

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 No. IPR2025-01491
Patent No. 7,904,686

**PATENT OWNER'S AUTHORIZED SUPPLEMENTAL BRIEF OPPOSING
RECONSIDERATION OF THE DIRECTOR'S DISCRETIONARY DENIAL
DECISION**

The Director discretionarily denied institution in this IPR almost two months ago (Paper 17) and neither developments in the Home Depot Litigation nor Petitioners' belated, procedurally improper second stipulation justify reviving it. Importantly, the Director already effectively determined as much in IPR2026-00039, where the Director recently discretionarily denied the Petition over substantially identical arguments to those presented in Petitioners' supplemental brief (Paper 19). *See* IPR2026-00039, Paper 13. The outcome should be the same here.

Putting aside that no settlement of the Home Depot Litigation has in fact occurred, Patent Owner's discretionary denial brief explained in detail how there are a host of other bases for discretionary denial, including (1) several other district court litigations addressing the challenged patent, which include the NetApp litigation that is scheduled for trial before any FWD will issue, (2) Patent Owners' strong settled expectations, and (3) the presence of a parallel *ex parte* reexamination proceeding challenging the very same patent.

Neither Petitioners' belated second stipulation nor the possibility of a Home Depot settlement changes any of the discretionary denial fundamentals—the validity of the challenged patent is already at issue in multiple parallel proceedings, such that this IPR would waste Office resources and raise the possibility of multiple serial validity attacks on the same patent. The Director correctly denied the Petition almost two months ago and that decision should not be disturbed.

Dated: February 12, 2026

Respectfully submitted,

/Richard J. Botos/

Richard J. Botos (Reg. No. 32,016)
Counsel for Patent Owner

CERTIFICATE OF SERVICE

I hereby certify that the foregoing AUTHORIZED SUPPLEMENTAL BRIEF
IN SUPPORT OF DISCRETIONARY DENIAL was served on February 12, 2026,
via electronic mail upon counsel of record for Petitioner at the following email
addresses:

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Kenneth W. Darby, Jr.
David Hoffman

Dated: February 12, 2026

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