UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AMERICAN AIRLINES, INC. AND SOUTHWEST AIRLINES CO.,

Petitioners,

v.

INTELLECTUAL VENTURES I LLC,

Patent Owner.

Case No. IPR2025-00785
U.S. Patent No. 7,257,582

PETITIONERS' AUTHORIZED SUR-REPLY BRIEF IN OPPOSITION TO PATENT OWNER'S REQUEST FOR DISCRETIONARY DENIAL

Mail Stop Patent Board
Patent Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22312-1450

I. DISCRETIONARY DENIAL IS NOT WARRANTED BECAUSE THE DISTRICT COURT PROCEEDINGS INVOLVE 11 PATENTS HAVING A DIVERSE RANGE OF SUBJECT MATTER

Discretionary denial is ***not*** warranted where, like the present case, the concurrent district court proceedings involve several patents that involve a diverse range of subject matter. *Tesla, Inc. v. Intellectual Ventures II LLC*, IPR2025-00217, Paper 9 at 2-3. The Board is better suited than a court (here, two courts) to review a large number of patents involving diverse subject matter. *Id.*

In contending that *Tesla* is inapplicable, Patent Owner addresses only the originally-asserted 6 patents. Patent Owner's district court proceeding against Petitioner American involves 12 patents (the district court recently granted Patent Owner's Motion for Leave to Amend to assert 6 additional patents) and against Petitioner Southwest involves 11 patents.

The chart below shows the differences among the claimed subject matter of each patent and shows the different classifications assigned by the PTO to each patent, thereby showing that the PTO has already established that the patents involve different subject matter. *See* https://www.uspto.gov/patents/search/classification-standards-and-development ("Patent classification is a system for organizing all U.S. patent documents and other technical documents into specific technology groupings based on common subject matter.")

Patent No.	Subject of Claims	Patent Classifications
7,324,469	"A method for establishing and operating an Internet Hotspot . . ." (6:38-39)	(51) **Int. Cl.** ***H04B 7/185*** (2006.01) (52) **U.S. Cl.** ..... **370/316**; 370/351; 370/352; 455/428 (58) **Field of Classification Search** 370/316, 370/474, 475, 352, 321, 390, 432, 351, 355, 370/356; 455/13.3, 12.1, 428, 445; 714/752, 714/791, 794, 800
8,027,326	"A method for increasing data rates and data throughput in a network . . ." (17:26-27)	(51) **Int. Cl.** ***H04J 1/00*** (2006.01) (52) **U.S. Cl.** ..... **370/343**; 370/210; 370/480 (58) **Field of Classification Search** 370/208, 370/343, 480
7,721,282 8,332,844 (these patents are in the same family)	"A system for distributing an application environment . . ." (7:11). "A system for providing data to a plurality of compute nodes . . ." (10:56-57)	(51) **Int. Cl.** ***G06F 9/445*** (2006.01) *G06F 9/44* (2006.01) (52) **U.S. Cl.** ..... **717/176**; 717/175; 709/203 (58) **Field of Classification Search** ..... 717/172–177, 717/149; 709/203–204 (51) **Int. Cl.** ***G06F 9/445*** (2006.01) (52) **U.S. Cl.** ..... **717/176** (58) **Field of Classification Search** 345/557; 717/176
8,407,722	"A method comprising: providing, using a processing device of an input source, a data representation to a client device, different from the input source, coupled to a routing network . . ." (23:54-57).	(51) **Int. Cl.** ***G06F 3/00*** (2006.01) ***G06F 15/16*** (2006.01) (52) **U.S. Cl.** ..... **719/316**; 709/206 (58) **Field of Classification Search** 709/203, 709/219; 719/309
7,949,785	"A virtual network system, comprising: a virtual network manager implemented with a first device memory and a first device processor of a first	(51) **Int. Cl.** ***G06F 15/16*** (2006.01) (52) **U.S. Cl.** ..... **709/245**; 726/15 (58) **Field of Classification Search** 709/245; 726/15

Patent No.	Subject of Claims	Patent Classifications
	computing device . . .” (34:35-38).	
7,257,582	“A method of effecting on a preexisting input file a computer-executable process comprised of a plurality of subtasks . . .” (6:44-46).	(51) **Int. Cl.** ***G06F 17/30*** (2006.01) (52) **U.S. Cl.** ..... **707/10**; 707/104.1 (58) **Field of Classification Search** 707/1–10, 707/100–104.1, 200–206; 718/105; 719/316; 703/23; 705/35; 711/147.3, 133
10,103,845	“A method of operation of a transceiver in a plurality of modes including at least a first mode and a second mode . . .” (7:61-62).	(51) **Int. Cl.** ***H04J 1/00*** (2006.01) ***H04L 1/06*** (2006.01) (Continued) (52) **U.S. Cl.** CPC ..... ***H04L 1/06*** (2013.01); ***H04B 7/04*** (2013.01); ***H04B 7/0697*** (2013.01); ***H04J 9/00*** (2013.01); (Continued) (58) **Field of Classification Search** CPC ..... H04L 1/12; H04L 25/0248; H04L 1/0656; H04L 5/0046; H04L 1/0003; H04L 1/0009; H04L 25/02; H04W 28/06; H04W 24/00; H04W 52/42; H04W 28/18; H04B 7/0837; H04B 7/0613; H04B 7/0417; H04B 7/0632; H04B 7/0443 USPC ..... 370/203, 204–215, 229–240, 310–337, 370/338–350, 351–394, 395.1, 395.3, 370/395.4, 395.41, 395.42, 395.5, 395.52, 370/431–529 (51) **Int. Cl.** ***H04B 7/04*** (2017.01) ***H04B 7/06*** (2006.01) ***H04J 9/00*** (2006.01) ***H04L 1/04*** (2006.01) *H04B 7/0404* (2017.01) *H04L 27/26* (2006.01) (52) **U.S. Cl.** CPC ***H04L 1/04*** (2013.01); *H04B 7/0404* (2013.01); *H04L 27/2601* (2013.01)
11,032,000	“A user equipment (UE) comprising: a receiver and a processor are configured to receive resource allocation information associated with an uplink physical signal . . .” (9:55-58).	(51) **Int. Cl.** ***H04B 7/26*** (2006.01) ***H04W 72/04*** (2009.01) ***H04W 52/14*** (2009.01) ***H04J 3/16*** (2006.01) ***H04L 5/00*** (2006.01) *H04W 52/54* (2009.01) (52) **U.S. Cl.** CPC ***H04B 7/2643*** (2013.01); ***H04J 3/1694*** (2013.01); ***H04L 5/0053*** (2013.01); ***H04W 52/146*** (2013.01); ***H04W 72/042*** (2013.01); ***H04W 72/0406*** (2013.01); ***H04W 72/0446*** (2013.01); *H04W 52/54* (2013.01)

Patent No.	Subject of Claims	Patent Classifications
		(58) **Field of Classification Search** CPC H04B 7/2643; H04J 3/1694; H04L 5/0053; H04W 52/146; H04W 72/0406; H04W 72/042; H04W 72/0446
7,712,080	"A method of developing a distributed parallel computing program . . ." (11:5-6).	(51) **Int. Cl.** ***G06F 9/44*** (2006.01) ***G06F 9/45*** (2006.01) ***G06F 15/00*** (2006.01) (52) **U.S. Cl.** ..... **717/119**; 717/107; 717/108; 717/149; 712/10; 712/23; 712/32 (58) **Field of Classification Search** ..... None
7,822,841	"A computer system for hosting computing clusters . . ." (10:66-67).	(51) **Int. Cl.** ***G06F 15/16*** (2006.01) ***G06F 15/173*** (2006.01) ***G06F 15/177*** (2006.01) (52) **U.S. Cl.** ..... **709/223**; 709/224; 714/4; 705/6 (58) **Field of Classification Search** 709/217–228; 714/4; 705/6
8,352,584	"A computer system, comprising: a private communications network linked to a public communications network; a first cluster comprising a set of computing resources, including at least one hardware processor, in a first configuration, . . . ; a second cluster comprising a set of computing resources, including at least one hardware processor, in a second configuration, . . . ; . . ." (11:8-18).	(51) **Int. Cl.** ***G06F 15/16*** (2006.01) ***G06F 15/173*** (2006.01) ***G06F 15/177*** (2006.01) (52) **U.S. Cl.** ..... **709/223**; 713/153; 719/311; 726/11; 726/12; 709/224 (58) **Field of Classification Search** 709/223, 709/224; 713/153; 719/311; 726/12, 11

II. THE ’582 PATENT HAS NEVER BEEN ASSERTED IN PETITIONERS’ TECHNOLOGY SPACE—AIRLINES—AGAINST ANYONE OTHER THAN PETITIONERS

Where, as here, the fact that the patent-at-issue has not been “commercialized, asserted, marked, licensed, or otherwise applied in a petitioner’s particular technology space,” weighs against discretionary denial. *Intel Corp. v. Proxense, LLC*, IPR2025-00327, Paper 12. Despite having had two opportunities to show that, prior to its actions against Petitioners, its ’785 patent has been asserted against anyone in the “airlines” technology space, Patent Owner has failed to do so. Indeed, Patent Owner has not even shown that any airline has taken a portfolio-wide license to its patents (including the ’582 patent).

Instead, Patent Owner misleads by incorrectly contending that Petitioner American “falsely” told the Board that the ’582 had not been asserted against an airline. In the district court, American correctly stated that the ’582 patent had been asserted against Petitioner Southwest (an airline) as of the date of the pleading. Ex. 2015 at 9. Here, in its Brief in Opposition (Paper 7) at page 17, Petitioners correctly stated that: “As best understood by Petitioners, the ’582 patent, despite having been issued nearly 18 years ago, has *never* been ‘commercialized, asserted, marked, licensed, or otherwise applied’ in the ‘airline’ technology space *until Patent Owner sued Petitioners in November 2024* in district courts in Texas.”

These facts, unrebutted by Patent Owner, weigh against discretionary denial.

Dated: August 25, 2025

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify, pursuant to 37 C.F.R. Sections 42.6, that a complete copy of the attached **SUR-REPLY BRIEF IN OPPOSITION TO PATENT OWNER'S REQUEST FOR DISCRETIONARY DENIAL** are being served, upon Patent Owner by serving the correspondence address of record with the USPTO as follows:

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