

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

X CORP.,
Petitioner,

v.

SEARCH AND SHARE TECHNOLOGIES, LLC,
Patent Owner.

Case IPR2026-00235
Patent 11,106,744

PATENT OWNER'S REQUEST FOR DISCRETIONARY DENIAL

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PATENT OWNER’S EXHIBIT LIST

Exhibit No.	Description
2001	Patent Owner’s Amended Complaint, Dkt. 30, filed January 5, 2026 in <i>Search and Share Technologies, LLC v. X Corp.</i> , Case No. 1:25-cv-01540 (W.D. Tex.)
2002	Defendant X Corp.’s Motion to Stay Pending Inter Partes Review, Dkt. 37, filed February 25, 2026 in <i>Search and Share Technologies, LLC v. X Corp.</i> , Case No. 1:25-cv-01540 (W.D. Tex.)

I. INTRODUCTION

Patent Owner Search and Share Technologies, LLC (“Patent Owner”) respectfully requests discretionary denial of the Petition against U.S. Patent No. 11,106,744 (“the ‘744 Patent”). The ‘744 Patent demonstrates how small entities can successfully use the U.S. patent system. Long before social media giants dominated the internet, its inventors, John Shriber and Roman Zaks, were building the tools that made modern online sharing and discovery possible. Ex2001, ¶¶11-13.

That technology is being used by Petitioner, and Patent Owner filed suit against Petitioner on Sept. 22, 2025. Following Petitioner's receipt of Patent Owner's District Court complaint, Petitioner X filed numerous motions in District Court and two Petitions before the Office. In one motion filed with the District Court, seeking a stay pending the outcome of this IPR, Petitioner noted how the parties had not “engaged in claim construction” and argued that the Office's claim construction would simplify the dispute. Ex2002, 7 (arguing that IPR can simply claim construction); *see also id.*, 5 (“a ruling on one patent may still be highly relevant to claim construction and other issues for the other patent.”).

But Petitioner's IPR does not simplify any disputes concerning claim construction because its Petition actively avoids setting forth any position on how the claims of the ‘744 patent should be construed. Instead, the Petition declares, “Petitioner submits that no terms require construction for the purposes of this IPR.”

Pet., 20. Indeed, rather than following up on its promise to the District Court, Petitioner instead seeks to “reserve[] all rights to raise claim construction arguments in other forums.” Pet., 20 n.2.

This hide-the-ball approach to claim construction is exactly what 37 C.F.R. § 42.104(b)(3) and this administration's discretionary denial process seeks to avoid. Indeed, the Petition shows the hallmarks of the inefficiencies of such an approach. Instead of crisply presenting its theories, the Petition casts a broad net of “to the extent that” statements that place the burden of developing claim construction positions on the Office and Patent Owner. *See* Pet., 21, 27, 35, 38, 45, 48, 50, 53, 59, 68, 85. Even Petitioner's expert provides no grounded standard of claim construction, other than attempting to forecast what the Board “needs” for claim construction. *See* Ex. 1002, ¶¶77-79. This behavior ignores the regulatory requirement for the Petitioner to state “[h]ow the challenged claim is to be construed,” as demanded by 37 C.F.R. § 42.104(b)(3) and absent from the Petition.

Accordingly, the Petition against the '744 patent should be denied on discretionary grounds. The IPR process should not be used to game the US patent system as Petitioner has done with this Petition. It should not be used as a vehicle for a large entity to delay relief to a small entity. And it should not be used to allow a Petitioner to make promises in District Court concerning the PTAB's efficiencies in

claim construction and then ignore those promises (and the Office’s rules promoting those efficiencies).

Additional reasons support denial. The Board should deny institution under 35 U.S.C. § 325(d) because Petitioner’s arguments rely on prior art that is substantially similar to art already considered and overcome during prosecution of the ‘744 Patent. The only limitation the Examiner found missing from the prosecution art—search results with user-identified content positioned “relative to” other user-identified content within a unified ranking—is absent from Petitioner’s references. Application of all six *Becton, Dickinson* factors compel denial.

Finally, the Board should deny institution under 35 U.S.C. § 314(a) based on a holistic assessment of the applicable discretionary factors. Although the parallel district court proceeding, *Search and Share Techs., LLC v. X Corp.*, No. 1:25-CV-01540-RP (W.D. Tex.), has been stayed, and although Petitioner has proffered a *Sotera* stipulation, other discretionary factors—including the Petition’s substantive weaknesses and its heavy reliance on expert testimony to fill prior art gaps—collectively support denial.

II. BACKGROUND

The ‘744 Patent is part of a family of patents that have undergone extensive examination. The ‘744 Patent is a continuation of U.S. Application No. 15/142,479 (the “‘479 Application”), which issued as U.S. Patent No. 10,180,952 (the “‘952

Patent”). The ‘479 Application was itself a continuation of U.S. Application No. 13/420,503 (the “‘503 Application”), which issued as U.S. Patent No. 9,338,215 (the “‘215 Patent”). Across this prosecution history, the claimed invention has been examined by multiple examiners and survived multiple rounds of rejection.

The ‘744 Patent is directed to a web-search system in which search results are generated based on user-provided input. When a user views web content in a main browser window, the user can submit an identification of that content (*e.g.*, a URL) together with user-generated content—such as keywords, tags, ratings, and comments—to a server through a user interface separate from the main browser window. The server subsequently stores and indexes the submission so that when another user performs a web search, the server provides search results affected by the submitted user-generated content. EX1001, Claims 1, 10, 19.

Independent Claim 1 requires “transmitting, by the server computer, search results to the web browser of the second client computer, the search results comprising the first web content identified by the first user *in a position relative to* identifications of other web content received from other users.” This limitation requires a unified search results presentation in which the server determines the position of one user’s identified content relative to the positions of other users’ identified content based on the claimed indexing and ranking processes. The limitation is not satisfied by systems that present different users’ contributions in

separate, pre-defined categorical sections—such as a “favorites” section separate from an “overall results” section.

This distinction matters because the ‘744 Patent addresses a specific problem with conventional search engines. As the specification explains, “unlike other search engines, such as GOOGLE® and BING®, which use bots/web crawlers to follow links in web pages to discover content and then sort the indexed content through an algorithm, the ranking of the web content in the search results **290** is based on human input (*e.g.*, human ratings, such as like, dislike, or neutral). Thus, the human input affects the search results in real time.” EX1001, col. 8, line 41-49.

During prosecution of the ‘744 Patent (U.S. Patent Application No. 16/247,361, the “‘361 Application”), the Examiner initially rejected Claims 1-18 and 20 as obvious under 35 U.S.C. § 103 over Verma (US 7,801,885 B1) in view of Cierniak (US 2011/0040787 A1), and rejected Claim 19 as anticipated under 35 U.S.C. § 102 by Verma alone. EX1008, 120-126. After considering the applicant’s substantive arguments distinguishing the prior art, the Examiner withdrew the rejections and allowed the claims without amendment. EX1008, 182-189, 207-213.

III. PETITIONER’S CLAIM CONSTRUCTION BEHAVIOR WEIGHS IN FAVOR OF DENIAL

The Board’s regulations require that petitioners state “[h]ow the challenged claim is to be construed.” 37 C.F.R. § 42.104(b)(3). Further, when Petitioner sought a stay of the District Court proceeding, it noted to the District Court that the parties

had not “engaged in claim construction” and argued that the Office’s claim construction would simplify the dispute. Ex2002, 7 (arguing that IPR can simply claim construction); *see also id.*, 5 (“highly relevant to claim construction”). But no simplification will occur here because Petitioner actively avoids setting forth any position on how the claims of the ’744 patent should be construed. Instead, the Petition declares, “Petitioner submits that no terms require construction for the purposes of this IPR.” Pet., 20. Adding to Petitioner’s subterfuge before both the District Court and the Board, here Petitioner “reserves all rights to raise claim construction arguments in other forums.” Pet., 20 n.2. Rather than providing clarity on claim construction, Petitioner hides its cards.

As explained in the introduction, this approach to claim construction is exactly what 37 C.F.R. § 42.104(b)(3) and this administration’s discretionary denial process seeks to avoid. The Petition shows the hallmarks of these inefficiencies by peppering the Petition with “to the extent that” statements that place the burden of developing claim construction positions on the Office and Patent Owner. *See* Pet., 21, 27, 35, 38, 45, 48, 50, 53, 59, 68, 85. Even Petitioner’s expert provides no grounded standard of claim construction or opinion on claim construction. This behavior certainly offers no simplification to the District Court, and flatly ignores the regulatory requirement for the Petitioner to state “[h]ow the challenged claim is to

be construed,” as demanded by 37 C.F.R. § 42.104(b)(3) and absent from the Petition.¹

The IPR process should not be used to game the U.S. patent system in the manner perpetrated by Petitioner. It should not be used as a vehicle for a large entity to delay relief to a small entity. And it should not be used to allow a Petitioner to make promises in District Court concerning the PTAB's efficiencies in claim construction and then ignore those promises (and the Office's rules promoting those efficiencies). The Petition should be denied.

IV. THE BOARD SHOULD DENY INSTITUTION UNDER § 325(d) BECAUSE THE PETITION RELIES ON PRIOR ART SUBSTANTIALLY SIMILAR TO ART CONSIDERED DURING PROSECUTION

A. Legal Standard

Under 35 U.S.C. § 325(d), the Board may deny institution when “the same or substantially the same prior art or arguments previously were presented to the Office.” The Board applies the two-step framework set forth in *Advanced Bionics, LLC v. MED-EL Elektromedizinische Geräte GmbH*, IPR2019-01469, Paper 6 (PTAB Feb. 13, 2020) (precedential).

¹ Certain statements from Petitioner's expert suggest it is planning to raise § 112 issues back in District Court. *See* Ex. 1002, ¶118 (“the '744 Patent does not appear to clearly describe...”).

At step one, the Board asks whether the same or substantially the same art or arguments were previously presented to the Office. *Id.* at 8. At step two, the Board asks whether the petitioner has demonstrated that the Office erred in a manner material to the patentability of the challenged claims. *Id.* If the petitioner fails to show that the Office erred, the Director may exercise discretion not to institute review. *Id.* Where, as here, the prior art asserted in the petition is cumulative of art previously applied during prosecution, the Board considers the six non-exclusive factors set forth in *Becton, Dickinson & Co. v. B. Braun Melsungen AG*, IPR2017-01586, Paper 8 (PTAB Dec. 15, 2017) (precedential as to § III.C.5, first paragraph).

B. *Advanced Bionics* Step One: Substantially Similar Prior Art Was Previously Considered and Overcome During Prosecution

Petitioner’s references, Palmon (US 2006/0059134) (EX1003), Walther (US 2005/0234891) (EX1004), and Lu (US 2005/0256866) (EX1005), are substantially similar to the prosecution art—Verma (US 7,801,885 B1) and Cierniak (US 2011/0040787 A1)—in every material respect. Each category of claim limitation addressed during prosecution maps directly to the same category of teaching that Petitioner now repackages through different references.

1. User Interface for Identifying and Interacting with Web Content

The Examiner’s initial rejection was based in part on Verma’s disclosure of a method for “using feedback to improve searching” in which a user identifies web

content displayed in a browser and submits ratings, keywords, and comments to a server. EX1008, 120 (citing Verma, col. 2, line 10-20; Fig. 4, col. 8, line 45-67; col. 9, line 1-10). The Examiner relied on Cierniak to supply the limitation of a “user interface separate from the main browser window,” finding that Cierniak disclosed “comments received from a first client on a web document displayed in the client[']s browser window separate from window which the document is presented.” EX1008, 121 (citing Cierniak, Fig. 1-2; Fig. 4, [0025], [0109]).

Petitioner's primary reference, Palmon (US 2006/0059134), teaches the same concept. Palmon discloses a search system in which users interact with web content through a browser-based interface, creating “attachments” (associations between URLs and topics) and submitting user-generated metadata. EX1003, [0048]. Palmon's interface includes an “explorer bar” or “additional window” (760) alongside a “main display area” (750), through which users can “[a]dd current page” to the system's index. EX1003, [0206], [0217].

2. Server-Side Indexing Based on User Submissions

The Examiner found that Verma disclosed “indexing the web content” on the server for inclusion in search results. EX1008, 121 (citing Verma, col. 2, line 55-60; col. 4, line 25-30). Verma's server receives the user's identification of web content and indexes it using keywords and other user-generated metadata to enable retrieval by other users. EX1008, 122 (citing Verma, col. 21, line 20-55; col. 21 line 50-65).

Palmon likewise discloses server-side indexing based on user submissions. Palmon's server stores "attachments"—associations between URLs and user-selected topics—in a database. EX1003, [0048]. Palmon explains that the server maintains an "Index" (171) in storage (159) that associates URLs with topics and user data. EX1003, [0048], Fig. 1. The server uses these indexed associations to generate search results. EX1003, [0083] (describing how "the method determines the URLs attached to the (updated) search topic path").

3. Ranking and Rating Based on User Engagement

The Examiner found that Verma disclosed receiving "a rating" (*i.e.*, feedback) from the first user and "ranking . . . web content from the rating in relation to the ratings of the other web content received from the other users." EX1008, 122 (citing Verma, col. 11, line 20-55). Verma's system allows users to rate content with "vote or thumbs up or thumbs down (*i.e.* like, dislike)" and ranks content based on these ratings. EX1008, 122 (citing Verma, col. 21, line 50-65). The Examiner also relied on Cierniak's teaching to "rank documents higher or lower based on the comments associated with the document." EX1008, 121, 125 (citing Cierniak, [0105]).

Petitioner's references teach the same rating and ranking concepts. Palmon discloses that users can rate attachments and that the system ranks search results based on "calculated overall attachment quality." EX1003, [0022]. Palmon also allows users to designate "favorite[]" or "preferred" topics that affect the

presentation of results. EX1003, [0021]. Walther (US 2005/0234891) similarly discloses a system for user annotations, and teaches that the server “rerank[s] hits using ratings” to present personalized results. EX1004, Fig. 14 (steps 1418-1420).

4. Search Results Positioned “Relative To” Other User-Identified Content

Critically, the element missing from the prosecution art—search results with user-identified content positioned “relative to” other user-identified content within a unified ranking—is also absent from Petitioner’s references.

During prosecution, the applicant specifically argued that Verma “still utilizes a ‘regular’ search engine to obtain results, then refines those results based on the ‘user recommended results.’” EX1008, 187. The applicant argued also that “the search results utilize the indexed first web content” directly, rather than merely modifying preexisting conventional results, and that “human input affects the search results in real time” unlike “search engines, such as GOOGLE® and BING®.” EX1008, 187. The Examiner found this argument persuasive and withdrew the rejection, allowing claims that required search results comprising “the first web content identified by the first user in a position relative to identifications of other web content received from other users.” EX1008, 186, 207-213.

Petitioner’s references suffer from the same deficiency. Palmon’s search results present content in three fixed, segregated categories: (1) the user’s “favorite[s]” in the “My Topixa” section, (2) “overall results” showing URLs added

by other users, and (3) general web search results rather than in a unified result set where content from one user is dynamically positioned relative to content from other users. EX1003, [0208]. These are categorical divisions that present different types of results in separate display areas—not a unified ranking where the server determines the relative positions of multiple users' contributions. Walther similarly segregates results into “My Results” (the user's own annotated content) and “Web Results” (general search results), rather than presenting a unified ranking in which one user's identified content appears in a position relative to other users' identified content. EX1004, Fig. 12. Lu likewise presents a separate “My Web” section displaying trust network annotations alongside conventional results, rather than integrating them into a unified ranking. EX1005, [0158]-[0159], Fig. 9B.

This is the same categorical segregation that Verma and Cierniak exhibited, as found by the Examiner. The combination of Palmon with Walther or Lu fail to cure this deficiency. Walther's rating aggregation segregates annotated results into a separate “My Results” section, and Lu's teaching of displaying other users' annotations in a “My Web” section merely adds another segregated category.

The following chart summarizes these parallels:

Claim Limitation	Prosecution Art (Verma/Cierniak)	Petition Art (Palmon/Walther/Lu)
User interface separate from main browser	Cierniak: separate comment window (EX1008, 121)	Palmon: “additional window” 760 (EX1003, [0206]) Walther: “separate window” for annotations (EX1004, [0117]-[0123])
Server-side indexing of user-identified content	Verma: indexing web content for inclusion in search results (EX1008, 121)	Palmon: server stores attachments in Index 171 (EX1003, Fig. 1, [0044])
Rating/ranking based on user input	Verma: ranking based on user ratings (EX1008, 122) Cierniak: ranking based on comments (EX1008, 124-25)	Palmon: ranking based on attachment quality (EX1003, [0022]) Walther: reranking using ratings (EX1004, [0147])
Search results with content “in a position relative to” other user-identified content	<u>NOT TAUGHT</u> Verma uses two-stage process with separate user results (EX1008, 186-187)	<u>NOT TAUGHT</u> Palmon uses three segregated categories (EX1003, [0208]) Walther uses separate “My Results” section (EX1004, Fig. 12) Lu uses separate “My Web” section (EX1005, Fig. 9B)

Moreover, the Petition’s art is not newly discovered prior art from a different technological era—Palmon (2006), Walther (2005), and Lu (2005) are contemporaneous with the prosecution art (Verma – 2008; Cierniak – 2011), drawn from the same field, and directed to the same general concepts. This temporal and substantive overlap reinforces that the petition art is cumulative of art already in the Examiner’s technological landscape. Step one of the *Advanced Bionics* is satisfied.

C. *Advanced Bionics* Step Two: Petitioner Has Not Demonstrated Material Error by the Office

Having established that the Petition art is substantially similar to the prosecution art, the burden shifts to Petitioner to demonstrate error in a manner material to the patentability of the challenged claims. *Advanced Bionics*, Paper 6 at 10. Under *Advanced Bionics*, the petitioner must show that the Office's prior analysis was flawed in a way that affected the patentability determination. Here, the Examiner independently examined the claims of the '361 Application, issued a rejection based on Verma and Cierniak, considered substantive arguments from the applicant, and ultimately concluded that the claims were patentable. Petitioner identifies no specific error in that reasoning. Instead, it simply and incorrectly asserts that different references—which teach the same concepts—satisfy the limitation.

Petitioner's reliance on the Terveen Declaration (EX1002) does not establish material error. Terveen applies the same analytical framework—mapping user-interactive search and ranking features from prior art references onto the claim limitations—that the Examiner already evaluated when considering Verma and Cierniak. The fact that Terveen uses different specific references does not constitute evidence that the Office erred. The Board has repeatedly found that expert testimony, standing alone, is insufficient to demonstrate that the Office erred. *Becton, Dickinson*, Paper 8 at 28. Terveen's assertion that Palmon teaches the "position

relative” limitation is simply a disagreement with the Examiner’s claim interpretation—not evidence of examiner error.

Moreover, the procedural history of the ‘744 Patent family further undermines any claim of examiner error. The ‘744 Patent family includes the ‘952 Patent and the ‘215 Patent, which issued from applications that underwent multiple rounds of examination. Importantly, all three applications were examined by the same Examiner, Mohammed Uddin—a fact Petitioner conveniently ignores.

Petitioner points to the prosecution of the ‘503 Application, where claims identical to the ‘744 Patent were initially rejected by Uddin under 35 U.S.C. 103(a) over Barnes, Jr. (US2009/0299824), in view of Dollard et al (US2010/0011282). Pet. at 7-8. But a rejection during prosecution is an examiner's initial position, not a final determination of unpatentability. In the ‘503 Application, Patent Owner amended independent claims 1, 10, and 19 following a teleconference with the Examiner, during which “the Examiner agreed the current amendments to independent claims 1, 10, and 19 would, pending further review, at least overcome the rejections based on the currently-cited references.” EX1010 at 287. Importantly, “the rejections based on the currently-cited references” directly and only refer to the 35 U.S.C. 103(a) over Barnes and Dollard. *Id.* This narrowing of claims says nothing about whether the unamended claims were in fact unpatentable.

Petitioner's declarant contends that in the '361 Application, the Examiner did not rely on Barnes or Dollard—while the record shows he considered both references. EX1008 at 67, 128, 169. Not only was Uddin the Examiner of the '503 Application, but Patent Owner expressly asked him to consider the prosecution histories of related applications, with the '503 Application listed first in the Notice of Related Applications. EX1008 at 76. That the Examiner chose to base his rejection on Verma and Cierniak rather than Barnes and Dollard reflects a substantive exercise of examiner judgment, not the “material error” Petitioner alleges.

In both '361 and '479, the Examiner found that prior art teaching user-interactive search features with separate interface elements, server-side indexing, and rating-based ranking did not render the claimed combination obvious. The inquiry under *Advanced Bionics* is whether this Petitioner has shown error in the examination that resulted in the '744 Patent—not whether Patent Owner's amendment strategy in a different application is proof of examiner incompetence.

D. The *Becton, Dickinson* Factors Also Weigh in Favor of Denial

1. Factors (a) and (b): Similarities and Cumulative Nature of the Art

As shown in the comparison chart above, Petitioner's references (Palmon, Walther, and Lu) are cumulative of the prosecution art (Verma and Cierniak) with respect to user-interactive web content identification through separate interfaces, server-side indexing based on user submissions, and rating-based ranking. Neither

set of references teaches the critical “position relative” limitation that was dispositive during prosecution. Factors (a) and (b) favor discretionary denial.

2. Factors (c) and (d): Extent of Evaluation During Examination and Overlap of Arguments

The prosecution art was the basis for a substantive rejection by the Examiner. The Examiner rejected Claims 1-18 and 20 as obvious over Verma in view of Cierniak, and rejected Claim 19 as anticipated by Verma. EX1008, 120-126. The Examiner then evaluated the applicant's response and made a reasoned determination that the prior art did not teach the “position relative” limitation. EX1008, 186. There is complete overlap between the question presented by both sets of art: whether systems that present user-identified content in segregated categorical sections satisfy the “positioned relative to” claim limitation. The Examiner already answered this question in the negative. Petitioner asks the Board to reach a different answer using references that present the same segregated display architecture. Factors (c) and (d) favor discretionary denial.

3. Factors (e) and (f): Whether Petitioner Showed Examiner Error and Whether Additional Evidence Warrants Reconsideration

Petitioner has not identified any specific error in the Examiner's reasoning. Instead, the Petition simply presents different references that teach the same concepts—and relies on Terveen's expert opinion to bridge the same gap the Examiner found in the prosecution art. Again, expert testimony alone does not

establish examiner error, particularly where the expert applies the same analytical framework already evaluated during prosecution. *Becton, Dickinson*, Paper 8 at 28. The Petition's references are drawn from the same technological field and time period as the prosecution art. They disclose the same general concepts. They fail to teach the same critical limitation. Factors (e) and (f) favor discretionary denial.

In sum, all six *Becton, Dickinson* factors support discretionary denial. This is precisely the type of case those factors were designed to address: a Petition that repackages art cumulative of that already vetted by the Office, without identifying error or providing sufficient justification for a second look.

E. Policy Considerations Under 35 U.S.C. § 325(d)

Institution would contravene the policy underlying 35 U.S.C. § 325(d), which is designed to prevent serial challenges based on art the Office already evaluated. The Federal Circuit has cautioned against such Monday morning quarterbacking of examination decisions. *See Sciele Pharma*, 684 F.3d at 1260 (noting the “high burden of proof created by the necessary deference to the PTO”). The fact that Petitioner has assembled yet another set of references teaching the same concepts that were already found insufficient—and has done so with the assistance of a paid expert—does not establish that the Examiner erred. It underscores that the claimed invention represents a non-trivial advance over the prior art.

V. THE BOARD SHOULD DENY INSTITUTION UNDER 35 U.S.C. § 314(a)

Prior Examination of Patentability. The patentability of the '744 Patent's claims has already been evaluated not once, but across three separate prosecution cycles, all examined by the same Examiner. In each prosecution, the Examiner conducted independent prior art searches, selected different primary references for his § 103 rejections and issued substantive rejections that Patent Owner overcame only through claim amendments and detailed arguments. This extensive record of prior adjudication is supports discretionary denial.

Settled Expectations. The '744 Patent is part of a family that has undergone extensive examination across three related applications, each reviewed by the same Examiner over multiple prosecution cycles involving independent prior art searches and distinct grounds of rejection. The claims survived multiple rounds of rejection and were ultimately allowed after substantive consideration. The '744 Patent has also been in force for over four and a half years—a period during which Patent Owner has relied on the patent as a valid and enforceable right. That consideration weighs in favor of denial here.

Strength of the Unpatentability Challenge. As detailed in Section III, *supra*, the Petition does not address the Examiner's reasons for finding the prior art insufficient, repackages art that fails to teach the same critical limitation the

Examiner found missing, and identifies no specific error in the Examiner's reasoning—an independent basis for discretionary denial.

Reliance on Expert Testimony. The Petition's references fail to teach the same limitations the Examiner found missing from the prosecution art. Rather than acknowledging these gaps, the Petition relies heavily on Terveen's declaration to paper over them. This is expert gap-filling, not expert explanation of prior art disclosures, and is precisely the type of behavior that supports discretionary denial.

VI. CONCLUSION

For the foregoing reasons, Patent Owner respectfully requests that the Board deny institution of inter partes review of the '744 Patent.

Dated: April 13, 2026

/Wayne M. Helge/

Wayne M. Helge, Reg. No. 56,905

James T. Wilson, Reg. No. 41,439

BUNSOW DE MORY LLP

277 S. Washington St., Suite 210 #1088

Alexandria, VA 22314

T: (571) 208-0186

Email: whelge@bdiplaw.com

Email : jwilson@bdiplaw.com

Counsel for Patent Owner

CERTIFICATE OF SERVICE

I hereby certify that on this date, a true and correct copy of the foregoing document was served via email, by consent, to Petitioner by serving the correspondence email addresses of record as follows:

DESMARAIS LLP
tcho@desmaraisllp.com
lavena@desmaraisllp.com
XSASIPRService@desmaraisllp.com

Dated: April 13, 2026

/Wayne M. Helge/
Wayne M. Helge (Reg. No. 56,905)
Counsel for Patent Owner