

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC

Petitioner

v.

GAMBA GROUP HOLDINGS LLC,

Patent Owner

U.S. Patent No. 9,772,193

Case No.: IPR2026-00156

**PETITIONER'S SURREPLY IN OPPOSITION
OF DISCRETIONARY DENIAL**

TABLE OF CONTENTS

I.	INTRODUCTION	1
II.	PO'S <i>DECEIT</i> IS RELEVANT TO SETTLED EXPECTATIONS OF <i>VALIDITY</i>.....	1
III.	PO'S NEW PURPORTED EVIDENCE OF PRIOR NOTICE SHOULD BE DEEMED WAIVED	4
IV.	GOOGLE IS THE SOLE AND APPROPRIATE REAL PARTY IN INTEREST	5
V.	CONCLUSION	5

I. INTRODUCTION

Patent Owner (“PO”) plays shenanigans with its reply (“DD Reply”), and thus, the Director should give it little weight. First, to obtain authorization for its reply, PO claimed that Petitioner’s argument about the ’193 patent’s priority chains’ purported divisionals adding new matter was not in the Petition nor could it reasonably have been anticipated by PO. EX3102, p. 3. This is false. Not only did the Petition discuss this very issue (Pet. §VI(D)), but PO actually addressed that argument in its opening brief, calling it “irrelevant.” DD Brief, p. 5.

Second, PO miraculously finds new purported evidence of contact between itself and Google at this late stage in the briefing. DD Reply, pp. 4-5. In addition to lacking relevance, PO makes no argument and provides no evidence for why it could not have found it sooner and why it did not appear in its opening brief. Accordingly, the Director should consider this argument and evidence waived. The Director should deny PO’s discretionary denial request.

II. PO’S *DECEIT* IS RELEVANT TO SETTLED EXPECTATIONS OF *VALIDITY*

PO argues that its misrepresentations are irrelevant because no asserted ground requires a priority date determination. DD Reply, p. 2. That misses the point. PO’s *deceit* is relevant to whether it can rely on settled expectations of *validity*, which it cannot.

PO's bogus priority claim indeed misled the Examiner. PO identifies four cited references (three related patents¹ and one related publication, US 2006/0253226 ("the '226 publication")) as proof somehow that the Examiner was not misled from considering PO's prior patents and publications as prior art. DD Reply, p. 2. But, a document listed under "References Cited" (*see e.g.*, EX1001, p. 2) on a patent does not mean it was considered as prior art because references may be cited by both the applicant and the Examiner that are not prior art. MPEP §609 ("There is no requirement that the information must be prior art references in order to be considered by the examiner."); MPEP §707.05 ("Examiners should cite of interest all material disclosures having a prior art date after the filing date of the U.S. parent application or the foreign priority application but before the actual filing date of the application being examined."). Indeed, examiners perform an inventor name search for double patenting rejections. MPEP §904.

There is simply no evidence that the Examiner considered PO's prior patents and publications to be prior art. For example, had the Examiner considered the '226 publication to be prior art, the Examiner would have rejected the challenged claims. In fact, had PO's priority claim been truthful and properly considered with respect to the challenged claims, that rejection would have been

¹ U.S. Pat. Nos. 8,896,485; 9,204,251; and 9,538,332.

anticipation. Instead, the Examiner issued a first action allowance, never applying the '226 publication. EX1013, pp. 20-29.

The Examiner must have accepted the '193 patent's priority date and priority claim as comprising all divisionals. Otherwise, the Examiner would have required PO to change one or more priority-application-designations from "divisional" to "continuation-in-part." EX1016, ¶12.² Since all four cited references claim priority to the same provisional as the '193 patent, the Examiner did not consider those references to be prior art.

Additionally, regardless of its protestations, PO's purported "divisionals" added new matter. In its reply, PO does not—because it cannot—attest that no new matter was added in its priority chains of purported "divisionals."³ DD Reply, p. 1; 37 C.F.R. §§11.18, 42.11(c). Instead, PO attempts to shift the burden and assert that Petitioner did not identify any new matter in the '193 patent's priority chains. But, PO provides no explanation for how the disclosure from one priority application could more than triple in size and remain a

² In both IPR2025-01082 and IPR2025-01598, the petitioners relied upon similar declarations from Mr. Bahr addressing examination errors. Both cases were referred and instituted.

³ Remarkably, PO even refers to its misrepresentations as a "clerical mistake" in its preliminary response at p. 19.

“divisional.” DD Opp., p. 4. And PO also conveniently ignores the ’843 application which self-identifies as a continuation-in-part. DD Opp., p. 5; EX1019, p. 1. Moreover, PO added new matter by claiming GPS as determining the exact parking space location of the vehicle in the challenged claims. DD Opp., pp. 8-9.

III. PO’S NEW PURPORTED EVIDENCE OF PRIOR NOTICE SHOULD BE DEEMED WAIVED

PO waited until its reply brief to drop a statement⁴ from the inventor as well as numerous exhibits. DD Reply, pp. 4-5. PO provides no explanation or evidence for why it was not in its opening brief, and why it should not be deemed waived. Accordingly, the Director should consider this argument and evidence waived.⁵

Nevertheless, most of this purported evidence comprises unsolicited LinkedIn messages that were never responded to, and may not have even been seen or read. *See e.g.*, EX2034, pp. 1-3 (“You haven’t received a response yet.”). Even if taken at face value, all these messages show is that the inventor was

⁴ PO’s EX2030 does not include the required oath of the PTAB, and therefore, it should be given little to no weight. *See* 37 C.F.R. §§42.2, 1.68.

⁵ *See e.g.*, Trial Practice Guide §II(I), Dec. 12, 2025 (“Petitioner may not submit new evidence or argument in reply that it could have presented earlier....”).

trying to interest Google in adopting his technology and doing business with him. *Id.* There was no threat of litigation nor anything confrontational. Google acted diligently by filing this IPR as soon as it saw the '193 patent asserted in an adversarial manner. It cannot be correct that Google would be required to immediately file IPRs on the patents potentially related to every single business opportunity that comes its way.

IV. GOOGLE IS THE SOLE AND APPROPRIATE REAL PARTY IN INTEREST

Google has refused to defend and indemnify Samsung in the underlying litigation, but has voluntarily offered to defend against the '193 patent claims relating to “Android Auto used in conjunction with the Google Maps Android application.” EX1032, pp. 1-2. Google’s offer specifically does not extend to any USPTO proceedings filed by Samsung. *Id.*, p. 2. Furthermore, Petitioner certifies again as it did in the Petition:

Petitioner certifies that Google LLC is the real party-in-interest, and further certifies that no other party exercised control or could exercise control over Google’s participation in this proceeding, the filing of this petition, or the conduct of any ensuing trial. In fact, no third party was even aware of this proceeding until after it was filed.

Pet., §II(A). Google’s designation of itself as the sole real party in interest is correct.

V. CONCLUSION

Petitioner respectfully requests that the Director deny PO’s request for discretionary denial.

Dated: April 16, 2026

Respectfully submitted,

Michael L. Kiklis

Michael L. Kiklis

Reg. No. 38,939

Attorney for Petitioner

Google LLC

PETITIONER'S EXHIBIT LIST

April 16, 2026

EX1001	U.S. Patent No. 9,772,193
EX1002	U.S. Patent No. 7,899,583
EX1003	Baese (US 2002/0082025)
EX1004	Phillips (US 2003/0055560)
EX1005	Soliman (U.S. Patent No. 6,081,229)
EX1006	Declaration of Thomas La Porta, Ph.D.
EX1007	<i>The Active Badge Location System</i> , Want, et al., ACM Transactions on Information Systems, Vol. 10, No. 1, January 1992.
EX1008	<i>A New Location Technique for the Active Office</i> , Ward, et al., IEEE Personal Communications, October, 1997
EX1009	<i>The Cricket Location-Support System</i> , Priyantha, et al., ACM, 2000.
EX1010	<i>A Taxonomy of Indoor and Outdoor Positioning Techniques for Mobile Location Services</i> , Zeimpekis, et al., ACM, 2003.
EX1011	<i>Evolution of Mobile Location-based Services</i> , Rao and Minakakis, Communications of the ACM, Vol. 46, No. 12, December, 2003.
EX1012	<i>Survey of Location Based Wireless Services</i> , Mohapatra, et al., IEEE, 2005.
EX1013	File history of '193 patent.
EX1014	'193 patent assignment showing security interest held by Piccadilly Patent Funding LLC (March 25, 2025).
EX1015	<i>Discovering Bluetooth</i> , Miller, Sybex Inc., 2001.

EX1016	Declaration of Robert W. Bahr.
EX1017	Complaint in <i>Gamba Group Holdings LLC, v. Samsung Electronics Co., LTD, et al.</i> , EDTX 2:25-cv-00438-JRG (April 25, 25).
EX1018	PTO Search Results
EX1019	U.S. Pat. No. 9,020,687
EX1020	File History of U.S. Pat. No. 9,420,423
EX1021	File History of U.S. Pat. No. 7,899,583
EX1022	File History of U.S. Pat. No. 8,836,580
EX1023	2024 Google Economic Impact in the U.S. https://storage.googleapis.com/eir-national-report/2024.pdf
EX1024	Berman, <i>Too Many Patent Suits? The Data Suggests There are Too Few</i> , IP Watchdog (April 6, 2023) https://ipwatchdog.com/2023/04/06/many-patent-suits-data-suggests/
EX1025	<i>Why plaintiffs in US patent cases who understand the odds of victory are almost always best off settling</i> , IAM Lexology (February 16, 2018) https://www.lexology.com/library/detail.aspx?g=83faed64-c9ca-47ba-83a2-d80f9ea36c23
EX1026	Mrkonjic, <i>17 Incredible Patent Litigation Statistics [2024 Edition]</i> , The High Court (July 6, 2021) https://thehighcourt.co/patent-litigation-statistics/
EX1027	Van Arnam and Matthews, <i>Patent Litigation Update 2024</i> , Williams Mullen (March 11, 2024) https://www.williamsmullen.com/insights/news/legal-news/patent-litigation-update-2024
EX1028	File History of U.S. Pat. No. 9,491,584
EX1029	File History of U.S. Pat. No. 9,204,257

EX1030	File History of U.S. Pat. No. 9,602,193
EX1031	File History of U.S. Pat. No. 9,020,687
EX1032	CONFIDENTIAL PROTECTIVE ORDER MATERIAL July 9, 2025 corresondence

CERTIFICATE OF SERVICE

The undersigned certifies service pursuant to 37 C.F.R. §§ 42.6(e) of PETITIONER'S SURREPLY IN OPPOSITION OF DISCRETIONARY DENIAL and related exhibit by filing the documents through the USPTO Patent Trial and Appeal Case Tracking System and by emailing copies to the following email addresses:

jpiana@brownrudnick.com
jpartridge@brownrudnick.com
idibernardo@brownrudnick.com
hrafatijo@brownrudnick.com
pdunn@brownrudnick.com
Google-Gamba-BR@brownrudnick.com

Dated: April 16, 2026

Respectfully Submitted,

Michael L. Kiklis_____

Michael L. Kiklis
Reg. No. 38,939
Attorney for Petitioner
Google LLC