

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSARA, INC.,
Petitioner,

v.

MOTIVE TECHNOLOGIES, INC.,
Patent Owner.

Case IPR2026-00108
U.S. Patent No. 12,062,243

PATENT OWNER'S SUR-REPLY CONCERNING THE PUBLIC
ACCESSIBILITY OF CHUN/EXHIBIT 1005

TABLE OF CONTENTS

	Page
I. Introduction.....	1
II. Petitioner Fails to Establish a “Reasonable Likelihood” That Chun/Ex. 1005 Matches the Document Hall-Ellis Allegedly Found.....	1
III. The “arXiv Date” Does Not Corroborate Public Accessibility	2
IV. Petitioner Has Not Established “Good Cause” to File New Evidence.....	3
V. Conclusion	3

TABLE OF AUTHORITIES

Page(s)

Cases

<i>Intelligent Bio-Systems, Inc. v. Illumina Cambridge Ltd.</i> , 821 F.3d 1359 (Fed. Cir. 2016)	3
<i>Nuna Baby Essentials, Inc. v. Britax Child Safety, Inc.</i> , IPR2018-01683, Paper 11 (P.T.A.B. Dec. 18, 2018)	3
<i>Schott Gemtron Corp. v. SSW Holding Co.</i> , IPR2014-00367, Paper 30 (P.T.A.B. Sept. 22, 2014).....	3

I. Introduction

Petitioner's Reply does not cure the fatal defect identified in Patent Owner's Preliminary Response ("POPR"): Petitioner failed to show a "reasonable likelihood" that Chun/Ex. 1005 (the actual document submitted with the Petition) qualifies as a printed publication. The Reply leans heavily on the Hall-Ellis Declaration (Ex. 1041), but that declaration addresses an entirely different document – not the paper Petitioner filed as Exhibit 1005. Petitioner's speculation that the two documents are identical (even though the document allegedly found by Hall-Ellis is not in the record), Petitioner's new argument about supposed "indicia on the face" of Chun/Ex. 1005, its reliance on irrelevant cataloging evidence, and its attempt to backfill the record with late evidence, all underscore (not cure) the failure of proof. Petitioner's requested relief should be denied.

II. Petitioner Fails to Establish a "Reasonable Likelihood" That Chun/Ex. 1005 Matches the Document Hall-Ellis Allegedly Found

Petitioner's claim that Chun/1005 and the document referred to in the Hall-Ellis Declaration share "identical technical substance" is pure speculation. Reply, 1. Without actually comparing the documents (which Petitioner has not done in its papers) there is no basis to conclude they are even close to identical. Indeed, academic papers like Chun/Ex. 1005 commonly appear in multiple iterations submitted to different organizations at different times, and those versions often differ in content, scope, or formatting. arXiv itself confirms that successive

versions may include “supplemental content,” “expanded versions,” or “short or condensed versions for different reader groups.” See <https://info.arxiv.org/help/versions.html>. Chun/Ex. 1005 was purportedly submitted to arXiv in October 2019 (although Petitioner does not utilize this date as the publication date), while the document the Hall-Ellis Declaration references was allegedly published four months later, in February 2020. These documents could easily be different. Petitioner provides no comparison showing the two documents are substantively the same, and the document Hall-Ellis found is not even in the record. *No evidence* supports that assertion. Without proof of substantive identity, the document referenced by Hall-Ellis says nothing about whether Chun/Ex. 1005 was publicly accessible, on any date, rendering the declaration irrelevant to public accessibility of Chun/Ex. 1005.¹

III. The “arXiv Date” Does Not Corroborate Public Accessibility

Chun/Ex. 1005 contains none of the publication indicia identified in *Hulu*, and Petitioner identifies none. Frankly, Petitioner’s argument on this point makes no sense. It argues that the date of Oct. 8, 2019 stamped on Chun/Ex. 1005 somehow supports its position that Chun/Ex. 1005 was published by February

¹ Petitioner’s “cataloging and indexing” argument (Reply, 2) is a red herring because the only document purportedly cataloged and indexed is the one Hall-Ellis allegedly found; not the document submitted as Ex. 1005.

2020. Reply, 2. But it does not adequately tie these things together. This argument was also improperly raised for the first time in the Reply. *Intelligent Bio-Systems, Inc. v. Illumina Cambridge Ltd.*, 821 F.3d 1359, 1370 (Fed. Cir. 2016).

IV. Petitioner Has Not Established “Good Cause” to File New Evidence

Petitioner’s request to file its omitted appendix should be denied for lack of good cause. Petitioner’s “inadvertent upload error” is not the type of simple clerical mistake at issue in *Schott*. There, the petitioner served unfiled evidence on the patent owner the same day it filed the petition, promptly discovered its error, and corrected it the next business day. *Schott Gemtron Corp. v. SSW Holding Co.*, IPR2014-00367, Paper 30 (P.T.A.B. Sept. 22, 2014). Here, Petitioner never served the allegedly omitted evidence on Patent Owner and did not identify the omission until Patent Owner pointed it out in the POPR. Unlike in *Schott*, Patent Owner has had no opportunity to evaluate or respond to those materials. This case aligns far more closely with *Nuna Baby*, where the Board denied institution for failing to submit exhibits with the Petition, holding that there was an “obligation of counsel to review the filing and the file,” to make sure the filing was correct, even absent prejudice to the patent owner. *Nuna Baby Essentials, Inc. v. Britax Child Safety, Inc.*, IPR2018-01683, Paper 11 at 6 (P.T.A.B. Dec. 18, 2018).

V. Conclusion

The Board should deny Petitioner’s request to file new evidence and deny institution of Grounds 1 and 2, based on Chun/Ex. 1005.

Respectfully submitted,

Dated: March 19, 2026

By: /Vincent M. Ferraro/
Vincent M. Ferraro
Reg. No. 79,197
KELLEY DRYE & WARREN LLP
7 Giralda Farms, Suite 340
Madison, New Jersey 07940
Telephone: (973) 503-5900
Facsimile: (973) 503-5950
E-mail: vferraro@kelleydrye.com

*Attorney for Patent Owner
Motive Technologies, Inc.*

CERTIFICATE OF SERVICE

The undersigned certifies that on March 19, 2026, a complete and entire copy of this PATENT OWNER'S SUR-REPLY CONCERNING THE PUBLIC ACCESSIBILITY OF CHUN/EXHIBIT 1005 was provided via electronic mail (by consent) to the Petitioner by serving the correspondence address identified in the Mandatory Notices:

Jason Eisenberg
Lestin Kenton
Tyler Dutton
Jean Selep
jasone-PTAB@sternekessler.com
lkenton-PTAB@sternekessler.com
tdutton-PTAB@sternekessler.com
jselep-PTAB@sternekessler.com
PTAB@sternekessler.com

/Vincent M. Ferraro/

Vincent M. Ferraro, Reg. No. 79,197