

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 No. IPR2026-00244
U.S. Patent No. 10,180,952

**PETITIONER'S OPPOSITION TO PATENT OWNER'S REQUEST FOR
DISCRETIONARY DENIAL**

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PETITIONER'S EXHIBIT LIST

Exhibit No.	DESCRIPTION
1001	U.S. Patent No. 10,180,952 (“952 Patent”)
1002	Declaration of Dr. Loren G. Terveen
1003	U.S. Patent No. 7,899,829 To Malla (“Malla”)
1004	U.S. Patent Publication No. 2005/0216457 to Walther <i>et al.</i> (“Walther”)
1005	U.S. Patent Publication No. 2006/0069699 to Smadja <i>et al.</i> (“Smadja”)
1006	File History of U.S. Patent No. 10,180,952
1007	File History of U.S. Patent Application No. 13/420,503
1008	File History of U.S. Patent No. 7,899,829
1009	Stipulation
1010	<i>Search and Share Techs. v. X Corp.</i> , No. 1:25-CV-01540-RP (W.D. Tex.), Dkt. 42 (Order Granting Motion To Stay) (Apr. 2, 2026)
1011	U.S. Patent Publication No. 2009/0271388 to Murdock <i>et al.</i> (“Murdock”)
1012	U.S. Patent Publication No. 2011/0161413 to Cierniak <i>et al.</i> (“Cierniak”)
1013	U.S. Patent Publication No. 2010/0257184 to Uy <i>et al.</i> (“Uy”)
1014	U.S. 11,106,744 (“744 Patent”)

I. INTRODUCTION

Search and Share Technologies has sued X Corp. (“X”), alleging that the X social media platform infringes two related patents directed to a “web-search system” (Paper 4 (“Br.”))—an entirely different technology. But both patents do nothing more than rehash ground already covered by the prior art—unsurprising, because web search has existed since the dawn of the Internet. Promptly responding to this curious, unjustified, and unforeseeable assertion, X immediately identified prior art and filed *inter partes* review petitions challenging both patents—the recently-issued ’744 Patent¹ in related IPR2026-00235, and its parent U.S. Patent No. 10,180,952 (“’952 Patent”).

X’s Petition demonstrates that the ’952 Patent would never have issued had the Examiner seen the art presented here. The challenged claims merely combine familiar web-search concepts—separate browser interfaces, user submissions, indexing, ranking, and transmission of search results—that were already disclosed in the prior art. Indeed, Patent Owner effectively concedes that the prior art discloses all but one element of the claims (Br., 14-16) and—as explained in Section II.B—the prior art presented in the Petition discloses that purportedly missing element.

¹ U.S. Patent No. 11,106,744.

Moreover, the '952 Patent presents a strong case for *inter partes* review. Patent Owner has limited settled expectations, because although the '952 Patent issued in 2019, Patent Owner provides no evidence of reliance, commercialization, or use. The District Court stayed the parallel litigation before it even entered a schedule, and X's broad stipulation eliminates any meaningful overlap in invalidity issues, thereby ensuring that this IPR will serve as a true alternative to—not an expansion of—the district court litigation. There is thus no risk of inconsistency or inefficiency, and all *Fintiv* factors support institution. Also, the Petition presents new prior art, different from that considered during prosecution, rendering § 325(d) inapplicable. In short, institution here, together with the petition addressing the related '744 Patent, would promote efficiency and minimize the risk of inconsistent outcomes.

Recognizing the strength of the Petition, Patent Owner argues for discretionary denial, accusing X of “subterfuge” and a “hide-the-ball” approach to claim construction (Br. 2, 5–7), while recasting ordinary merits disputes as discretionary-denial issues. Those inflammatory accusations are contradicted by the record—and their provocativeness underscores Patent Owner's weak position. The Petition is timely, compelling, and provides an efficient means for resolving the parties' dispute regarding validity. Accordingly, X respectfully requests that the Petition be referred to the merits panel.

II. THE BOARD SHOULD INSTITUTE REVIEW BASED ON PATENT OWNER OVERREACH AND STRONG PRIOR ART.

A. Patent Owner’s Assertion Of A “Web Search” Patent Against A Social Media Company Supports Institution.

First, the Board should institute review of the ’952 Patent because the Patent Owner has taken a patent directed to one technology—web search—and attempted to assert it against a different technology—social media. Where a patent owner takes a patent directed toward one technology and directs it toward another, that weighs against discretionary denial. *See Home Depot U.S.A., Inc. v. H2 Intellect LLC*, IPR2025-00480, Paper 11, 2–3 (Dir. Sep. 4, 2025) (assertion of patent that “previously targeted smartphones, tablets, and watches” against “proprietor of “a chain of hardware stores” weighed against discretionary denial). X had no reason to challenge the validity of the ’952 Patent before now—X could not have anticipated that it would be targeted by a patent directed to a fundamentally different space for a technology that has existed since the dawn of the Internet.

No dispute exists that the ’952 Patent is a “web search” patent. Patent Owner itself characterized the patent as “directed to a web-search system” and described the system in terms of its behavior “when another user performs a web search,” purportedly “address[ing] a specific problem with conventional search engines.” Br. 4-5. Indeed, the claims recite receiving a “search query,” selecting “a set of search results,” and transmitting those search results to a second client computer. EX1001,

Claim 1. And the specification describes a “search engine to index web content.” EX1001, Abstract. The specification even contrasts the purported invention with other well-known web-search engines, “such as GOOGLE® and BING®.” EX1001, 3:50–4:29; 8:37–50.

By contrast, X is a social media platform, not a web search engine of the kind described in the ’952 Patent. Patent Owner itself has described X as “one of the world’s most influential social media and communications companies.” EX2001 ¶23. And Patent Owner’s allegations focus on X’s “flagship” social media platform, not web search. *See, e.g.*, EX2001 ¶¶ 32, 40, 65, 81 (accusing “X’s platform” of meeting various claim limitations).

A. The Strength Of The Prior Art Supports Institution.

Second, the Director should institute review of the ’952 Patent because the Petition’s prior art is strong: it discloses the very element—indeed, the only element—that Patent Owner contends was missing from the prior art considered during prosecution.

As an initial matter, Patent Owner effectively concedes that the Petition’s prior art discloses nearly all of the claim limitations. Patent Owner itself helpfully maps the prior art to those limitations. *See* Br. 9–14 (analyzing prior art), 14–16 (mapping prior art). Patent Owner identifies only one element supposedly “missing from the prosecution art,” which it describes as “[u]ser interface automatically

selects and displays content based on user settings.” *Id.*, 11, 15. That description corresponds to the limitation [1B], which requires that “the first user interface automatically selects a portion of the 3rd party content and displays the portion of the 3rd party content within the first user interface based on settings received from the user via the user interface to display selected portions of the 3rd party content.” EX1001, Claim 1.²

The Petition squarely demonstrates that the prior art discloses this additional limitation as well. Specifically, the Petition explains how Malla—a new reference never considered by the Patent Office—automatically selects, extracts, and displays a portion of the third-party web content based on “interface preferences” and “user-selectable preferences.” Pet., 23–30.

Like the ’952 Patent, Malla is directed to searching, organizing, and displaying web content. *See* EX1003, 1:21-24 (“The present invention is related to accessing the Internet, and more particularly to a method for creating and managing bookmarks which provide *search and organizational* elements within a bookmark database.”); 8:7-11 (explaining that a bookmark includes “a URL” for a “web page”), Figure 3. Specifically, Malla is directed to “creating and managing a database of saved webpage records, which Malla refers to as ‘intelligent

² This limitation also appears in independent claims 7 and 14.

bookmarks.” Pet., 11. Those intelligent bookmarks are created and edited through an interface. See Pet., 13-14. During the bookmark creation process, the interface automatically selects a portion of the webpage based on “interface preferences” and “user-selectable preference” (see Pet., 23-25, 28-30), and then displays the automatically-selected portion as shown in Figure 3 of Malla (see Pet., 25-28). That automatic selection and display based on “interface preferences” and “user-selectable preferences” is precisely the feature that the examiner found wanting in the prosecution prior art.

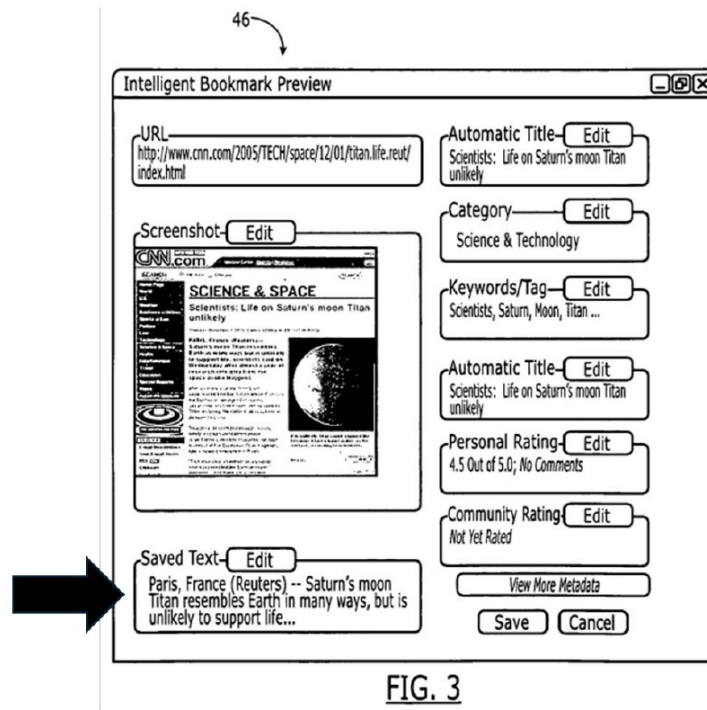


FIG. 3

Pet., 28 (showing EX1003, Figure 3 (annotated arrow showing automatically extracted text)).

Patent Owner attempts to distinguish Malla by drawing an artificial line between settings that govern “extraction” and settings that govern “display.” Br. 13. But that distinction is illusory. The claim merely requires that the user interface automatically select and display a portion of third-party content within the interface “based on settings received from the user.” EX1001, claim 1. Malla does exactly that: it automatically selects a portion of third-party content using the user-selected interface preferences, and displays that portion in the Intelligent Bookmark Preview interface. Pet., 23–30. There is no gap between what the claims require and what Malla discloses.

Patent Owner also attempts to distinguish Malla on the basis that Malla requires the user to “manual[ly] trigger” bookmark creation (before any content extraction). Br. 13–14. But that is a red herring. Regardless of how bookmark creation process is initiated, Malla’s interface automatically selects a portion of the third-party web content and displays that portion based on “interface preferences” and “user-selectable preferences,” as explained above. *See* Pet. 23-30.

Patent Owner’s arguments are thus nothing more than an effort to distract attention from the fatal flaw in its patent: Malla discloses the only claimed element it contends was missing from the prior art.

B. Reviewing Related Patents Uses Office Resources Efficiently And Creates A True Alternative To District Court Litigation.

Third, institution would also promote efficient use of Board resources. The '952 Patent is the direct parent of the '744 Patent, which X has challenged in IPR2026-00235. Br. 3; Pet. 1. Both patents are asserted by the same Patent Owner against the same Petitioner in the same district court action, which has already been stayed pending IPRs. EX1010. They also arise from the same family and share overlapping specifications and validity issues. In fact, their claims recite substantially similar limitations, some of which are provided as examples below:

EX1001 ['952 Patent], Claim 1	EX1014 ['744 Patent], Claims 1, 4
the first user interface is <i>separate</i> from a main window of a web browser,	a user interface <i>separate</i> from the main browser window
<i>indexing</i> , by the server computer, the 3 rd party content based on the submission from the first user	<i>indexing</i> , by the server computer, the first web content
<i>in response to receiving the search query, ... transmitting, by the server computer, the set of search results</i> to the second client computer	<i>in response to receiving a search query</i> from a web browser of a second client computer operated by a second user, <i>transmitting, by the server computer, search results</i> to the web browser
<i>ranking</i> , by the server computer, the 3 rd party content based on a rating of the 3 rd party content submitted from the first user	<i>ranking</i> , by the server computer, the first web content from the rating in relation to the ratings of the other web content received from the other users

The Director has recognized that, where related patents are challenged in parallel IPR proceedings and discretionary considerations favor review of one of the

related patents, reviewing all related patents in parallel IPR proceedings can be an efficient use of Office resources. *See FreightCar Am., Inc. v. Nat'l Steel Car Ltd.*, IPR2025-01047, Paper 20 at 2–3 (Dir. Oct. 10, 2025).

This is such a case. The companion '744 IPR presents an especially strong basis for review: in addition to the same stay, stipulation, and efficiency considerations present here (*see* Section III, *infra*), the '744 Patent issued only recently and the Office materially erred during prosecution of the '744 Patent. *See* IPR2026-00235, Paper 9 at 3–6, 17 (explaining that identical claims in an ancestor application had been rejected as obvious).

The Board should review the parent '952 Patent along with the '744 Patent. Doing so allows the Board to evaluate the validity of both related patents in the same expert forum, rather than leaving closely-related validity disputes to be addressed in district-court litigation after the Board addresses the validity of the child '744 Patent. Moreover, the district court has already stayed the case and stepped aside for Office review, leaving no impediment to the Board's consideration of both patents. Accordingly, the most efficient course is to refer the '952 Petition to the merits panel together with the related '744 Petition.

III. NEITHER ANY SETTLED EXPECTATIONS NOR THE EXISTENCE OF A PARALLEL LITIGATION WEIGH AGAINST INSTITUTION.

C. Patent Owner Has Limited Settled Expectations In The Validity Of The '952 Patent Because No Evidence Suggests That Patent Owner Ever Used The '952 Patent Before 2025, When It Sued X.

Patent Owner's settled-expectations argument fails because Patent Owner identifies no evidence that it ever commercialized, licensed, marked, asserted, or otherwise used the '952 Patent before suing X in 2025—much less that it applied the patent in the social media space. That complete absence of any evidence that a patent was “commercialized, asserted, marked, licensed, or otherwise applied in a petitioner's particular technology space . . . weigh[s] against a patent owner's claim of settled expectations.” *Intel Corp. v. Proxense LLC*, IPR2025-00327, Paper 12 at 2–3 (Dir. Jun. 26, 2025).

Patent Owner instead relies on age and examination history alone. Br. 7. But that is not enough. Patent Owner identifies no practicing search engine of its own, no social media platform, no marked products, no license to the '952 Patent, and no pre-2025 assertion. Nor does Patent Owner identify any prior application of the '952 Patent in X's technology space. *See Home Depot*, IPR2025-00480, Paper 11 at 2–3 (Dir. Sept. 4, 2025) (finding assertion of patent against a petitioner in a different technology space weighs against discretionary denial). To the contrary, the '952 Patent became relevant to X only when Patent Owner asserted it against X's social-media platform in 2025—and X promptly filed this first post-grant challenge. *See*

Section II, *generally*. On these facts, the '952 Patent's 2019 issuance and prosecution history do not justify denying review.

A. The Parallel District Court Litigation Was Stayed At Its Outset, Thus The *Fintiv* Factors Strongly Favor Institution.

Institution is also the most efficient method of addressing the validity of the '952 Patent because the District Court stayed the parallel litigation at the very outset of the case, pending resolution of the IPR. EX1010. Indeed, every single *Fintiv* factor favors institution—a fact that Patent Owner does not dispute in its brief.

To start, Factors 1 and 2 strongly favor institution. The parallel district court case is stayed pending resolution of this IPR (factor 1), which also ensures that the final written decision will issue well before any trial (factor 2).

Factor 3 also strongly favors institution. The district court proceeding was stayed at its outset, before any scheduling order was even issued. EX1010. Indeed, the stay is the only decision the district court has issued to date, and the parties have invested little into the district court litigation—they have not started claim construction, fact discovery, or advanced beyond the very beginning stages of the case. Accordingly, factor 3 strongly favors institution.

Factors 4 and 5 similarly favor institution because the IPR proceeding will create a single avenue to efficiently resolve validity disputes regarding the '952 Patent. X entered into a broad stipulation in the district court that eliminates any

meaningful overlap in invalidity issues (EX1009), which favors institution under factor 4. *See Tesla, Inc. v. Intell. Ventures II LLC*, IPR2025-00217, Paper 9 at 2 (Dir. Jun. 13, 2025) (recognizing similar “broad” stipulation favored institution). And the complete overlap in the parties in the district court (factor 5) similarly avoids duplicate litigation over validity and thus supports institution.

Finally, factor 6 supports institution because other circumstances strongly weigh in favor of institution. As discussed in § II above, Patent Owner’s assertion of the ’952 Patent against social media—a new technology space—and the strength of the prior art all favor institution.

IV. SECTION 325(D) PROVIDES NO BASIS FOR DISCRETIONARY DENIAL BECAUSE THE PETITION PRESENTS NEW GROUNDS, NOT CUMULATIVE OF THOSE CONSIDERED DURING PROSECUTION.

Furthermore, the Petition cannot be discretionarily denied under § 325(d) because the grounds presented are neither “the same” nor “substantially the same” as prior art applied during prosecution. *Cf.* 35 U.S.C. § 325(d). To the contrary, the Petition’s primary reference, Malla, is new and non-cumulative. Indeed, Malla expressly discloses the very feature Patent Owner says was missing from the prosecution art: a user interface that automatically selects and displays portions of third-party content based on user settings. Br. 11–16. As explained in Section II.B, the Petition demonstrates Malla discloses that very feature Patent Owner relied upon

to distinguish the prosecution art. Accordingly, Malla cannot be cumulative, and discretionary denial under § 325(d) would be inappropriate.

A. Patent Owner's § 325(d) Argument Fails At *Advanced Bionics* Step One—The Petition Presents New, Non-Cumulative Grounds Based On The New Malla Reference.

Patent Owner's § 325(d) argument fails at *Advanced Bionics* step one: the Petition presents grounds that are indisputably new and materially different from the prior art considered during prosecution. *See Advanced Bionics LLC v. MED-EL Elektromedizinische Geräte GmbH*, IPR2019-01469, Paper 6 at 7-8 (PTAB Feb. 13, 2020) (precedential).

As an initial matter, there is no dispute that Petitioner's references (Malla, Smadja, and Walther) were not considered during prosecution—they are neither mentioned in the file history nor listed on the face of the patent. *See* EX1001, 1-2; EX1006. Patent Owner does not contend otherwise. *See generally* Br. 9–16.

Unable to argue that the references were previously considered, Patent Owner instead asserts that Petitioner's references are “substantially similar” to the prosecution art—namely, Murdock, Cierniak, and Uy. *See* Br. 9-16. That argument fails: the prosecution art discloses systems that operate in materially different ways and do not teach the subject matter that led to the allowance of the claims.

Murdock, for example, is directed to generating a web-search query based on a user's manual annotations of a web page. EX1011, [0002]. When viewing a web

page, “[the] user may highlight words or phrases, say, with a cursor.” EX1011, [0018]. The system then uses those highlighted words or phrases to “initiate a web search.” EX1011, [0018]. *See also* EX1011, [0019] (“a user may highlight a phrase or word in such a displayed web page to begin a search query of the highlighted phrase or word”).

But Murdock says nothing about automatically selecting and displaying a portion of a web page—let alone doing so based on a user-provided setting. Indeed, Patent Owner expressly acknowledges as much. *See* Br. 15-16 (Patent Owner stating “a user interface that automatically selects and displays content based on user-configured settings” is not taught by prosecution art “Murdock/Cierniak/Uy”). That gap is precisely what Malla fills: unlike Murdock, Malla expressly teaches automatically selecting and displaying portions of third-party content based on user-provided “interface preferences” and “user-selectable preferences.” Section II.B.

Cierniak and Uy fare no better. Cierniak discloses a client-server system in which a client plug-in receives user comments about a web page and forwards those comments to a server for further processing. *See* EX1012, [0004], [0028]. Uy, on the other hand, is directed to scoring web pages for purposes of ranking search results. *See* EX1013, Abstract. But as Patent Owner admits, neither Cierniak nor Uy teaches selecting and displaying a portion of third-party web content, much less doing so based on the user-provided settings. Br. 11-12. Again, Malla is materially

different because it specifically teaches selecting and displaying a portion of a web page based on user-provided “interface preferences” and “user-selectable preferences.” Section II.B.

That distinction is dispositive for *Advanced Bionics* step one. The Petition does not ask the Board to revisit Murdock, Cierniak, and Uy under different names. It presents new grounds centered on Malla, a materially different reference that addresses the limitation Patent Owner identifies as the basis for allowance. Because the Petition relies on new, non-cumulative art and arguments, *Advanced Bionics* step one is not satisfied, and discretionary denial under § 325(d) is unwarranted.

B. Neither *Advanced Bionics* Step Two Nor *Becton Dickinson* Applies To The Newly Presented Art And Grounds In The Petition.

The Board should not proceed to step two of *Advanced Bionics* because the Malla reference is substantially different from the prior art previously considered by the Office. *See Advanced Bionics* at 7-8. Malla and the grounds based thereon are not “the same or substantially the same prior art or arguments” previously presented to the Office, thus § 325(d) cannot provide any basis for discretionary denial here. *See* 35 U.S.C. § 325(d). Accordingly, the Board need not consider Patent Owner’s step two analysis (Br. 16–18).

Similarly, Patent Owner’s *Becton Dickinson* analysis is inapplicable because § 325(d) does not apply. *Becton Dickinson* only provides “insight into how to apply

the framework under 35 U.S.C. § 325(d).” *See Ecto World, LLC v. RAI Strategic Holdings, Inc.*, IPR2024-01280, Paper 13 at 3 (PTAB May 19, 2025) (precedential). The Board thus need not address Patent Owner’s *Becton Dickinson* analysis (Br. 18–20), which is duplicative of its other § 325(d) arguments.

C. No Policy Considerations Support Applying § 325(d).

Patent Owner also argues that institution would contravene the policy underlying 35 U.S.C. § 325(d), which is designed to prevent serial challenges (Br. 20) but that argument adds nothing to Patent Owner’s other flawed complaints. The Petition is not a “serial challenge”—it is the *first* post-grant challenge to the ’952 Patent and was filed promptly after Patent Owner’s venture into the social media space. Nor is the Petition based on “yet another set of references teaching the same concepts” (Br. 20)—the Petition is based on new, non-cumulative art, and demonstrates that the ’952 Patent claims are invalid. *See supra* § IV.A.

V. PATENT OWNER’S OTHER OBJECTIONS HAVE NO MERIT.

Patent Owner also raises a grab-bag of other objections, but none warrants denying *inter partes* review of a patent that is newly asserted against a different industry in view of newly presented and strong prior art. *See supra* §§ II.B, IV.A.

A. Patent Owner’s 35 U.S.C. § 314(a) Arguments Do Not Support Denial Of Institution.

Patent Owner’s remaining § 314(a) arguments (Br. 7–8) do not support discretionary denial.

First, the previous examination by the Patent Office (*id.*, 7) does not weigh against institution. As explained above, the Petition presents new art—not previously considered by the Office—and Malla discloses the very settings-based selection-and-display functionality that Patent Owner contends was missing from the prosecution art. *See supra* §§ II.B.

Second, Patent Owner has limited settled expectations in the validity of the '952 Patent, and that weighs against discretionary denial. Although the '952 Patent issued in 2019, Patent Owner identifies no evidence that it commercialized, licensed, marked, asserted, or otherwise used the patent before suing X in 2025—much less that it applied the patent in the social media space. *See supra* § III.A. Patent Owner's reliance on age and prosecution history alone cannot establish settled expectations warranting discretionary denial.

Third, the strength of the Petition weighs in favor of institution. Patent Owner identifies one supposedly missing limitation—the requirement that the interface automatically selects and displays a portion of third-party content based on user settings. Br. 11–16. The Petition directly addresses that limitation: Malla's interface preferences govern automatic extraction and capture of a portion of third-party web content, and the results are displayed as a screenshot and saved text within the Intelligent Bookmark Preview interface. *See supra* § II.B. Such strong invalidity grounds weigh against discretionary denial.

Fourth, reliance on expert testimony (Br. 17) does not weigh against institution. The Petition does not rely on Dr. Terveen's declaration to fill "gaps" in the art identified during prosecution; rather, those are filled by the newly presented art. *See supra* § II.B. Indeed, Patent Owner does not and cannot identify any limitation where the Petition relies solely on expert testimony. *See* Br. 20. To the contrary, Dr. Terveen properly applies his technical knowledge and factual analysis to explain the prior art disclosure, grounded in the express teachings of the references themselves. *See Unified Patents LLC v. Togail Techs., Ltd.*, IPR2023-00338, Paper 7 at 11 (PTAB Aug. 18, 2023) (crediting expert declaration supported by factual determinations). Dr. Terveen's analysis thus supports the merits of the Petition; it is no basis for discretionary denial.

B. Patent Owner's Argument Regarding "Claim Construction Behavior" Is Specious.

Finally, Patent Owner accuses Petitioner of "subterfuge" because the Petition supposedly "actively avoids setting forth any position on how the claims of the '952 patent should be construed" yet "argued that the Office's claim construction would simplify the dispute" while moving for a stay. Br. 5-7. Patent Owner is wrong and its characterization of X's positions is incorrect.

To start, X did *not* "argue[] that the Office's claim construction would simplify the dispute," as Patent Owner contends (Br. 6). X never suggested there

would be an “Office’s claim construction” at all. And Patent Owner’s motion citations (Br. 6 (citing pages 5 and 7 of EX2002)) show nothing different. In fact, X only argued (1) that “a ruling on one patent may still be highly relevant to claim construction and other issues for the other [related] patent” (EX2002, 5)—an unremarkable statement regarding the relevance of new prosecution history from a related patent—and (2) that the case was “in its earliest stages,” before claim construction and other significant milestones. EX2002, 7. Patent Owner’s characterization of X’s brief is simply incorrect.

Furthermore, the lack of claim construction proposals in the Petition is no “subterfuge” as Patent Owner contends (Br. 6)—it is the natural and **required** result of strong prior art. It is black-letter law that “only those terms which are in controversy need to be construed and only to the extent necessary to resolve the controversy.” *Comcast Cable Comms., LLC v. Rovi Guides, Inc.*, IPR2017-01145 Paper 8 at 17 (PTAB Nov. 7, 2017); *Abbott Labs v. Miracor Medical SA*, IPR2025-00116, Paper 13 at 11 (PTAB Jun. 11, 2025) (same). No such construction was necessary here—the limitations are disclosed by the prior art under their plain and ordinary meaning. Nor is there anything objectionable in statements asserting “to the extent” a position is taken later (Br. 2)—those simply address arguments that Patent Owner may later advance. And to the extent the Board later determines claim construction is necessary, that would undoubtedly simplify the dispute.

Simply put, Patent Owner’s inflammatory allegations of “subterfuge” (Br. 6), “hid[ing] its cards” (*id.*), “gam[ing] the U.S. patent system” (*id.*, 7), and “mak[ing] promises . . . and then ignor[ing] those promises” (*id.*) are unsupported and false. They are nothing but a tenuous attempt to distract from the weakness of Patent Owner’s substantive arguments.

VI. CONCLUSION

The Petition presents newly presented art that challenges a “web search” patent on compelling anticipation and obviousness grounds. No basis exists to deny institution before consideration of its merits. Patent Owner has limited settled expectations in its patent, and the district court has already stayed the parallel proceeding, thus clearing the way for an efficient resolution by the Board. Accordingly, X respectfully requests that the Petition be referred to the merits panel.

Dated: May 26, 2026

Respectfully submitted,

/Taeg Sang Cho/
Taeg Sang Cho (Reg. No. 69,618)
DESMARAIS LLP

CERTIFICATE OF SERVICE

Under 37 C.F.R. §§ 42.6(e) and 42.105, the undersigned certifies that on May 26, 2026, complete copies of the foregoing and corresponding exhibits were served on counsel of record for the Patent Owner by filing the documents through P-TACTS and by sending via electronic mail to the following addresses:

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