

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TANKLOGIX, LLC,
Petitioner

v.

SITEPRO, INC.,
Patent Owner

Case No. IPR2025-00761

U.S. Patent No. 12,019,461

PETITIONER'S DISCRETIONARY DENIAL OPPOSITION BRIEF

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PETITIONER'S EXHIBIT LIST

<u>EXHIBIT</u>	<u>DESCRIPTION</u>
EX1001	U.S. Patent No. 12,019,461
EX1002	Declaration of Dr. Gary Wooley
EX1003	Curriculum Vitae of Dr. Gary Wooley
EX1004	U.S. Patent No. 12,019,461 File History Notice of Allowance
EX1005	U.S. Patent No. 7,424,399 to Kahn
EX1006	U.S. Patent No. 8,667,091 to Almadi
EX1007	U.S. Patent No. 9,709,995 to Gutierrez
EX1008	SCADA: Supervisory Control and Data Acquisition, 4th Edition (2010)
EX1009	Modbus Application Protocol Specification V1.1b3 (Apr. 26, 2012) available at https://www.modbus.org/docs/Modbus_Application_Protocol_V1_1b3.pdf
EX1010	Fast Ethernet Consortium Physical Medium Dependent (PMD) Test Suite Version 3.5 (Sep. 13, 2011) available at https://www.iol.unh.edu/sites/default/files/testsuites/ethernet/CL25_PMD/PMD_Test_Suite_v3.5.pdf
EX1011	Western District of Texas – Time to Trial Statistics
EX1012	U.S. Patent No. 12,019,461 Side-by-Side Listing of Claims 1 and 17
EX1013	Petitioner's <i>Sotera</i> Stipulation
EX1014	Defendant's Motion to Stay Filed in the District Court
EX1015	U.S. Patent No. 12,019,461 File History Office Action, Office Action Response, and Terminal Disclaimer

1. Introduction

Patent owner's request for discretionary denial of institution under 35 U.S.C. §§ 314(a) and/or 325(d) should be rejected. Petitioner has presented a strong case on its merits, as well, the status of this proceeding and the co-pending district case does not warrant denial of institution. As discussed in more detail below, patent owner provides narrow and over optimistic stances in support of their request, which should be rejected.

Patent owner overstates the duplicative nature of the co-pending proceedings. The lawsuits against TankLogix were filed on December 20, 2024. The Petition was diligently prepared and filed on April 11, 2025. A Notice of Filing Date Accorded was mailed May 19, 2025. Based on that date, a Final Written Decision will issue no later than November 19, 2026. While the Final Written Decision date may be shortly after the currently scheduled trial date, Oct 26, 2026, such date is likely to slip. EX1011. The average time to trial now in the Western District of Texas is now 33.1 months. EX1011. Applying that average time to trial to this case would result in a trial date of September, 2027 – roughly ***ten months after*** a Final Written Decision would issue. Furthermore, in the district court case, the investment of the parties and Court has been low, as there has been no *Markman* hearing, and discovery has not yet commenced.

Further, this patent and SitePro's more recently acquired patents do not have settled expectations disfavoring institution. This IPR is the eighth IPR filed against the most-

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recently issued patent in SitePro’s portfolio on April 11, 2025 (IPR2025-00761). This IPR concludes a set of eight IPRs filed against SitePro’s asserted patent in court cases filed on December 20, 2024. As illustrated in the table below, the ’461 Patent is the most recently issued patent and is the subject of one of the five currently active IPR filings by TankLogix against SitePro. The eight patents and their respective issue dates along with the associated IPR proceeding are listed below:

Case No.	Patent No.	Patent Issue Date	Discretionary Denial Decision
IPR 2025-00648	8,649,909	February 11, 2014	Granted
IPR 2025-00649	9,342,078	May 17, 2016	Granted
IPR 2025-00647	9,898,014	February 20, 2018	Granted
IPR 2025-00650	10,488,871	November 26, 2019	Denied
IPR 2025-00651	11,175,680	November 16, 2021	Denied
IPR 2025-00652	11,294,403	April 5, 2022	Denied
IPR 2025-00653	11,726,504	August 15, 2023	Denied
IPR 2025-00761	12,019,461	June 25, 2024	

Discretionary denial has been denied for the four patents that issued within the past six years, and it should also be denied for this patent that issued just last year. One benchmark regarding settled expectations has analogized the relevant timeline to the six-year patent enforcement statute of limitations. *Dabico Airport Sols. Inc. v. Axa PowerAps*, IPR2025-00408, Paper 21 at 2–3 (Director June 18, 2025) (citing 35 U.S.C. § 286 (“Except as otherwise provided by law, no recovery shall be had for any infringement committed more than six years prior to the filing of the complaint or counterclaim for

infringement in the action.”)).

The issuance date of the '461 Patent is just over one year, and it is significantly less than the six-year statute of limitations referenced in the Director's *Dabico* guidance. In *Dabico*, the Director stated “the challenged patent has been in force almost eight years.” *Dabico* at 2. In *Proxense*, the Director stated “the challenged patents have been in force over nine years.” *Intel Corp. v. Proxense LLC*, IPR2025-00327, Paper 12, at 2–3 (Director June 26, 2025). Accordingly, the '461 Patent does not enjoy “settled expectations” involving challenges.

An additional consideration that TankLogix was unaware of the challenged patents until being sued on them. There is no record evidence that, for example, TankLogix cited to any SitePro patents in connection with any TankLogix prosecution activities. *See Ericsson and Verizon Wireless v. Procomm International*, IPR2024-01455, Paper 15, at 3 (Director June 25, 2025) (“Petitioner was aware of it as early as 2013—having been brought to Petitioner's attention in a Notice of References Cited during the prosecution of one of its own patents.”).

2. The Fintiv Factors Favor Institution

A. Tanklogix's Stay has Not Been Ruled Upon

Factor 1 favors institution. TankLogix filed a motion to stay the district court case on April 16, 2025. EX1014. While SitePro has filed an opposition to Tanklogix's motion,

the district court has not yet ruled on the motion. TankLogix agrees with SitePro's statement that Judge Rodriguez has not previously ruled on any contested motions to stay pending IPR. Therefore, this factor likely favors Petitioner, but conservatively, it can be considered neutral.

B. The Likely Trial Date is Much Later than the Statutory Deadline for a Final Written Decision

Factor 2 is neutral. Patent owner presents an optimistic view on the co-pending district court case. While SitePro is correct that the current schedule provides a trial date prior to the potential Final Written Decision date, such date is not set in stone. As outlined above, trial is likely to be much later than October 2026 based on the average case in WDTX. EX1011. Thus, under the best case scenario, the Final Written Decision will beat the potential trial date by less than a month, but in reality, the trial date is likely to be much later.

C. The Co-Pending District Court Litigation is in its Infancy

Factor 3 favors institution. The co-pending district court litigation is in its early stages, and investment has been minimal. The parties have just exchanged preliminary materials for claim construction, and the associated claim construction hearing is not set to occur until late October. Also, given that no claim construction has been pursued in this proceeding, such litigation activities should not have a bearing in this proceeding.

Further, discovery has not opened, and expert reports have not been pursued or exchanged. *See PEAG LLC v. Varta Microbattery GmbH*, IPR2020-01214, Paper 8, 17 (Jan. 6, 2021). Lastly, as discussed further below, Petitioner's Sotera stipulation has limited the investment needed in the co-pending district court litigation by limiting invalidity issues and the associated work. *See* EX1013.

D. There is No Overlap of Invalidity Issues

The Petition presents strong invalidity grounds, and every claim of the '461 Patent has been challenged. Further, TankLogix has submitted a stipulation that goes beyond a typical *Sotera* stipulation, and which eliminates any potential overlapping invalidity issues between the litigation and the IPR upon institution. EX1013. These are additional strong reasons why the Director should not discretionarily deny institution.

Factor 4 favors institution. For efficacy, consistent with *Sotera Wireless, Inc.*, Petitioner hereby stipulates "that if the PTAB institutes *inter partes* review, Petitioner 'will not pursue in [*SitePro, Inc. v. TankLogix, LLC*, No. 6:24-cv-00642; -643 (W.D. Tex.) ("Litigation")] the specific grounds [asserted in IPR2025-00761], or . . . any other ground . . . that was raised or could have been reasonably raised in an IPR (i.e., any ground that could be raised under §§ 102 or 103 on the basis of prior art patent or printed publications).'" *Sotera Wireless, Inc. v. Masimo Corp.*, IPR2020-01019, Paper 12 at 13-14 (PTAB Dec. 1, 2020) (precedential). For the avoidance of doubt, if the PTAB institutes

inter partes review, Petitioner will not, in the Litigation, rely on any product or system art that is “based on the same evidence presented” in this IPR. *Cf. SAP America, Inc. v Cyandia, Inc.*, IPR2024-01496, Paper 13 at 9 (PTAB Apr. 7, 2025). As such, the Grounds presented in the instant IPR will be materially different from the grounds that will be presented in the district court.¹

E. Petitioner is the Defendant

Factor 5 is neutral. Petitioner is the defendant in the co-pending district court litigation.

F. Other Circumstances Weigh in Favor of Institution

Patent Owner's claims of “flaws” of the Petition are overstated or misrepresentative. Patent Owner has cherry-picked language and recitations in order to try and claim that Petitioner has failed to present an obviousness challenge that has a “reasonable likelihood of prevailing.” This is incorrect as the petition satisfies all of the *Graham* factors and efficiently maps the references to each and every claim limitation. Pet. at 7-9 (motivation to combine the references), 9-62 (limitation by limitation mapping of the references to the '461 Patent). As detailed below, the Board should not be

¹ The presently recited *Sotera* stipulation mirrors Petitioner's filing on May 15, 2025 with a minor correction to the associated IPR proceeding from “IPR2025-00647” to “IPR2025-00761.” Petitioner references the stipulation here to affirm its intention of avoiding duplicative proceedings. EX1013.

persuaded by the Patent Owners arguments within Factor 6, as Petitioner satisfies the threshold for institution of this IPR Petition.

i. Strong Merits of the Petition

Patent Owner argues that the petition fails to show each and every claim by cutting apart and “highlighting” a single limitation. The “lacking” limitation is “causing, with the server system, the first computer system disposed at the first fluid handling site to effectuate the command by changing the state of the first fluid-handling device to a sequence of different target states that change over time.” EX1001, claim 1, mapped as [1.9] in the petition, Pet. at 35-38. Notably, Patent Owner separates the limitation into two portions: *[1.9] “to a sequence of different target states that change over time.”* and *[1.9] “causing, with the server system, the first computer system ... to effectuate the command.”* Petitioner addresses both to show that the Petition is not “flawed,” as Patent owner claims.²

[1.9] “to a sequence of different target states that change over time.”

Patent Owner seeks to overcomplicate a relatively simple phrase. The '461 Patent does not provide a definition of “sequence” and only uses the word twice within the

² Petitioner addresses both of Patent Owner's recitations directed towards limitation [1.9] and, as noted in the Petition, this discussion can be equally applied to the limitations of claim 17 due to its mirrored claim limitations.

specification, stating “translated by the command translator 78 into a sequence of on and off signals conveyed via a high and low voltage on an individual wire corresponding to bus 64” and “sending the translated command may include sending a sequence of set points that change over time.” EX1001 10:37-40 & 12:29-30. Both instances utilize “sequence” within its common definition of “a series of related things or events, or the order in which they follow each other.”³ This is exactly how the prior art references (Gutierrez, Almadi, and SCADA) were mapped within this limitation. Pet. at 35-38. Further, the “different target states that change over time” phrase does not modify the functionality of the phrase as expressly as Patent Owner intends. Effectively this claim limitation requires a target state to be effectuated, then at a later point in time, a different target state to be effectuated. The requirements of this claim limitation are disclosed in each of the references.

Gutierrez's disclosure of a “variable frequency drive” mirrors Patent Owner's own examples of changing different states over time. As explained in the Petition, “Gutierrez also discloses that the motor controller may include a variable frequency drive (“VFD”), which varies the frequency of electrical power to the motor, allowing for variable rotational speeds”. Pet. 36 citing EX1007, 8:6-12; 12:18-22. Further, “Gutierrez also

³ Cambridge Dictionary, “Sequence,” visited Aug. 15, 2025, <https://dictionary.cambridge.org/us/dictionary/english/sequence>

discloses reducing the speed of the motor, i.e., to a different target state, when the sensed pressure in a pipeline falls below a minimum threshold indicative of a pipeline break.” Pet. 36 citing EX1007, 10:8-16.

The '461 Patent describes ramping down the speed of a motor as changing states over time:

“Further, the command to change the fluid-handling device to a target state may include a command that changes the fluid-handling device to a plurality of different states over time, such as a command to **ramp up or down a motor speed** or oscillate some parameter.”

EX1001 at 12:1-6.

“Further, in some embodiments, the controllers 82 may change the set point over time in accordance with the received command, for example a command to gradually ramp up a motor speed, a command to gradually open a valve...”

EX1001 at 10:63-67.

Additionally, Kahn describes changing valve states over time based upon sensor readings. Kahn discloses that “sensor unit 110 includes communication equipment with actuators configured to manipulate fluid flow at respective fluid-handling facilities.” Pet. 36 citing EX1005, 8:3-11, 8:19-21, 10:62-67; 14:35-15:2, 15:62-16:32. The sensor unit

of Kahn controls actuators to manipulate fluid flow based on sensor readings. *Id.* Thus, a POSITA would understand that changing states based on sensor readings over time is equivalent to a sequence of different target states that change over time.

Accordingly, while the above is merely a summary of the explanation within the Petition, Petitioner provides the example to illustrate the ample evidence supporting that this phrase, and the overall limitation, are anticipated by and obvious in light of the provided references, alone or in combination with each other.

[1.9] “causing, with the server system, the first computer system ... to effectuate the command.”

Patent Owner misreads the references as the combination clearly shows remote control and central server systems. Patent owner seeks to make the server system a more complicated device than that described in the specification. The '461 patent discloses a “server system” generically and in functional terms. The '461 Patent does not define the server as a certain type of system or computer, merely a system that effectuates communication between client devices/site controllers. EX1001, 3:55-60.

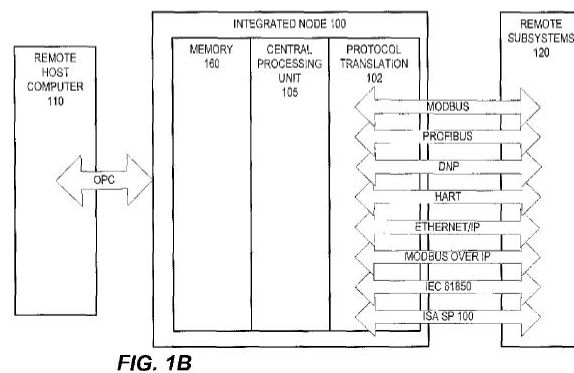
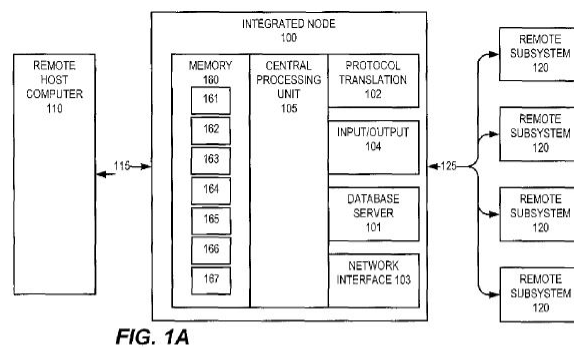
Patent Owner seeks to downplay the devices in Gutierrez, even though its central controller fits the '461 Patent's server system functionality. Gutierrez discloses that its central controller receives operational commands or data signals from the remote computing device, processes them by translating protocols and analyzing data, and provides responses by issuing commands to the motor controller or sending feedback.

Pet. 35-36 citing EX1007, 2:41-47.

Further, this limitation effectively requires that the server system execute a command on a local device. SCADA has both. Patent Owner seeks to make the MTU's of SCADA not fit the server system functionality of the '461 Patent even though the MTU's provide a central communication (i.e., server system) device for a plurality of RTU's. Pet. 37-38 citing EX1008 at 12-14, and Fig. 2-1. Further, users can send commands through the MTUs to control actuators (i.e., fluid-handling devices) at sites. Pet. 37-38 citing EX1008 at 42 (disclosing that the MTU sends commands for control of valves and motors). In SCADA, the "target states" are known as "set points" and are sent from the server system (MTU). Pet. 37-38 citing EX1008 at 89, 237. SCADA further explains that "when the MTU instructs, the RTU sends signals to open and close valves, or turn switches on and off, outputs analog or digital signals that may represent set points, and outputs pulse trains to move stepping motors." Pet. 37-38 citing EX1008 at 91.

Additionally, as explained in the Petition, both Almadi and Kahn disclose devices that fit the "server system" functionality of the '461 Patent. In [1.4] of the Petition, the server system is disclosed by Almadi and Kahn:

Almadi discloses integrated node 100, as illustrated in FIGS. 1A-1B, having a central processing unit 105 and a memory 160 to allow a remote host 110 to interface with a plurality of remote subsystems 120. Pet. 21 citing EX1006, 11:18-21. Integrated node 100 is a programmable logic controller (“PLC”), meaning any PLC, remote terminal unit (“RTU”), computer, server, system, node, or unit.



Pet. 21-22 citing EX1006, 11:18-28.

Further, Kahn's "Water Monitoring System" meets the '461 Patent's definition of a server system. Pet. 18 citing EX1005, 23:24-37 ("Raw fluid quality data and/or processed food quality data can then be communicated from the wireless transceivers 416A-416B to a centralized data collection system 418 (e.g., an internet server) via suitable communication channels 419 (e.g., existing wireless, wired, optical networks, power-grid networks, or combinations thereof).

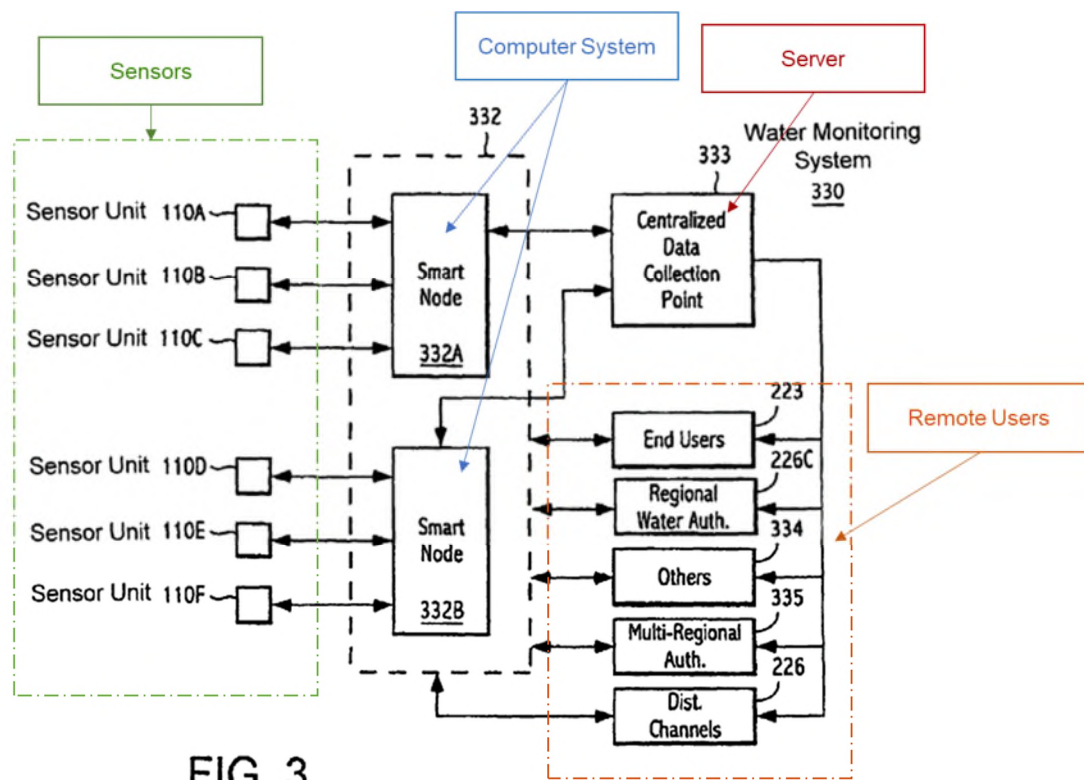


FIG. 3

Petitioner has provided multiple systems that meet the requirements of this limitation. Each of these systems is capable of effectuating change based on commands, sensor readings, or programs corresponding to the fluid-handling devices they control.

Patent Owner requires an increased level of functionality that the '461 Patent's specification does not support. Similarly to the first phrase, while the above is not as exhaustive as the explanation within the Petition, Petitioner provides the example to illustrate the ample evidence supporting that this phrase, and the overall limitation, are obvious in light of the provided references, alone or in combination with each other

Thus, the Petition cogently maps of each and every claim of the '461 Patent. The strong merit of the Petition weighs in favor of institution.

ii. Even without Gutierrez, the Claims are Obvious in light of the Remaining References of Petitioner's Combination

Gutierrez issued with a valid priority claim providing it an eligible priority date. The USPTO examined the application and issued the patent with such claim in full force.

The table below illustrates the limitation-by-limitation mapping of the references. Notably, each limitation of the '461 Patent is disclosed or suggested ***by at least one other reference besides Gutierrez***. The Petition makes clear that "each" of the references provide disclosures that make each limitation obvious, rather than requiring an explicit combination. Without getting into a detailed analysis of whether Gutierrez constitutes prior art to the challenged patent, Petitioner notes that Patent Owner does not challenge the priority dates of the other cited references. Crucially, even without Gutierrez, the Petition still provides persuasive evidence through the other cited references that each claim of the '461 Patent is anticipated or rendered obvious in light of the other cited

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references.

Reference that Discloses or Suggests				
Limitation	Kahn	Almadi	Gutierrez	SCADA
[1.1]	X	X	X	X
[1.2]	X	X	X	X
[1.3]	X	X	X	X
[1.4]	X	X	X	X
[1.5]	X	X	X	
[1.6]	X	X		
[1.7]	X	X		X
[1.8]		X	X	X
[1.9]		X	X	X
Claim 2			X	X
Claim 3	X		X	
Claim 4	X		X	X
Claim 5	X		X	
Claim 6	X	X	X	
Claim 7		X	X	
Claim 8		X	X	X
Claim 9		X	X	X
Claim 10		X	X	
[11.1]		X	X	X
[11.2]		X	X	X
Claim 12		X	X	X
Claim 13		X	X	X
Claim 14	X	X	X	X
Claim 15		X	X	X
Claim 16		X	X	X
[17.1]	X	X	X	X
[17.2]	X	X	X	X
[17.3]	X	X	X	X
[17.4]	X	X	X	X
[17.5]	X	X	X	X
[17.6]	X	X	X	
[17.7]	X	X		
[17.8]	X	X		X
[17.9]		X	X	X
[17.10]		X	X	X

G. The *Fintiv* Factors as a Whole Favor Institution.

In summary, each *Fintiv* factor is either neutral or weighs against denial:

Factor	Weight	Reason
1 (stay)	Neutral	Can only speculate at outcome of stay
2 (trial gap)	Neutral	Trial before FWD under time-to-trial stats; WDTX court congestion will create delay
3 (investment)	Favors Institution	Trial is in early stages; No claim construction; No expedited filings
4 (overlap)	Strongly Favors Institution	Extensive <i>Sotera</i> stipulation; Invalidity challenges not resolved by district court
5 (same party)	Neutral	Petitioner is defendant
6 (merits)	Strongly Favors Institution	Merits are strong; No Settled Expectation

Because the *Fintiv* factors as a whole favor institution, the Director should not discretionarily deny institution under §314(a).

3. Discretionary Considerations under Section 325(d) Favor Institution

The Board should not exercise its discretion in denying institution under 35 U.S.C. § 325(d) because, while the references were present during prosecution, the lack of substantive prosecution disfavors reliance on the references citation. Notably, the Patent

Owner escaped any substantive rejection through the cancellation of claims and the use of terminal disclaimers. Petitioner makes up for this by providing a new combination of references and new arguments. Petitioner's patent references, Kahn, Gutierrez, and Almadi, were cited by the examiner but were not, alone or in combination, a basis for any rejection. Also, Patent Owner overstates the consideration of SCADA. The SCADA reference was not utilized for any substantive rejection during prosecution, and the specification only briefly mentions similar SCADA subject matter. *See*, EX1001 at 1:63-2:7. The Board should not view mere citation as substantive evaluation, especially where, as here, Petitioner has presented arguments with strong merits.

H. (a) the similarities and material differences between the asserted art and the prior art involved during examination

This factor should be viewed favorably for institution, or conservatively, neutrally. While Patent Owner is correct that Kahn, Gutierrez, and Almadi were cited during prosecution, this should not be given substantial weight. Similarly, Patent Owner did cite the SCADA reference, but this reference is one of sixteen publications, constituting over two thousand pages, of which the SCADA reference is less than ten percent of all the submitted materials. As discussed below, the Board should not view mere citation as participation in the examination. Thus, while the art was cited during the examination of the '461 Patent, this element should be viewed at least neutrally.

I. (b) the cumulative nature of the asserted art and the prior art evaluated during examination

This factor should be viewed favorably for institution. As mentioned above, while the references were cited during examination, there was no substantive rejection based on the references. Further, Patent Owner overstates the inclusion of SCADA as their specification only makes general references to SCADA systems, which have been common in the industry since the 1970s. Lastly, the combinations and other references cited in the Petition are new and strong on their merits. The asserted art in this Petition was not evaluated cumulatively during examination.

J. (c) the extent to which the asserted art was evaluated during examination, including whether the prior art was the basis for rejection

This factor should be viewed favorably for institution. The Patent Owner overstates the “clear indication” that the examiner determined that the claims were patentable over the references. The '461 Patent's examination includes one office action, which only makes an unrelated double-patenting rejection without any substantive §§ 101, 102, or 103 rejections. EX1015 at 1-19. As with Patent Owner's other patents, Patent Owner escaped substantive prosecution through claim cancellation and terminal disclaimers. See, EX1015 at 20-29. Thus, the Board has the opportunity to remedy this lack of examination with this proceeding.

K. (d) the extent of the overlap between the arguments made during examination and the manner in which Petitioner relies on the prior art or Patent Owner distinguishes the prior art

This factor weighs heavily in favor of institution. As mentioned above, Patent Owner did not make any substantive arguments or amendments during examination, only stating that the newly added claims and terminal disclaimer put the application in a state of allowability. EX1015 at 20-29. Notably, these newly added claims did not receive any rejection before allowability, the Patent Owner did not provide any support for the patentability of the claims.

L. (e) whether Petitioner has pointed out sufficiently how the Examiner erred in its evaluation of the asserted prior art; and

This factor is neutral. The Petition did not include explicit statements pointing to the Examiner's error in examination. However, this sentiment is implicit throughout the Petition, because the Petitioner details how the references disclose every element of every claim of the '461 Patent.

M. (f) the extent to which additional evidence and facts presented in the Petition warrant reconsideration of the prior art or arguments.

This element should be viewed favorably for institution. Petitioner has provided a strong case of invalidity through the Petition. The Petition includes detailed mappings of the references to each and every claim limitation of the '461 Patent and ample reasoning supporting that the subject matter of the '461 Patent was known to a POSITA as of the

patent's priority date. As explained above, the technical merits of Petitioner's invalidity grounds overcome Patent Owner's arguments in its Discretionary Denial Brief.

Thus, the *Becton* factors favor institution of the Petition for the presentation of strong and unevaluated grounds for unpatentability of the '461 patent.

4. Conclusion

Patent Owner's arguments under *Fintiv* and § 325(d) do not warrant discretionary denial under the USPTO's March 26, 2025 Interim Process. Factors 1 and 2 are, at most, neutral (i.e., trial scheduling is speculative and stay likelihood is uncertain) and the remaining factors strongly favor institution.

Section 325(d) also fails to support denial. Although the individual references were before the Examiner, they were never analyzed in combination, never applied to reject the claims, and never addressed as in the Petition. The prosecution history shows no substantive engagement with these references as the Examiner issued only a non-statutory double patenting rejection and allowed the claims without explaining why the cited art failed to render them unpatentable.

In line with the Interim Process and recent post-March 2025 institution decisions, the Board should reject Patent Owner's request for discretionary denial and proceed to evaluate the Petition on the merits under 35 U.S.C. § 314(a).

CERTIFICATION OF COMPLIANCE WITH TYPE-VOLUME LIMITS

This Petition includes 4,133 words, as counted by Microsoft Word, and is therefore in compliance with the 5,600-word limit established by 37 C.F.R. § 42.24. Accordingly, pursuant to 37 C.F.R. § 42.24(d), lead counsel for the Petitioner hereby certifies that this Petition complies with the type-volume limits established for a petition requesting IPR.

Dated: Aug. 18, 2025

Respectfully Submitted,

/ Robert D. Katz /

Robert D. Katz (Reg. No. 60,704)

CERTIFICATE OF SERVICE

I hereby certify that the PETITIONER'S BRIEF IN OPPOSITION OF
DISCRETIONARY DENIAL was served, by consent of the parties by filing the
documents through P-TACTS and by sending via electronic mail to the following:

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/ Robert D. Katz /

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