s request for an interest in a geographic area as the claim requires:



EX-1004, Fig. 3; *see id.* [0027]-[0028]; POPR at 36 (addressing Fig. 3).²

The Board considered the parties’ competing arguments on this issue and found H2’s persuasive. *See* ID at 15. Other than disagreeing with the Board’s analysis (and raising its impermissible new arguments), HD fails to demonstrate

² HD chides the Board for relying on Fig. 3 because “the Petition does not rely on Figure 3 to show the claimed response.” Request at 8. That argument ignores the fact that H2 *did* rely on Figure 3 to rebut Petitioner’s argument. POPR at 36. The Board properly weighed the evidence and arguments and found H2’s more persuasive. ID at 15-16. There is nothing erroneous in the Board’s analysis.

why the Board committed material error, particularly in light of the paucity of its analysis in the Petition and the lack of disclosure in Elliott.

The Board’s analysis concerning the Elliott/Jacob combination was also properly grounded in the parties’ evidence and arguments. HD in the Petition relied on a single paragraph in Jacob. Pet. at 30 (citing EX-1005, ¶ [0026]). Paragraph [0026] says nothing about an advertiser receiving a response to its request to obtain an interest in a geographic area. A plain reading of the paragraph shows that it discloses only that a “service provider can provide some assurance to prospective advertisers that their advertisements will be delivered to preferred recipients....” EX-1005, ¶26. Even if that “assurance” is a response to the advertiser, it is not a response made to the advertiser’s “request to obtain an interest in a selected one of the plurality of geographic areas” as the claim requires. *See* POPR at 38-39; ID at 15-16 (stating that the purpose of the communication in Jacob is to convince the advertiser that the intermediary’s future services would be worthwhile.... It is not a response to a sponsor’s request for a reservation.”).

Likewise, HD argues that it presented an obvious modification argument in the Petition that the Board ignored. Request at 4-5. Not so. The entirety of this argument in the Petition was as follows: “[A] POSITA would have found it to be an obvious design choice to modify Elliott in light of Jacob to notify Elliott’s advertiser that the request to run advertisements as received. For example, when

Jane's Pancake House adds an advertisement for City B for holiday-only advertisements, it would have been obvious to inform or confirm to Jane's that the advertisement will run." Pet. at 30-31. That argument wholly fails to address the claim limitation in question. Limitation [1.e] is not directed to providing a response that an advertisement will run; it is a response to a request from the sponsor to obtain an interest in the geographic area. *See* EX-1001, claim 1, limitations [1.d], [1.e]. The Board cannot be faulted for rejecting an argument that was not germane to the limitations in question.³

To sum up, HD's new arguments concerning limitation [1.e] are too late and should not be considered as part of Director Review. Further, the Board committed no material error in its analysis because HD failed to show *in the Petition*, as it

³ For this reason, HD's argument that the Board "elided" the Petition's argument that the Elliott/Jacob combination "suggested" limitation [1.e] is wrong. Request at 6, n.2. The Board considered it and rejected it because the evidence in the Petition was lacking. ID at 13 (finding that, "based on the evidence" presented, the "Elliott/Jacob combination does not teach or suggest limitation [1.e]..."); at 16 (finding that what HD pointed to in Jacob was "not a response to a sponsor's request for a reservation").

was required to do, that the Elliott/Jacob ground disclosed or rendered obvious limitation [1.e], HD's Request should be denied on this basis alone.

B. The Board's Analysis of Limitation [1.a] Was Correct

Limitation [1.a] requires, first, "registering a plurality of application programs for use with a content delivery program..." EX-1001, claim 1. HD argued that "registering" means "something akin to 'enrolling,' i.e., recording identifying information for the application that facilitates providing content to and/or tracking the usage of the application." Pet. at 6-7.

HD argues that the Board erred by failing to consider its argument that Elliott "renders obvious" this limitation. Request at 9.⁴ That is incorrect. In its Petition, HD argued that this portion of limitation [1.a] was obvious because Elliott teaches that the "application distributor 102" provides a "portion of its advertising revenue to an application provider 112 in exchange for the application provider 112 allowing application distributor 102 to distribute its product." Pet. at 16-17 (quoting Elliott, EX-1004, [0018]). The Board considered this argument but was

⁴ In its Petition, HD first argued that Elliott "discloses" this limitation. *See* Pet. at 16. HD does not contest the Board's finding that Elliott does not disclose limitation [1.a]. *See* ID at 16 (holding that "Elliott does not disclose 'registering a plurality of application programs.'").

“not persuaded” by it, ID at 17, for good reason. As H2 explained, it is at most speculation that a POSITA would have found it obvious that merely distributing a percentage of ad revenue requires “registering” as HD itself construed the term. POPR at 17-18 (explaining that a “more plausible reading of Elliott is that the application distributor agrees to simply pay the application provider a percentage of its advertising revenue based on how many applications it distributes. In that case, there is no reason that the application must be ‘registered’ or enrolled with the content delivery platform for the distributor to know how many applications were distributed.”).

The Board, after weighing the arguments and evidence, agreed. ID at 17-18. It was HD’s burden to come forward with evidence that explained in detail why a POSITA would have found the first part of limitation [1.a] obvious from reviewing Elliott. It failed to do so, as its expert declaration merely parroted the exact language from the Petition and constituted no more than *ipse dixit* conclusory statements. Compare Pet. at 16-18 with EX-1002, ¶¶ 108-109. *See Xerox Corp. v. Bytemark, Inc.*, IPR2022-00624, Paper 9 at (PTAB Aug. 24, 2022) (“We have reviewed this excerpt from [the expert’s] declaration and note that it merely repeats, *verbatim*, the conclusory assertion for which it is offered to support.... [The expert] does not cite to any additional supporting evidence or provide any technical reasoning to support his statement. Thus, the cited declaration testimony

is conclusory and unsupported, adds little to the conclusory assertion for which it is offered to support, and is entitled to little weight.”) (citing 37 C.F.R. § 42.65(a)).

That is precisely the case here. For the first part of limitation [1.a], HD’s expert cites no “additional supporting evidence,” nor does he provide any “technical reasoning to support his statement[s].” He merely quotes some language from Elliott (EX-1002, ¶ 108) and then summarily concludes in ¶ 109 that a POSITA “would have understood” that Elliott included or rendered obvious the registering step. The Board was under no obligation to accept HD’s expert’s conclusory and speculative testimony. *Alza Corp. v. Mylan Laboratories, Inc.*, 464 F.3d 1286, 1290 (Fed. Cir. 2006) (emphasizing that “legal determinations of obviousness, as with such determinations generally, should be based on evidence rather than on mere speculation or conjecture.”); *Upjohn Co. v. Mova Pharm. Corp.*, 225 F.3d 1306, 1311 (Fed. Cir. 2000) (“Lack of factual support for expert opinion to factual determinations, however, may render the testimony of little probative value in a validity determination.”).⁵ The Board thus did not commit

⁵ HD faults the Board for including an inherency analysis in the ID for this limitation. ID at 17-18. But given the lack of precision in the Petition regarding this limitation, that is hardly a reason for review. HD made no separate obviousness analysis in the Petition; instead, it merely alleged a POSITA would

material error in finding that HD failed to show in the Petition that Elliott disclosed or rendered obvious the registering step in limitation [1.a].

Next, the second part of limitation [1.a] requires that the “plurality of registered application programs are *each* associated with at least one application program type.” EX-1001, claim 1. The Board concluded that HD failed to show that Elliott taught or rendered obvious this as well. ID at 18-19 (agreeing with H2 that Elliott did not teach that “*each* of the plurality of registered applications in Elliott is ‘associated with at least one application program type,’ as claim 1 requires.”) (emphasis in original).

HD’s assertion that the Board failed to consider its argument that Elliott rendered this limitation obvious is without merit. Once again, the Petition controls, and HD simply failed to explain how Elliott rendered this specific limitation obvious. HD stated in the Petition that a “POSITA would have understood Elliott to disclose that application programs are associated with application program types.

understood Elliott to “include and render obvious” the registering step. Pet. at 18.

Without a separate obviousness analysis, the Board correctly addressed whether Elliott, disclosed, either expressly or inherently, the limitation, and concluded it did not. And the Board further held that Elliot did not “suggest” limitation [1.a]. As set forth above, the Board did not commit material error in so holding.

Moreover, [a] POSITA would have understood it was well-known that different application programs would have been associated with application program types.” Pet. at 19. Even taking those two sentences as true, they fail to address the limitation in the claim—which requires that “*each*” registered application program is associated with at least one application program type. Rather than address the precise language in the claim, HD in the Petition vaguely alleged only that application programs could be associated with application program types. It was not the Board’s job to infer what HD meant when presenting its arguments. It was instead HD’s burden to explain with particularity what its obviousness theories were, backed up with particularized evidence. HD failed to do so.

IV. CONCLUSION

For these reasons, H2 respectfully requests that the Director deny HD’s request for review.

Dated: November 25, 2025

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this 25th day of November, 2025, I caused to be served a true and correct copy of the foregoing “Patent Owner’s Authorized Response to Director Review Request” by electronic mail on the following:

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