UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FEDEX CORPORATION and
FEDEX OFFICE AND PRINT SERVICES, INC.,
Petitioners,

v.

VALTRUS INNOVATIONS LTD.,
Patent Owner.

Case IPR2025-01490
Patent 7,120,832

PETITIONERS' AUTHORIZED SUPPLEMENTAL BRIEF ON REHEARING OF DISCRETIONARY DENIAL OF INSTITUTION

Just days after arguing that any talk of settlement was mere "speculation," Valtrus has now moved to stay—pending settlement—the only parallel litigation that was likely to reach trial before the Board's final written decision. *See* EX3102 (citing IPR2026-00039, Paper 11 at 4). There remain just two litigations where the '832 patent's validity is presently at issue. Neither of them is likely to produce a jury trial before May of 2027, leaving ample time for the Board to adjudicate the merits in this IPR. *See* DD Opp. at 13–15.

Trial timing aside, the Parallel FedEx Litigation is moot in the *Fintiv* analysis due to Petitioners' all-invalidity stipulation. *See* Reh'g Req. at 1–4. The stipulation also counteracts the NetApp Litigation under *Fintiv* by safeguarding against two different juries hearing the exact same invalidity case. Moreover, Valtrus's unforeseeable assertion of a long-expired patent in a remote technology space overrides any residual efficiency concerns presented by the NetApp Litigation. *See* DD Opp. at 2–5; Reh'g Req. at 4–5 (citing informative decisions).

All that remains of Valtrus's case for denial is the pending reexamination, which the Director should stay or terminate under § 315(d) to conserve resources, and the '832 patent's age, which is outweighed by material examination errors and Valtrus's abusive assertion tactics. *See* DD Opp. at 7–13. Indeed, the timing of Valtrus's recent settlement is yet another sign of gamesmanship. Occurring just days after the close of discretionary denial briefing in the last of the affected IPRs, the conveniently timed settlement allowed Valtrus to argue for denial based on a trial date it must have known (or heavily suspected) would never happen.

Respectfully submitted,

Dated: February 10, 2026

/Kenneth Wayne Darby Jr./

Kenneth Wayne Darby Jr., Reg. No. 65,068
David M. Hoffman, Reg. No. 54,174
Fish & Richardson P.C.
60 South Sixth Street, Suite 3200
Minneapolis, MN 55402
T: 202-783-5070
F: 877-769-7945
Counsel for Petitioners

CERTIFICATE OF SERVICE

Pursuant to 37 CFR §42.6(e)(4), the undersigned certifies that on February 10, 2026, a complete and entire copy of this Petitioners' Authorized Supplemental Brief was provided via email, to the Patent Owner by serving the email correspondence addresses of record as follows:

Richard J. Botos (Reg. No. 32,016)
Raymond B. Churchill, Jr. (Reg. No. 44,617)

BOTOS CHURCHILL IP LAW LLP
430 Mountain Avenue, Suite 401
New Providence, N.J. 07974
Tel. (908) 738-1772
Fax. (908) 320-4441

PTAB@bciplaw.com

/Crena Pacheco/
Crena Pacheco
Fish & Richardson P.C.
60 South Sixth Street, Suite 3200
Minneapolis, MN 55402
Tel: 202-783-5070
Fax: 877-769-7945
pacheco@fr.com