

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MEDTRONIC, INC.,
Petitioner,
v.

MOSKOWITZ FAMILY LLC,
Patent Owner

Case No. IPR2026-00163
Patent No. 11,376,136

PATENT OWNER'S PRELIMINARY RESPONSE

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<i>Revvo Techs. v. Cerebrum Sensor Techs.</i> , IPR2025-00632, Paper 20 (Director Nov. 3, 2025)	<i>passim</i>
<i>Tesla, Inc. v. Intellectual Ventures II LLC</i> , IPR2025-00340, Paper 18(Director Nov. 5, 2025)	<i>passim</i>
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PATENT OWNER’S EXHIBIT LIST

Exhibit	Description
2001	Pretrial Scheduling Order, <i>Moskowitz Family LLC v. Medtronic, Inc. et. al.</i> , No. 0:25-CV-00769-PJS-DLM, ECF No. 36 (Dist. Of Minn. September 10, 2025) (Micko, D.)
2002	Stipulation Extending Time For Defendants To Respond To Plaintiff’s Complaint, <i>Moskowitz Family LLC v. Medtronic, Inc. et. al.</i> , No. 0:25-CV-00769-PJS-DLM, ECF No. 15 (Dist. Of Minn. March 19, 2025)
2003	Stipulation Extending Time For Defendants To Respond To Plaintiff’s Complaint, <i>Moskowitz Family LLC v. Medtronic, Inc. et. al.</i> , No. 0:25-CV-00769-PJS-DLM, ECF No. 24 (Dist. Of Minn. May 22, 2025)
2004	First Amended Complaint, <i>Moskowitz Family LLC v. Medtronic, Inc. et. al.</i> , No. 0:25-CV-00769-PJS-DLM, ECF No. 27 (Dist. Of Minn. May 23, 2025)
2005	Stipulation to Amend Case Scheduling Concerning Contentions and Claim Construction, <i>Moskowitz Family LLC v. Medtronic, Inc. et. al.</i> , No. 0:25-CV-00769-PJS-DLM, ECF No. 42 (Dist. Of Minn. January 16, 2026)
2006	October 3, 2025 Update to USPTO Interim Director Discretionary Process
2007	March 24, 2025 Guidance on USPTO’s rescission of “Interim Procedure for Discretionary Denials in AIA Post-Grant Proceedings with Parallel District court Litigation”

2008	USPTO FAQs for Interim Processes for PTAB Workload Management (Archived)
2009	Complaint, <i>Moskowitz Family LLC v. Zimvie Inc.</i> , No. 1:22-cv-01632-UNA, ECF No. 1 (D. Del. December 23, 2022)
2010	Information Disclosure Statement citing '293 patent (great-great-grandparent of the '136 patent) in Medtronic U.S. Patent Application No. 17/246,968 (May 3, 2021)
2011	Notice of References Cited in Notice of Allowance citing earlier publication (U.S. Pat. App. Pub. No. 2008/0033440) of '903 patent (great-great-great-grandparent of the '136 patent) in Medtronic U.S. Patent Application No. 13/440,241 (September 3, 2015)
2012	U.S. Patent No. 5,658,335 to Allen.
2013	<i>Intentionally Left Blank</i>
2014	Complaint, <i>Moskowitz Family, LLC v. NuVasive, LLC et. al.</i> , No. 1:25-CV-00711-WCB, ECF No. 1 (D. Del. June 6, 2025)
2015	Scheduling Order, <i>Moskowitz Family, LLC v. NuVasive, LLC et. al.</i> , No. 1:25-CV-00711-WCB, ECF No. 17 (D. Del. October 20, 2025) (Bryson, W.)
2016	Amended Pretrial Scheduling Order, <i>Moskowitz Family LLC v. Medtronic, Inc. et. al.</i> , No. 0:25-CV-00769-PJS-DLM, ECF No. 44 (Dist. Of Minn. January 20, 2026)
2017	Complaint, <i>Moskowitz Family LLC v. Globus Medical, Inc.</i> , No. 6:19-cv-00672, ECF No. 1 (W.D. Tex. November 20, 20192)
2018	Second Amended Complaint, <i>Moskowitz Family LLC v. Medtronic, Inc. et. al.</i> , No. 0:25-CV-00769-PJS-DLM, ECF No. 48 (Dist. Of Minn. January 29, 2026)

2019	Complaint, <i>Moskowitz Family LLC v. Medtronic, Inc. et al.</i> , No.0:25-cv-00769, ECF No. 1 (Dist. Of Minn February 28, 2025)
2020	Letter from Michael Fink, Counsel for Nathan Moskowitz to Newton Metcalf Jr., Director of Advanced Technologies Program for Medtronic, Inc., dated June 30, 2015
2021	Letter from Michael Fink, Counsel for Nathan Moskowitz to Brad Lerman, Senior Vice President and General Counsel for Medtronic, Inc., dated June 30, 2015
2022	Attachments to Notice Letters including Moskowitz Patent Portfolio and U.S. Patent No. 9,005,293
2023	Uniloc USA, Inc. v. Motorola Mobility LLC, Case No. 2:16-CV-00992-JRG, ECF No. 125 (E.D. Tex. Apr. 5, 2017)) (Gilstrap, J.)
2024	Information Disclosure Statement citing Gordon in the '136 great-great-great-great-grandparent U.S. Patent Application No. 11/208,644 (considered by examiner on September 17, 2008)
2025	Information Disclosure Statement citing Gordon in the '136 great-great-great-great-grandparent U.S. Patent Application No. 11/536,815 (considered by examiner on October 15, 2009)
2026	Information Disclosure Statement citing Gordon in the '136 great-great-great-grandparent U.S. Patent Application No. 11/842,855 (considered by examiner on September 03, 2010)
2027	Information Disclosure Statement citing Gordon in the '136 great-great-grandparent U.S. Patent Application No. 13/084,543 (considered by examiner on April 18, 2012)

2028	Information Disclosure Statement citing Gordon in the '136 great-great-grandparent U.S. Patent Application No. 13/108,982 (considered by examiner on October 10, 2014)
2029	Information Disclosure Statement citing Gordon in the '136 great-grandparent U.S. Patent Application No. 13/210,157 (considered by examiner on February 4, 2015)
2030	Information Disclosure Statement citing Gordon in the '136 grandparent U.S. Patent Application No. 15/894,471 (considered by examiner on February 26, 2019)
2031	Information Disclosure Statement citing Gordon in the '136 parent U.S. Patent Application No. 15/944,117 (considered by examiner on April 23, 2019)
2032	Medtronic's Memorandum of Law in Support of Motion to Stay, <i>Moskowitz Family LLC v. Medtronic, Inc. et. al.</i> , No. 0:25-CV-00769-PJS-DLM, ECF No. 61 (Dist. Of Minn. February 20, 2026)
2033	Moskowitz' Opposition to Medtronic's Motion to Stay, <i>Moskowitz Family LLC v. Medtronic, Inc. et. al.</i> , No. 0:25-CV-00769-PJS-DLM, ECF No. 65 (Dist. Of Minn. February 27, 2026)

I. INTRODUCTION

This Petition is built on a tactic the Director has repeatedly rejected: challenge patent claims before the PTAB under one claim scope while reserving the ability to argue a different claim scope in district court. Medtronic’s Petition does exactly that. It tells the Board that no claim construction is necessary and that the claims are unpatentable under “any reasonable construction,” while expressly reserving the right to advance different claim scope arguments elsewhere. At the same time, Medtronic asked the district court to halt the parallel litigation before it had to disclose its invalidity contentions and claim construction positions—positions that could bear directly on the viability of its IPR petitions.

Medtronic’s conduct explains the strategy. After filing a series of staggered petitions across this patent family, Medtronic told the district court that claim construction across the asserted patents would be burdensome and complex. It then moved to stay the case immediately before its invalidity contentions and claim construction disclosures were due. At the March 6 hearing on that motion, Medtronic acknowledged that advancing narrower constructions—or indefiniteness arguments—in district court could jeopardize its petitions under the Director’s recent decisions. Medtronic therefore asked the court to stop the case before those positions had to be revealed.

The tactic is straightforward. Medtronic seeks to pursue invalidity before the PTAB under whatever claim scope is broad enough to read on the prior art while delaying disclosure of the narrower constructions—or potential indefiniteness arguments—it intends to assert in litigation. The Director’s recent decisions make clear that petitioners cannot pursue invalidity under one claim scope while withholding different claim-scope positions for district court. Section II explains why Medtronic’s Petition violates that rule and should not be instituted.

The Petition suffers from a second defect as well. Medtronic relies heavily on the declaration of its technical expert, but the declaration provides no independent engineering analysis. Instead, it largely mirrors the Petition’s attorney argument, repeating the same limitation-by-limitation assertions and motivation-to-combine statements without additional technical reasoning. Expert testimony that merely parrots attorney argument adds little evidentiary weight and cannot carry a petitioner’s burden to show a reasonable likelihood of unpatentability.

Because Medtronic structured its Petition to avoid committing to claim scope and relies on an expert declaration that offers no independent technical analysis, the Petition fails to satisfy the institution standard. Institution should be denied.

II. THE PETITION SHOULD BE DENIED BECAUSE MEDTRONIC STRUCTURED ITS PETITION TO EVADE THE DIRECTOR'S CLAIM CONSTRUCTION DISCLOSURE REQUIREMENT

Medtronic asks the PTAB to invalidate the claims under one claim scope while reserving the right to argue a different claim scope in district court. The Director's recent decisions forbid that tactic. Because the PTAB now applies the same *Phillips* claim construction standard used in litigation, petitioners must identify in their petitions the claim scope on which their invalidity challenges depend and must explain any differences between the positions they take before the PTAB and in district court. Petitioners cannot rely on broad claim scope to pursue invalidity at the PTAB while advancing narrower constructions to avoid infringement—or arguing indefiniteness—in litigation. When petitioners attempt that maneuver, the Director has denied institution and even vacated existing institution decisions.

Medtronic structured its petition to preserve exactly that flexibility. The Petition tells the Board that no claim construction is necessary and that the claims are unpatentable under “any reasonable construction.” Pet. at 15. Yet in the same section Medtronic expressly reserves the right to advance different claim scope arguments elsewhere. *Id.* That reservation is not hypothetical. Medtronic recently asked the district court to stay the case before its invalidity contentions and claim construction disclosures come due. And at the March 6 hearing on that motion, Medtronic's counsel acknowledged the Director's decisions in *Revvo*, *Tesla*, and

Generac, explained that advancing narrowing constructions in district court could jeopardize its IPR petitions, and urged the court to pause the case so those positions would not have to be disclosed while its IPR petitions remained pending.

The strategy is straightforward. Medtronic seeks to rely on broad claim scope to pursue invalidity at the PTAB while delaying the narrower constructions—and potential indefiniteness arguments—Medtronic intends to advance in district court. The Director’s decisions reject precisely that maneuver. Under the Director’s framework, this petition should not be instituted.

A. Director Precedent Requires Petitioners to Disclose in the Petition Any Claim Construction Positions They Intend to Advance in District Court

Director precedent makes clear that a petitioner cannot challenge a patent before the PTAB under one claim scope while reserving a different scope for district court. If a petitioner intends to advance different claim construction positions across forums, those differences must be disclosed—and explained—in the petition.

That rule follows directly from the PTAB’s claim construction regulations. A petition must identify “[h]ow the challenged claim is to be construed.” 37 C.F.R. § 42.104(b)(3). When the Office adopted the *Phillips* claim construction standard for PTAB proceedings, it did so specifically to align PTAB practice with district court litigation and to curb forum-dependent claim scope. The Office explained that the change would give petitioners “less flexibility to advance inconsistent arguments

about claim scope” and instead require them to “choose a single claim construction that best captures the true meaning of the patent claim.” *See* Changes to the Claim Construction Standard for Interpreting Claims in Trial Proceedings Before the Patent Trial and Appeal Board, 83 Fed. Reg. 51,340, 51,349–50 (Oct. 11, 2018). The rulemaking further explained that the framework was intended to minimize inconsistency in claim construction between forums and to discourage petitioners from seeking broader constructions at the Board to support a patentability challenge while seeking narrower constructions in litigation to avoid infringement liability. *Id.*

The Director recently enforced those principles in *Revvo Technologies v. Cerebrum Sensor Technologies*. There, the petitioner advanced one claim construction before the PTAB while advocating a different position in district court, but failed to explain the discrepancy. The Director held that when a petitioner advances alternative claim construction positions across forums, it must “explain sufficiently why the different positions are warranted.” *Revvo Techs. v. Cerebrum Sensor Techs.*, IPR2025-00632, Paper 20 at 4–5 (Director Nov. 3, 2025). Because the petition failed to do so, the Director vacated the Board’s institution decision.

The Director applied that same rule to indefiniteness arguments in *Tesla v. Intellectual Ventures*. There, the petitioner argued in district court that a claim limitation was indefinite while asserting in its IPR petition that the same claim should receive its plain and ordinary meaning. The Director rejected the

inconsistency and denied institution, explaining that treating a claim as definite enough for PTAB review while arguing in court that the same claim lacks reasonably certain scope, without sufficient explanation, undermines the Office’s goal of “providing greater predictability and certainty in the patent system.” *Tesla, Inc. v. Intellectual Ventures II LLC*, IPR2025-00340, Paper 18 at 3–4 (Director Nov. 5, 2025).

The Director reaffirmed the same principle again in *Generac Power Systems v. Champion Power Equipment*. There, the petitioner argued in district court that certain claim terms were indefinite while urging the PTAB to treat those same terms as definite. The Director vacated the institution decisions and denied institution, explaining that allowing petitioners to advance different claim scope across forums would defeat the Office’s effort to harmonize PTAB and district court claim construction. *Generac Power Sys., Inc. v. Champion Power Equip., Inc.*, IPR2025-00805, Paper 40 at 4–5 (Director Feb. 3, 2026).

Taken together, *Revvo*, *Tesla*, and *Generac* establish a straightforward rule. Petitioners must commit in their petitions to the claim scope on which their invalidity challenges depend. If a petitioner intends to advance a different claim construction in district court—or argue that the claims are indefinite there—those positions must be disclosed and explained in the petition itself. Petitioners cannot rely on one claim scope before the PTAB while withholding the claim-scope positions they intend to

assert in litigation. When they attempt that tactic, institution is denied or vacated. As the Director summarized, petitioners “can’t have it both ways and certainly not without a sufficient explanation.” *Revvo Techs.*, IPR2025-00632, Paper 36 at 3 (Director Jan. 26, 2026).

B. Medtronic Structured Its IPR Petitions to Avoid Disclosing the Claim Scope It Intends to Advance in District Court

Medtronic structured its IPR campaign to avoid committing to claim scope while its petitions remain pending. Moskowitz filed this case in February 2025 asserting eleven patents. Medtronic waited months before filing any petitions and then launched a staggered series of nine IPR challenges between September 2025 and March 2026.¹ That schedule delays institution decisions until well into 2026, extending the period during which Medtronic can pursue invalidity at the PTAB while withholding its claim construction positions in district court.

¹ Medtronic filed nine petitions challenging the asserted patents: IPR2025-01598 (’293 patent) (Sept. 29, 2025); IPR2026-00121 (’755 patent) (Nov. 10, 2025); IPR2026-00124 (’797 patent) (Nov. 10, 2025); IPR2026-00162 (’367 patent) (Dec. 2, 2025); IPR2026-00163 (’136 patent) (Dec. 1, 2025); IPR2026-00216 (’284 patent) (Jan. 16, 2026); IPR2026-00217 (’633 patent) (Jan. 16, 2026); IPR2026-00265 (’738 patent) (Feb. 20, 2026); and IPR2026-00285 (’183 patent) (Mar. 2, 2026).

Despite having a year to prepare those petitions, Medtronic took the same approach in each one: it proposed constructions only for means-plus-function limitations and otherwise asserted that no claim construction is necessary.

Each petition included the same reservation preserving Medtronic's ability to advance different claim scope positions elsewhere. In the '136 petition, Medtronic states:

Petitioner reserves all rights to raise claim construction and other arguments in other venues. Specifically, Petitioner is not conceding that each claim satisfies all statutory requirements, nor waiving any arguments concerning claim scope or grounds that can only be raised in district court.

Pet. 15 n.4.

The surrounding claim construction discussion reinforces that reservation. After reciting the *Phillips* standard, Medtronic asserts that “[t]he Board need not construe any claims as the claims are unpatentable under any reasonable construction, or any construction offered by Patent Owner.” Pet. 15. In other words, Medtronic asks the PTAB to evaluate its invalidity theories under whatever claim scope is broad enough to read on the prior art—while preserving the ability to advance much narrower constructions elsewhere.

That approach preserves precisely the flexibility the Director's decisions prohibit. To evaluate Medtronic's §§ 102 and 103 challenges, the PTAB must treat

the claims as sufficiently definite to understand and apply. Yet Medtronic's reservation preserves the ability to argue in district court that the same claims should be construed more narrowly—or are indefinite and not amenable to construction at all. That is the inconsistency the Director rejected in *Tesla*, and the Director's decisions make clear that petitioners cannot pursue invalidity before the PTAB under one claim scope while withholding different claim-scope positions for litigation.

If Medtronic intended to rely on narrower claim constructions or indefiniteness arguments in district court, those positions were required to be disclosed and explained in the petition. They were not. Medtronic instead preserved flexibility while withholding the claim-scope positions it intends to advance in litigation.

C. Medtronic's Stay Motion and Hearing Admissions Confirm Its Plan to Withhold Claim Constructions from the Petition

Medtronic's conduct in the district court confirms why its petitions avoid committing to claim scope. After filing the nine staggered IPR petitions, Medtronic asked the district court to halt the case before any of its petitions had been instituted. Ex. 2032. The timing of that request is telling. Medtronic filed its motion just before its invalidity contentions are due and months before the parties must exchange claim construction positions. Ex. 2016. Medtronic sought to stop the case before those disclosures occur.

Medtronic’s motion explains why. Medtronic argued that the parties should avoid “incurring significant cost crafting invalidity contentions and claim construction positions that may well have a significantly different scope after IPRs.” Ex. 2032 at 18. Yet in its petitions Medtronic told the PTAB that no claim construction is necessary (except for means-plus-function terms) and that the claims are unpatentable under “any reasonable construction.” Pet. 15. Medtronic cannot tell the PTAB that the claims require no construction while warning the district court that claim construction across the same patents may change as the IPRs unfold.

Moskowitz identified the problem in opposing the stay. A stay would allow Medtronic to postpone disclosing the claim constructions and indefiniteness theories it intends to pursue in litigation—positions that could bear directly on the viability of its IPR petitions. Ex. 2033 at 1, 10, 12. If Medtronic plans to advance narrower constructions or indefiniteness arguments in district court, Moskowitz explained those positions should have been disclosed in the petitions under the Director’s guidance in *Revvo*, *Tesla*, and *Generac*. *Id.* at 9-10.

Medtronic’s statements at the March 6 hearing confirmed the point. Medtronic acknowledged the Director’s decisions in *Revvo*, *Tesla*, and *Generac* and recognized that advancing narrowing claim constructions or indefiniteness arguments in district court could jeopardize its IPR petitions. Medtronic nevertheless argued that taking alternative claim construction positions across

forums is common and urged the court to stay the case so those positions would not have to be disclosed while its petitions remain pending.²

The sequence is unmistakable. Medtronic asked the PTAB to evaluate its invalidity theories under an “any reasonable construction” framework while reserving the ability to advance different claim-scope positions in district court. At the same time, it sought to pause the litigation at the precise moment when it would otherwise have to reveal those positions. The Director’s decisions were issued to prevent exactly this tactic. Petitioners must identify in their petitions the claim scope on which their invalidity challenges depend and must explain any differences between positions taken across forums. Medtronic did neither.

D. Allowing This Petition to Proceed Would Create a Roadmap for Evading the Director’s Claim Construction Disclosure Requirement

The Director’s recent decisions were issued to stop petitioners from challenging a patent under one claim scope before the PTAB while preserving a different claim scope for district court. The disclosure requirement ensures that invalidity challenges are evaluated under a consistent claim scope across forums and

² A transcript of the March 6, 2026 hearing was not available at the time this Response was filed. With authorization, Patent Owner will provide the transcript to the Director once it becomes available.

prevents petitioners from tailoring claim scope to whichever forum is most advantageous.

Medtronic's approach would defeat that framework. Pursuing invalidity at the PTAB under the broadest possible claim scope while delaying disclosure of narrower constructions—or indefiniteness arguments—until after the fate of the petitions is known, if successful, would easily circumvent the Director's guidance in *Revvo*, *Tesla*, and *Generac*. Petitioners will have a clear roadmap: assert that no claim construction is necessary, reserve alternative claim-scope arguments, pause district court proceedings before claim construction disclosures occur, and reveal narrower constructions only after completion of any IPRs. That is precisely the forum-dependent claim scope the Director's decisions were meant to eliminate.

This petition illustrates the problem. Medtronic had a full year after being sued to prepare its petitions. If it intended to rely on narrower constructions or indefiniteness arguments in district court, those positions should have been disclosed in the petition. They were not. Instead, Medtronic preserved flexibility, withheld the claim-scope positions it intends to advance in litigation, and sought to delay the disclosures that would reveal them.

Under the Director's framework, petitions built on undisclosed claim-scope positions should not proceed. Institution should be denied.

III. PETITIONER’S EXPERT DECLARATION SHOULD BE GIVEN NO WEIGHT

Petitioner relies heavily on the Declaration of Brad Culbert as purported technical support for its anticipation and obviousness theories. But the declaration does not supply independent engineering analysis addressing the structural gaps identified above. Instead, it largely mirrors the Petition’s limitation-by-limitation mapping, repeating conclusions that the prior art “discloses” the claimed features without explaining how the cited structures satisfy the specific mechanical requirements of the claims.

A comparison of the Petition and Ex. 1002 confirms the redundancy. The Petition’s “Background” is virtually identical to the declaration’s “Technical Background” and “The Prior Art” sections, although rearranged in an attempt to differentiate. *Compare, e.g.*, Petition §§ VI *with* Ex. 1002 §§ V, VIII.A.1, VIII.B.1, VIII.C.1. Likewise, the Petition’s “Detailed Explanation of Grounds” tracks the same limitation-by-limitation structure and substantive content contained in the declaration’s corresponding sections and appendices. *Compare, e.g.*, Petition § IX *with* Ex. 1002, §§ VIII.A.2, VIII.B.2-4, VIII.C.2-4, Appendix A-B. The declaration does not meaningfully expand on those assertions with engineering analysis or technical reasoning.

That absence is significant here. The disputed issues are mechanical and structural and are not resolved by quotation alone. They require explanation of

mechanical interaction, structural relationships, and expected operation in a confined surgical environment.

Yet Ex. 1002 primarily cites passages from the prior art followed by the same conclusory statements from the Petition that the limitation is “disclosed.” *Compare, e.g.,* Pet. at 16-18 *with* Ex. 1002, ¶¶ 46-50 (9.pre-9.a); Pet. at 18-19 *with* Ex. 1002 at p. 59 (9.b); Pet 19-21 *with* Ex. 1002, ¶¶ 51-53 (9.c); Pet. 21-22 *with* Ex. 1002 at p. 61 (9.d); Pet. 23-28 *with* Ex. 1002, ¶¶ 55-56, pp. 62-64 (9.e-9.g); Pet. at 29 *with* Ex. 1002, ¶ 57 (9.h); Pet. at 32-33 *with* Ex. 1002, ¶¶ 60-62 (9.i); Pet. at 33-34 *with* Ex. 1002, p. 67 (9.j).³ The declaration does not supply any additional analysis as to how the cited structures satisfy the claim language under Petitioner’s own mappings. It merely duplicates the Petition, just in a different order.

Nor does the declaration supply any meaningful analysis of motivation to combine. It merely repeats the same motivation to combine arguments that the Petition does. *Compare e.g.,* Pet. at 30-31 *with* Ex. 1002, ¶¶ 58-59 (element [9.h] based on Gordon single reference obviousness); Pet. at 54-58 *with* Ex. 1002, ¶¶ 69-74 (element 9.pre based on Mcluen in view of Gordon); Pet. at 79-85 *with* Ex. 1002,

³ It is clear from the exemplary comparison cites that Mr. Culbert’s declaration is primarily a re-organization of the Petition, rather than a supplement that provides reasoned technical support.

¶¶ 89-98 (element 9.c based on Gordon in view of Michelson). The Board has made clear that expert testimony must provide reasoned technical support, not merely endorse counsel's argument. *See* 37 C.F.R. § 42.65(a); *Xerox Corp. v. Bytemark, Inc.*, IPR2022-00624, Paper 9 (PTAB Aug. 24, 2022) (precedential). Where a declaration simply restates the Petition's assertions without independent analysis, it adds little evidentiary weight. Here, the declaration does nothing except repeat the Petition's attorney argument. Without that technical showing, Petitioner has not demonstrated a reasonable likelihood of prevailing on any challenged claim.

IV. CONCLUSION

For the forgoing reasons, Patent Owner respectfully requests that institution be denied.

Date: March 9, 2026

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CERTIFICATE OF COMPLIANCE WITH WORD COUNT

I certify that this paper complies with the type-volume limitations of 37 C.F.R. §42.24(B)(1) because it contains 3,104 words (determined by the word-processing system used to prepare this paper), excluding the parts of the paper exempted by 37 C.F.R. §42.24(a).

Date: March 9, 2026

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing **PATENT OWNER'S PRELIMINARY RESPONSE** and associated exhibits (Exhibits 2032 & 2033) were served electronically via e-mail on March 9, 2026, in their entireties on the following counsel of record for Petitioner:

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