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. IPR2026-00081
Patent No. 12,131,357

PATENT OWNER'S SUPPLEMENTAL BRIEF IN SUPPORT OF REQUEST FOR DISCRETIONARY DENIAL

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PATENT OWNER'S EXHIBIT LIST

Exhibit	Description
2001	ORDER Granting Motion to Dismiss, *Weple IP Holdings LLC v. Meta Platforms, Inc.*, No. 2:24-cv-01316-JLR, ECF No. 67 (January 9, 2026) (Robart, James L.)
2002	Judgment Dismissing Case With Prejudice, *Weple IP Holdings LLC v. Meta Platforms, Inc*., No. 2:24-cv-01316-JLR, ECF No. 68 (January 9, 2026)

I. INTRODUCTION

Patent Owner previously sought discretionary denial because the district court's pending § 101 motion would make institution inefficient. The district court has since adjudicated the validity of the '1357 patent, held the claims invalid under § 101, and dismissed the action with prejudice. The Director authorized this brief to address the consequences of that ruling. Ex. 3101.

Under these circumstances, discretionary denial is warranted. As the Director explained in *Hulu LLC v. Piranha Media Distributions, LLC*, institution of an inter partes review after a district court has already adjudicated the validity of the challenged claims would be an inefficient use of agency resources. IPR2024-01252, Paper 27 (Director Review Apr. 17, 2025 (informative). Consistent with *Hulu*, the Board and Director have repeatedly exercised discretion to deny institution where a district court has invalidated the challenged patent.

The Board and Director has further explained that the possibility of a successful appeal does not change the analysis. If the Federal Circuit were to reverse the district court's decision, Petitioner remains free to litigate invalidity on remand. Petitioner never offered a stipulation committing to the IPR as its exclusive forum. This Petition was always a parallel, optional proceeding rather than a necessary one. The Director is not required to institute an IPR, and doing so here would serve no practical purpose.

II. THE DISTRICT COURT'S INVALIDITY JUDGMENT ELIMINATES ANY BASIS TO EXPEND FURTHER RESOURCES ON VALIDITY.

A. The *Hulu* Decision Supports Discretionary Denial.

On January 9, 2026, the district court granted Meta's Rule 12 motion and held the '1357 patent claims invalid as directed to ineligible subject matter, dismissing the case with prejudice. Ex. 2001 at 18-19, 23; Ex. 2002. Numerous decisions confirm that discretionary denial is appropriate in this procedural posture, including *Hulu LLC v. Piranha Media Distribution, LLC*, IPR2024-01252, Paper 27 (Director Review Apr. 17, 2025). *See also Google LLC v. Bootler, LLC*, IPR2025-00967, -00968, Paper 10 (Director October 31, 2025); *Google LLC v. TJTM Techs., LLC,* IPR2025-00586, Paper 12 (August 14, 2025); *Google LLC v. Sandpiper CDN, LLC*, IPR2025-00846, -00952, Paper 10 (October 10, 2025); *Shopify Inc. v. DKR Consulting LLC,* IPR2025-00130, Paper 10 (PTAB May 29, 2025); *Highlevel, Inc. vi. Etison LLC,* IPR2025-00234, Paper 12 (PTAB June 2, 2025).

In *Hulu*, the Director expressly considered—and rejected—the argument that a potential appeal counseled in favor of institution, explaining that "in the event the Federal Circuit reverses the district court's decision, Petitioner may raise such invalidity arguments in the district court on remand," which "is the better and more efficient approach." *Hulu* at 2-3. The Director concluded that where "a district court already has found the challenged claims invalid, the efficiency and integrity of the patent system is best served by denying institution." *Hulu* at 3.

The procedural posture here is indistinguishable. Petitioner challenged the claims of the '1357 patent under § 101 at the district court in a Rule 12 motion to dismiss; the court agreed, and entered final judgment dismissing the case with prejudice. *Id.* at 2*; see also Highlevel* at 6; Exs. 2001-2002. As in *Highlevel*, there is no reason for the Director to deviate from the practice established in *Hulu*. *Highlevel* at 6 ("We see no reason to deviate from the informative decision [of *Hulu*] here.").

B. The *Fintiv* Factors Also Support Discretionary Denial.

Although the Director in *Hulu* explained that the *Fintiv* framework "does not fit neatly" where a district court already invalidated challenged claims, the Director nonetheless recognized that *Fintiv* is grounded in the same efficiency considerations that control here. *Hulu* at 3. Boards that have elected to analyze the *Fintiv* factors in similar circumstances have found that they favor denial. *E.g., Snap Inc. v. Blackberry Ltd.*, IPR2020-00392, Paper 8 at 10-12 (PTAB July 13, 2020) (acknowledging *Fintiv* framework "an uneasy fit" but still finding *Fintiv* analysis favored denial); *AviaGames, Inc. v. Skillz Platform Inc.*, IPR 2022-00530, Paper 12 at 9-15 (PTAB August 9, 2022) (indicating *Fintiv* factors a poor fit, but still finding *Fintiv* factors 1-6 favored denial), *remanded*, Paper 14 (Director Mar. 2, 2023) (remanding for other reasons), *denial reinstated*, Paper 15 (Mar. 22, 2023). For the same reasons as in *Snap* and *AviaGames*, *Fintiv* favors denial.

***Fintiv* factor 1** favors denial because there is no stay in the parallel district court case because it has been dismissed with prejudice. *See AviaGames* at 23; *Snap* at 12.

***Fintiv* factor 2** favors denial because the district court has already adjudicated validity of the '1357 patent, well before a FWD would issue in the present proceeding. *See AviaGames* at 12-13; *Snap* at 12.

***Fintiv* factor 3** favors denial because the parties have already invested substantial resources in multiple rounds of § 101 briefing and the district court has already completed its validity analysis. *AviaGames* at 13; *Snap* at 12.

***Fintiv* factor 4** favors denial because the claims were invalidated by the district court, such that the question of validity completely overlaps this proceeding. Exs. 2001-2002; *AviaGames* at 14.

***Fintiv* factor 5** favors denial because the parties are identical. *Id*.

***Fintiv* factor 6** also favors denial, for the reasons explained in *Hulu* and its progeny. *See also AviaGames* at 15.

Because all of the *Fintiv* factors favor denial, discretionary denial is appropriate, even under that framework.

III. CONCLUSION

Accordingly, to avoid wasting PTAB resources, avoid inefficiency, and protect the integrity of the patent system, discretionary denial is warranted.

Date: January 30, 2025

Respectfully submitted,

AVANTECH LAW, LLP
80 S 8th St, Suite 900
Minneapolis, MN 55402
(312) 487-2185

/Eric A. Zelepugas/
Eric A. Zelepugas
Registration No. 73,302
Counsel for Patent Owner

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing **PATENT OWNER'S AUTHORIZED SUPPLEMENTAL BRIEF IN SUPPORT OF REQUEST FOR DISCRETIONARY DENIAL** and associated exhibits (Exs. 2001-2002) were served electronically via e-mail on January 30, 2026, in their entireties on the following counsel of record for Petitioner:

Heidi L. Keefe (lead counsel)
Phillip E. Morton (backup counsel)
Andrew C. Mace (backup counsel)
hkeefe@cooley.com;
pmorton@cooley.com;
amace@cooley.com

Date: January 30, 2025

Respectfully submitted,

AVANTECH LAW, LLP
80 S 8th St, Suite 900
Minneapolis, MN 55402
(312) 487-2185

/Eric A. Zelepugas/
Eric A. Zelepugas
Registration No. 73,302
Counsel for Patent Owner