UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

META PLATFORMS, INC.
Petitioner

v.

WEPLE IP HOLDINGS LLC,
Patent Owner.

Case No. IPR2026-00079
Patent No. 12,112,357

PETITIONER'S RESPONSE TO PATENT OWNER'S REQUEST FOR DISCRETIONARY DENIAL

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The challenged patent is precisely the type of patent that the IPR procedure was intended to review, and for which discretionary denial is unwarranted. The patent is relatively new (issuing on October 8, 2024) and sailed to issuance after a brief prosecution. The IPR petition here provides a strong prior art invalidity challenge to every claim, based on prior art not previously considered by the Office. Patent Owner has filed two discretionary denial briefs, but neither of them makes any attempt to address the compelling merits of the underlying IPR petitions, or provides a basis for discretionary denial under § 314(a).

I. PETITIONER HAS PROVIDED A *SOTERA* STIPULATION.

Patent Owner's first discretionary denial brief, filed on January 8, 2026, repeatedly asserts that discretionary denial is appropriate because Petitioner filed its IPR petition without a *Sotera* stipulation. But this assertion is demonstrably false, as the IPR petition included a section on discretionary denial that included an express *Sotera* stipulation. (Petition, at 4 ("Additionally, if IPR is instituted (and institution is not subsequently vacated, or a Final Written Decision in the IPR is not subsequently vacated or terminated), Petitioner will not pursue in district court any grounds of invalidity against the challenged claims that were, or reasonably could have been, asserted in IPR under §§ 102 or 103 on the basis of prior art patent or printed publications.").) This weighs against discretionary denial.

II. PATENT OWNER'S CLAIMS ABOUT DUPLICATION OF EFFORTS ARE INACCURATE.

Patent Owner also contends that IPR would be inefficient because, according to Patent Owner, Meta filed multiple duplicative invalidity challenges in the district court. But the only invalidity challenges filed in the district court action were directed to lack of subject matter eligibility under 35 U.S.C. § 101, an issue that cannot be adjudicated in IPR. *See, e.g.*, *Neptune Generics, LLC v. Eli Lilly & Co.*, 921 F.3d 1372, 1378 (Fed. Cir. 2019). Petitioner has not presented any prior art invalidity challenge in the district court. And because the challenged patent was ineligible for post-grant review (PGR), there was no avenue before the Patent Office for Petitioner to address the lack of subject matter eligibility.

Accordingly, Patent Owner's claims of duplication and overlap between the present IPR and the district court proceedings are without merit, as the invalidity challenges presented in the two forums are fundamentally different. And as noted, Petitioner provided a *Sotera* stipulation in the IPR petition, ensuring lack of overlap of prior art invalidity grounds with the district court litigation.

III. THE DISTRICT COURT'S § 101 RULING DOES NOT WARRANT DISCRETIONARY DENIAL.

Patent Owner's supplemental discretionary denial brief, filed January 30, 2026, is based on the intervening district court decision granting Petitioner's motion for judgment on the pleadings based on lack of subject matter eligibility under

§ 101. (EX2001, 2002.) The IPR petition here explained that Petitioner had filed that motion on June 30, 2025 but noted that, as of the IPR filing, the district court had not issued a ruling on that motion. (Petition, 1.) The district court has since granted that motion, and Patent Owner contends that discretionary denial is appropriate under the informative decision in *Hulu, LLC v. Piranha Media Distribution, LLC*, IPR2024-01252, Paper 27 (PTAB April 17, 2025) ("*Hulu*").

Hulu has not been designated as a precedential decision and, as Patent Owner concedes, the Director has encouraged parties to address any facts or circumstances bearing on discretionary denial, including "considerations beyond established Board precedent." (PO's Second DD Brief, 4.) In this case, based on a number of factors unique to this case, Petitioner respectfully submits that discretionary denial is unwarranted notwithstanding the district court's recent § 101 ruling and *Hulu*.

First, there are benefits to proceeding with IPR here that were not articulated in *Hulu* or the other discretionary denial decisions cited by Patent Owner. Prior art analysis by the PTAB – through this IPR – would assist the Patent Office in assessing the ongoing parade of continuation applications filed by Patent Owner seeking claims substantially similar to the claims here.

More specifically, the challenged patent arose from a patent family that dates back to an initial patent application filed on February 14, 2011. Patent Owner's discretionary denial brief attempts to depict the invention as relating to architectures

for digital media management and distribution, but as the patents themselves reveal, the inventor's original focus was different. The actual disclosure of the written description focuses on promoting human communications by disseminating "consciousness" messages, such as prayers, and merely uses known computer-based technologies as tools for carrying out those concepts. The written description explains that "[c]onsciousness is variously defined as subjective experience, awareness, the ability to experience 'feeling,' wakefulness, the understanding of the concept 'self, or the executive control system of the mind. It is an umbrella term that may refer to a variety of mental phenomena." (EX1001, 1:58-62.) The patent further explains that "[p]rayer is a form of religious practice that seeks to activate a vocational rapport to a god or spirit through deliberate practice." (*Id.*, 2:6-8.) The alleged invention is thus directed to "coordinating a programmed media stream," that in a preferred embodiment, "relates to consciousness messages such as prayers, requests for charity, thoughts, or similar messages." (*Id.*, 2:31-35.) The first patents issued from this family, therefore, had claims that explicitly required that media messages between users be directed at "promoting collective thought and awareness." (*See, e.g.*, U.S. Patent No. 8,516,063 (EX1016), claim 1.)

But as the years passed, the claims underwent substantial transformation through a series of continuations, each moving the claims further and further away from the original vision of the inventor. The claims of the later patents, including

the challenged patent here, have long jettisoned the concept of prompting collective consciousness and instead attempt to read on generic features of media sharing and social networking—features extensively disclosed in invalidating prior art that Patent Owner did not cite in prosecution. Patent Owner's recent patent applications largely rearrange familiar elements such as text comment features, media sharing, and the ability to attach video or audio to messages, into slightly different arrangements of features that were all well-known and described in prior art.

Patent Owner has to date obtained 18 issued patents based on this common specification, with the first patent issuing in 2013 and the most recent issuing on December 30, 2025.[1] And with another continuation application filed in late November 2025,[2] Patent Owner shows no signs of slowing down with its patent filings. The PTAB's review and analysis of highly relevant prior art not previously

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[1] A complete list of patents obtained by Patent Owner known to Petitioner (including the challenged patent) includes U.S. Patent Nos. 8,516,063, 8,862,678, 9,294,527, 9,456,013, 10,102,552, 10,102,553, 10,565,628, 10,909,583, 11,074,627, 11,605,112, 11,734,730, 11,966,952, 12,112,357, 12,118,591, 12,131,356, 12,131,357, 12,380,472, and 12,511,668. All of these patents claim priority to the same February 2011 patent application. The first patent issued in August 2013, and the most-recent one issued on December 30, 2025.

[2] U.S. Patent Appl. Ser. No. 19/403,904 (filed November 30, 2025).

considered by the Office will be highly informative for the patent examiners reviewing Patent Owner's pending and future patent applications in the same family.

Additionally, a Final Written Decision by the Board finding the challenged claims unpatentable would create patent owner estoppel under 37 C.F.R. § 42.73(d)(3), precluding Patent Owner from obtaining new claims that are not patentably distinct from the challenged claims, thus further reducing the workload of the Office in reviewing future patent applications.

Finally, Patent Owner is appealing the district court ruling to the Federal Circuit, leaving open a possibility that the challenged claims could be revived and the district court litigation resumed. Patent Owner contends that IPR would be a waste of resources in light of the existence of the pending litigation, but the sole reason that litigation is continuing is because of Patent Owner's voluntary decision to appeal the district court ruling. Denying IPR institution in the face of Patent Owner's appeal, on the other hand, would forever bar Petitioner from pursuing IPR challenges against the challenged patent (as any subsequent IPR challenge by Petitioner would be untimely under § 315(b)), even if the district court judgment were later set aside and litigation resumed.

IV. CONCLUSION

Petitioner respectfully requests that the Director not exercise discretion under 35 U.S.C. § 314(a) to deny institution of this proceeding.

Dated: February 9, 2026

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify, pursuant to 37 C.F.R. § 42.6(e), that a complete copy of the attached **PETITIONER'S RESPONSE TO PATENT OWNER'S REQUEST FOR DISCRETIONARY DENIAL** and related documents were served on February 9, 2026, upon the parties via electronic mail:

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Dated: February 9, 2026

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