

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC
Petitioner

v.

K.MIZRA LLC
Patent Owner

Case No. IPR2026-00254
Patent 8,144,717

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

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I. INTRODUCTION

The Director should reject Patent Owner’s request for discretionary denial (Paper 7, “DD Req.”) and institute this Petition (Paper 2, “Pet.”) pursuant to Director Squires’s institution guidance that a substantial showing of Examiner material error favors institution, even where factors might otherwise suggest discretionary denial.¹ *See, e.g., Padagis US LLC v. Neurelis, Inc.*, IPR2025-00464, Paper 12 (Director July 16, 2025) (informative). The Director’s May 14, 2026 guidance addresses allocation of resources, the IPR not being an alternative to litigation, proper use of AIA review, US based presence of the Petitioner, and public interest. *See, Magnolia Medical Tech., Inc. v. Kurin, Inc.*, IPR2026-00097, Paper 17 Director May 14, 2026) (precedential). Petitioner’s IPR overwhelmingly warrants institution based on this guidance.

The US Patent and Trademark Office (“Office”) resources are the proper, most judicially efficient vehicle to address a failed obligation to the public based on

¹ Petitioner reserves the right to challenge the March 26, 2025 *Interim Processes for PTAB Workload Management*, including that document’s list of “relevant considerations,” at least because that document is legally invalid as (1) exceeding the Director’s authority, (2) arbitrary and capricious, and (3) adopted without notice-and-comment rulemaking.

material errors committed during examination of the '717 Patent. These errors are demonstrated in the file history by, for example, the cursory reasons for allowance provided in a first Office Action allowance. There was no substantive rejection of the claims despite an International Search Report of record which identified four bases of unpatentability. The file history also demonstrates the Examiner's failure to conduct the requisite search of "all areas with the highest probability of finding prior art" under M.P.E.P. § 904.02. The Examiner's cursory, overly narrow search applied search terms and classifications that were not targeted to the claims at hand. The Examiner therefore failed to consider the Yoon document cited herein, which a proper search would have revealed. The material errors and related administrative oversight warrant institution to invoke the remedial actions of an IPR's claim review/amendment process pursuant to the America Invents Act (AIA).

The Director has instituted IPRs regardless of the patent's grant date where, as here, egregious material error by the Office occurred.

Further, there can be no settled expectation that the '717 Patent as granted is entitled to the exclusionary right. The current Patent Owner acquired the '717 Patent in 2020 and only recently asserted the patent in February 2026.

Petitioner should not be burdened with solicitations tied to overly broad, unpatentable claims. Patent Owner's delayed acquisition and enforcement actions

instilled in Petitioner Google a settled expectation that it need not be concerned with the '717 Patent.

This IPR is not an alternate to parallel litigation but rather was specifically chosen by Petitioner as the most judicially efficient forum to address the material errors uncovered. After Google was first solicited for a license to the '717 Patent in the 2022-time frame, it filed a declaratory judgement action in California District Court for non-infringement, to specifically preserve a parallel IPR process for an invalidity challenge. That non-infringement action was dismissed for jurisdictional reasons, but the present IPR remained as Petitioner Google's sole action to challenge patentability.

Patent Owner subsequently filed a lawsuit in Texas District Court, such that there is therefore no *Fintiv* issue at hand. Institution of this IPR will properly and efficiently use Office resources to address the material errors that occurred within the Office.

II. INSTITUTION WILL SERVE PUBLIC INTEREST AND THE CONSTITUTION BY CORRECTING MATERIAL ERRORS COMMITTED BY THE PATENT OFFICE DURING PROSECUTION

A. The Office Examiner Erred in Allowing the '717 Patent

The Office materially erred during examination when it did not consider and apply the Yoon document cited herein. The '717 Patent was allowed in a first action allowance on the merits with a cursory statement of reasons for allowance and an

International Search Report that identified four bases of unpatentability. EX1003, pp. 37-41. The absence of a first substantive office action on the merits constitutes material error.

The Examiner failed to conduct a reasonable search in “all areas with the highest probability of finding prior art” as required under M.P.E.P. § 904.02 (“*an examiner must conduct a thorough and complete search of the prior art*.” A search is considered thorough when *all areas with the highest probability of finding prior art relevant to the invention as it is claimed and described in the specification* are identified for search.” (emphasis added)).

The “Examiner’s search strategy and results” in the file wrapper confirm that the search operators and classifications used by the Examiner produced search results that ignored key claim terms and were far too narrow. EX1002, 18-28. The Examiner’s choice of operators (e.g., “NEAR2”, “ADJ”, “SAME”, etc.) and fields (e.g., “.clm.” requiring the terms to appear in the claims) was unnecessarily restrictive. *Id.* The Examiner’s search appended overly limiting clauses requiring “not associated”, “non-associated”, or similar variants in a majority of the Examiner’s keyword searches that excluded relevant hits such as Yoon which disclosed an equivalent synonym “unassociated” (*see* EX1005, ¶[0038]) as well as the related term “associated state/node” (*see, e.g., id.*, ¶¶[0004], [0036], [0038], [0048], [0056], [0064]). EX1002, 18-21 (L4-6, L11-15, L19-25, L29-34, L36-37).

The Examiner omitted other relevant claim terms (e.g., “station”, “grant”, “source”, “unit”, etc.) as well as their associated synonyms (e.g., “node” as a synonym of “unit”; “link” and “connection” as a synonym of “route”, “number” and “tally” as a synonym of “count”; etc.). *Id.* The combination of narrow search operators and the lack of relevant claim keywords and synonyms yielded incomplete search results. Minor changes to the search strategy would have yielded relevant prior art including Yoon. For example, the Examiner’s search at L5 using the “NEAR2” operator from L4 (requiring search terms to appear within two words of each other) omitted relevant prior art such as Yoon. Had the “NEAR2” operator been replaced with the “WITH” operator (only requiring search terms to appear within a same sentence) and the equivalent synonym clause “un\$associat\$3” been appended, Yoon would have been identified. EX1002, 18 (L3-5). The Examiner also omitted relevant classes in the USPC classification search including 370/310 (Yoon’s classification). EX1002, 18-28 (L16-18, L20-22, L38-42); EX1005. The Examiner also failed to conduct any non-patent literature search, further evidencing the incompleteness of the search. The Examiner’s flawed search strategy yielded highly restrictive search results that excluded relevant art including Yoon.

The Examiner’s overly narrow key-word searching and limited classification-based-search strategy demonstrate material error. *Id.*; *see generally* EX1002. The Examiner’s broad classification-based searches coupled with overly narrow key-

word searches failed to consider “all areas with the highest probability of finding prior art relevant to the invention as it is claimed and described in the specification are identified for search.” (M.P.E.P. § 904.02). This flawed search led to an improper grant of the ‘717 Patent and failed the public’s confidence in the US patent system.

The Examiner’s search error is reflected in the stated reasons for allowance which cite Rubin (EX1015) as the closest prior art. EX1002, 12-13. However, Rubin is merely discussed as background technology in the ’717 Patent, and by Patent Owner’s acknowledgement was **not** the closest art of record (as will be discussed with regard to Hermann in Section II.C., *infra*). EX1001, 2:9-3:2 (“there is no single central backbone node ... mak[ing] the system complex and inefficient”). ***The Examiner’s stated reasons for allowance reflect a misunderstanding of the claimed invention as discussed below, which resulted in a flawed search.*** This misguided and cursory search approach constitutes material error which led to an improper patent grant that undermines the integrity of the patent system.

The Examiner’s inadequate search strategy was colored by the Examiner’s misunderstanding of the claimed invention and the closest prior art. Hermann and Rubin are cited Background Art. EX1001, 1:13-2:8. The ’717 Patent explains that Hermann suffered from the problem that it “require[s] transmission of information via sensor stations before the routing topology has been defined, i.e. when plural routes are still possible” where “a central approach is slow ... and a decentral

approach is inefficient (a routing topology with an unnecessary amount of branches has been created).” EX1001, 1:59-2:2. The ’717 Patent discloses a solution to address Hermann’s problem which served as basis for allowance. EX1002, 13 (Examiner’s reasons for allowance citing Elements [1.5]-[1.7]). Thus, Patent Owner acknowledges Hermann to be more relevant than Rubin, but this is of no consequence as Yoon unequivocally teaches the disclosed “solution” of the ’717 Patent. Pet., 22-25.

Patent Owner’s attention to Hermann constitutes acknowledgement that the Examiner (who focused on Rubin) did not appreciate the claimed invention of the ’717 Patent. The Examiner’s citing of Rubin, but not Hermann, in the prior art relevant to allowance demonstrates Patent Owner’s appreciation that the Examiner misunderstood the claimed invention. EX1002, 14. This misunderstanding is reflected in the Examiner’s limited search that constituted material error.

Patent Owner’s attempt to raise the profile of Hermann without addressing Elements [1.6] and [1.7] is acknowledgement that Yoon is non-cumulative with respect to Elements [1.6] and [1.7]. The Examiner’s failure to cite and apply Yoon is material error.

Hermann does not even disclose Element [1.5] in its entirety. Element [1.5] specifies that “the operating route [is] previously established” if a certain condition is met, i.e., “if the source of the association grant is not the association unit.”

Hermann has no disclosure of such a condition because Hermann does not contemplate any source of association grants other than the association unit, and Patent Owner makes no assertion that it does. Hermann is merely cited in the background as describing conventional technology. On the other hand, Yoon discloses and suggests Element [1.5] in its entirety (*see* Pet., 22-24) and is non-cumulative with respect to Elements [1.5], [1.6] and [1.7].

B. The Current Patent Owner Acknowledges that Yoon Is Non-Cumulative Prior Art

Patent Owner asserts that Yoon is cumulative to Hermann (EX2013) and Element [1.5] such that the Examiner's consideration of Hermann should preclude Petitioner's argument of material error. DD Req., 15-18. Patent Owner's analysis completely overlooks Yoon's relevance to Elements [1.6] and [1.7] which are listed in the Examiner's reasons for allowance. EX1002, 14. Patent Owner acknowledges Petitioner's contention "that Yoon is a particularly relevant reference because it discloses elements [1.5], [1.6], and [1.7]." DD Req., 15. Yet, Patent Owner does not address Yoon's non-cumulative relevance to Elements [1.6] and [1.7], thereby acknowledging Yoon's significance. Pet., 22-25.

C. The Examiner’s Material Errors Outweigh Any Possible “Settled Expectations” of the Current Patent Owner

Examiner error during examination can outweigh even “strong settled expectations”. *See, e.g., Xencor, Inc. v. Merus N.V.*, IPR2025-00604, Paper 12, pages 2-3 (PTAB Jul. 17, 2025) (DD request of IPR challenging a 2016 patent denied in view of finding that “discretionary denial under 35 U.S.C. § 325(d) is not appropriate because the Office materially erred during prosecution of the challenged patent.”); *See also, Padagis US LLC v. Neurelis, Inc., supra; Microsoft Corp. v. XI Discovery, Inc.*, IPR2025-00253, Paper 13 at 2 (PTAB Jun. 25, 2025) (DD request of IPR challenging a 2008 patent denied where “no trial date is scheduled in the district court” and “discretionary denial under 35 U.S.C. § 325(d) is not appropriate because the Office erred in a manner material to the patentability of the challenged claims.”); *Google LLC v. Headwater Research LLC*, IPR2026-00050, Paper 11 (PTAB Feb. 24, 2026) (DD request in IPR challenging a 2014 patent denied where material error identified); and *Google LLC v. Headwater Research, LLC*, IPR2026-00049, Paper 13 (PTAB April 1, 2026, re: US Patent No. 9,179,359), instituted April 1, 2026. Here, there can be no settled expectations other than those of the Petitioner Google.

Patent Owner’s delayed acquisition and assertion give rise to Petitioner Google’s settled expectations. Patent Owner’s flawed assertion of settled

expectations based on the 2012 issue date of the '717 Patent (DD Req., 1-2) ignores that this patent was acquired by the current Patent Owner in 2020. EX1016.

Google had settled expectations that Patent Owner (past or present) would not assert the '717 Patent against its US-based products and services. Patent Owner concedes that “discussions regarding Patent Owner’s portfolio [began] in 2022.” DD Req., 1, 3. Yet, Patent Owner waited until February of 2026 to assert the '717 patent, thereby undermining Google’s settled expectations of 14 years that Patent Owner would not assert the '717 Patent against Google.

D. Petitioner’s US Headquarters and Attendant Domestic Industry Outweigh Patent Owner’s Lack of US Investment

Petitioner Google is a US headquartered company with numerous products, data centers, and services that support and benefit the US public. Although Google is an international conglomerate, its US business is substantial (e.g., Google has announced record-setting plans to spend up to \$185 billion in capital investments in 2026 to include data center expansion in the US. EX1014. Patent Owner’s attempted diversion of focus from Google’s US business interests and tax base is disingenuous. Patent Owner asserts that Google’s Nest products are allegedly manufactured outside of the United States. DD Req., 12-13. While certain of Google’s products are understandably made, sold and used in whole or in part abroad, Google remains a US headquartered company with substantial investments in the US, employing more than 100,000 US employees in 26 states. EX1017.

Patent Owner, on the other hand, does not allege any significant U.S. investments, US employment or a US tax base providing US tax revenue. Patent Owner K.Mizra admits it is “a patent licensing company” that offers no goods or services in Petitioner’s particular technology space. As Patent Owner explains,

K.Mizra is a patent licensing company run by experienced management. The company focuses on high-value, high-quality patents and owns patent portfolios originating from a wide array of inventors, including patents and patent portfolios developed by well-known multinational corporations such as IBM, Intel, Rambus and others, as well as from research institutes.... By focusing on high-quality patents, K.Mizra provides a secondary market that enables inventors to recoup their research and development investments and to continue their innovations. K.Mizra offers licenses to its patents on reasonable terms and, in this way, plays an important role in the development of technologies that improve businesses and lives.

EX2006, 3. Patent Owner is a patent monetization firm that acquired the ’717 Patent solely to leverage against operating companies like Google that provide commercialized products and services. Beyond making money for itself, K.Mizra’s acquisition of the ’717 Patent from non-domestic inventors/assignor has only served

to advance foreign interests. The only overlap into Google’s technological space is Patent Owner’s recent solicitation to extract licensing fees.

Google’s significant investment in the US to benefit the US public makes it especially deserving of a reliable patent system that grants valid US patents, to avoid needless, expensive litigation in Federal District Courts. Institution of this IPR constitutes appropriate use of Office resources as the most judicially efficient process to correct a patent granted through material error, and subsequently assigned 8 years later to a patent assertion entity with no goods or services. This IPR is not a “means to prevent market entry” given that Patent Owner offers no goods or services, and thus is consistent with legislative intent. *See Magnolia*, IPR2026-00097, Paper 17, at 2. *See also Intel Corp. v. Proxense LLC*, IPR2025-00327, Paper 12, pages 2-3 (Jun. 26, 2025) (“a patent may have been in force for years but may not have been commercialized, asserted, marked, licensed, or otherwise applied in a petitioner’s particular technology space, if at all. These non-exclusive examples provide considerations that weigh against a patent owner’s claim of settled expectations....”).

III. RELATED LITIGATIONS INVOLVING THE ‘717 PATENT SUPPORT INSTITUTION AS A MATTER OF PUBLIC INTEREST AND JUDICIAL EFFICIENCY TO ADDRESS OFFICE ERROR

Petitioner’s N.D. Cal declaratory judgment action for non-infringement was terminated. This IPR was filed as Petitioner Google’s sole challenge to the ‘717

Patent's validity. Patent Owner's W.D. Tex Litigation was filed after this IPR. These facts favor institution as a matter of public interest and judicial efficiency.

A. Patent Owner's W.D.Tex Litigation was Filed After This IPR and Fintiv Does Not Apply

The Director has stated that "the mere existence of co-pending litigation in and of itself may not necessarily raise concerns." *Magnolia*, IPR2026-00097, Paper 17, at 3. There is no concern here given that the co-pending litigation was initiated by Patent Owner *after* this IPR. Any purported overlap of invalidity issues is Patent Owner's own doing by bringing its subsequent action in W.D.Tex. Any purported concerns of overlap are mitigated by Petitioner's Sotera stipulation *infra*.

Patent Owner complains about alleged inefficiencies arising from the parallel W.D. Tex litigation it filed *after* this IPR. DD Req., 3-6, 9-12. Patent Owner's complaint was filed on March 27, 2026, over one month after this IPR was filed. EX2006. *Patent Owner chose to assert the '717 patent while this IPR was pending, creating the inefficiencies for which it now complains.*

There is no Fintiv issue given that the complaint in the related litigation was filed after this IPR and no trial date has been set. Factor 2 strongly favors institution.

The other Fintiv factors also favor institution.

Factor 1 favors institution given that no party has requested a stay.

Factor 3 favors institution because the district court is at an early stage with no scheduling order yet entered. There is much work to be done in the district court

and most of the work will be well in the future. Accordingly, the district court will not invest significant resources related to the challenged patent prior to the issuance of an institution decision. *See Fintiv*, IPR2020-00019, Paper 11 at 9-12; *DISH Network*, IPR2020-01280, Paper 17 at 18-21.

Concerning Factor 4, and consistent with *Sotera Wireless, Inc. v. Masimo Corp.*, IPR2020-01019, Paper 12 (PTAB Dec. 1, 2020), Petitioner hereby stipulates that, if the Board institutes inter partes review in this proceeding, IPR2026-00254, Petitioner will not pursue in the related litigation, *K.Mizra LLC v. Google LLC*, Civ. Action No. 1:26-cv-00754 (W.D. Tex.), an invalidity defense based on any ground that was raised or reasonably could have been raised in this *inter partes* review before the Board with respect to U.S. Patent No. 8,144,717. Thus, there will be no “overlap between issues raised in the petition and in the parallel proceeding.” *Apple v. Fintiv*, IPR2020-00019, Paper 11 at 6 (PTAB Mar. 20, 2020).

Petitioner’s language in its *Sotera* stipulation clarifies the circumstances for triggering the stipulation by expressly contemplating situations where the PTAB terminates an IPR proceeding without issuing a final written decision, e.g., the action taken in *Interactive Communications International, Inc. v. Blackhawk Network Inc.*, IPR2024-00465, Paper 39 (PTAB Oct. 1, 2025). To be clear, the stipulation does not extend to scenarios where the USPTO institutes but later vacates institution of IPR2026-00254, or otherwise terminates the proceeding without issuing an

appealable Final Written Decision, as those scenarios would no longer involve an instituted *inter partes* review. Thus, if IPR2026-00254 is not instituted, is instituted but later de-instituted, or otherwise terminates without an appealable Final Written Decision, Petitioner reserves the right to pursue in the Related Litigation any ground that was raised or reasonably could have been raised in IPR2026-00254. Therefore, this factor favors institution.

Concerning Factor 5, overlap of parties is neutral as it is “far from an unusual circumstance that a petitioner in *inter partes* review and a defendant in a parallel district court proceeding are the same.” *Sand Revolution*, IPR2019-01393, Paper 24 at 12-13.

Concerning Factor 6, the Grounds present a compelling case of unpatentability and the merits of the Petition are strong. The challenges presented in this Petition are particularly compelling given that the Grounds are a straightforward obviousness challenge based on express teachings found in the prior art. *See, e.g., Inergy Tech., Inc. v. Force Mos Tech., Co., Ltd.*, IPR2024-00094, Paper 9 (PTAB May 21, 2024) at p. 36 (finding compelling merits where the obviousness ground is “seemingly straightforward” and “Petitioner’s motivation for this modification comes from an express teaching in [the cited reference]”). The Ground asserted herein was not previously considered by either the Office or the district courts, also favoring institution. *See Comcast Cable Commn’s, LLC v. Rovi Guides, Inc.*,

IPR2019-00231, Paper 14 at 11 (PTAB May 20, 2019) (obviousness challenges not “previously considered by the Office or any court” weigh in favor of not denying institution).

Nor is the pending litigation against Amazon justification for discretionary denial. Google is not a party to that litigation (EX2007). All hearings and trial dates in the Amazon litigation were recently vacated. EX1018 (Order Regarding Austin Division Docket). Patent Owner cannot bring multiple suits against different defendants in separate actions and then complain that each defendant is utilizing the resources available to them to challenge patent validity.

B. The N.D.Cal Litigation was Terminated

Petitioner initially sought to resolve the parties’ dispute by filing a declaratory judgment action in the N.D. Cal for *non-infringement* where invalidity was intentionally not raised. Patent Owner opposed that action, moving to dismiss for lack of jurisdiction. Petitioner separately initiated this IPR to resolve questions concerning invalidity given the substantial errors that occurred during examination.²

² Patent Owner filed its motion to dismiss of November 17, 2025, and the N.D.Cal case was terminated on March 27, 2026.

The N.D. Cal. Litigation for *non-infringement* does not bar the filing of this IPR. *See* 35 U.S.C. § 315(a)(1). Patent Owner opposed this action, opting to dispute jurisdiction and bring its own action in a forum of its choosing (i.e., W.D. Tex).

Patent Owner opted for delayed litigation over judicial efficiency. Patent Owner cannot justifiably contest the judicial efficiency that institution of this IPR affords the parties. Moreover, this IPR will help restore public confidence in the US patent system to correct material errors of patent prosecution. *See Magnolia*, IPR2026-00097, Paper 17, at 6 (AIA review is appropriate to “correct possible error in the original patent grant” in view of public interest, as here).

IV. THE PETITION DEMONSTRATES CONSISTENT CLAIM CONSTRUCTION UNDER BOTH PLAIN MEANING AND MEANS-PLUS-FUNCTION INTERPRETATIONS

Patent Owner disingenuously attacks Petitioner for addressing how the prior art satisfies “association unit” under a means-plus-function interpretation. DD. Req., 6-7 (citing Pet., 14). However, the Petition recognizes that this term must be construed to have literal support in the specification and therefore demonstrates unpatentability under both a plain meaning interpretation and a means-plus-function interpretation pursuant to the specification of the ’717 Patent. Pet., 13-15. The Related Litigation is at its inception, and the Texas District Court has yet to rule on claim construction. Whether the Court gives “association unit” its plain meaning or interprets same as a mean-plus-function term does not matter because both are

grounded in the specification for literal support, and the prior art cited herein maps to that literal support. ***The claims are therefore invalid under both interpretations.*** This demonstrated strength of the merits is reason for institution.

There is no *Revvo* issue. In *Revvo*, the petitioner adopted patent owner's constructions from the related litigation in the IPR and "proposed different constructions for the claim terms in the district court litigation [without] explain[ing] why it was taking a different position [in the IPR]." *Revvo Tech., Inc., v. Cerebrum Sensor Tech., Inc.*, IPR2025-00632, Paper 20 at 2 (Director Nov. 3, 2025). Unlike *Revvo*, Petitioner in this case has unequivocally stated that the claims are being interpreted in accordance with their ordinary and customary meaning under *Phillips* (Pet., 12) and that the claims are ***also*** unpatentable when construed as a means-plus-function term. Petitioner's grounds in this IPR do not hinge on a particular construction, which was the problem in *Revvo*.

In *Revvo*, Director Squires provided a safe harbor for when it would be appropriate for a petitioner to advance inconsistent constructions in an IPR and district court. *Id.*, 5 ("if a party advances a narrow construction ... and the district court declines to adopt the narrow construction, the party would have sufficient reason for advancing the broader, court-adopted construction"). There is no potential for inconsistency here given that regardless of whether the Court adopts a plain

meaning or means-plus-function interpretation of “association unit,” the Petition demonstrates unpatentability.

Patent Owner faults Petitioner for addressing means-plus-function without explaining why the claims ought to be construed as such (DD Req., 9) but again this misses the point. The particular construction of “association unit”—whether under plain meaning or means-plus-function—does not matter given that the claims derive from the specification, and are unpatentable under both constructions as clearly explained in the Petition.

V. INSTITUTION IS WARRANTED IN VIEW OF THE OFFICE’S MATERIAL ERROR

Institution of this IPR will serve the domestic public’s interest by instilling confidence in the US patent system, and in the Office’s willingness to support correction of patents granted under a cloud of material error. Discretionary denial under Section 325 is unwarranted given the Office’s material error. *See* Section II. Prior art cited in the Petition should have been considered during the original prosecution. However, Yoon was neither considered nor substantively discussed during prosecution.

The *Becton, Dickinson* factors weigh in favor of institution. In *Advanced Bionics*, the Board stated that “[a]n example of a material error may include misapprehending or overlooking specific teachings of the relevant prior art where those teachings impact patentability of the challenged claims.” Thus, the Patent

Office's failure to consider the prior art documents cited in this petition constitutes "material error" under *Advanced Bionics* because the Patent Office overlooked the disclosures of such references that impact patentability of the Challenged Claims. The initial examination is not basis for discretionary denial of this IPR. To the contrary, it constitutes reason to correct prior USPTO error and demonstrates why there are no settled expectations.

VI. CONCLUSION

Patent Owner's Request for Discretionary Denial should be denied in the interests of public interest and judicial efficiency.

Date: May 26, 2026

Respectfully submitted,

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APPENDIX A – LIST OF EXHIBITS

Exhibit No.	Description
1001	U.S. Patent No. 8,144,717, issued March 27, 2012
1002	File History of U.S. Patent Application No. 12/159,753
1003	PCT Publication No. WO 2007/078193, published on July 12, 2007
1005	U.S. Patent Application Publication No. 2006/0215588, published on September 28, 2006 to Chang-June C.J. Yoon (“Yoon”)
1014	https://www.crn.com/news/cloud/2026/google-unveils-two-new-us-data-centers-as-185-billion-commitment-gets-underway downloaded May 26, 2026
1015	Rubin et al., “TBONE: A Mobile-Backbone Protocol for Ad Hoc Wireless Networks,” Aerospace Conference Proceedings, IEEE Mar. 9-16, 2002, Vol. 6, pp. 2727-2740
1016	Recorded Assignment from Dataserve Technologies LLC to K.Mizra LLC recorded in the USPTO on August 21, 2020 at Reel/Frame 053579/0590
1017	https://economicimpact.google/usimpact/ downloaded May 26, 2026
1018	Order Regarding Austin Division Docket, <i>K.Mizra LLC v. Amazon.com, Inc.</i> , Case No. 1-26-cv-00316 (W.D. Tex. May 13, 2026, ECF No. 26)
2006	Plaintiff K.Mizra LLC’s Complaint for Patent Infringement, <i>K.Mizra LLC v. Google LLC</i> , Case No. 1:26-cv-00754 (W.D. Tex. Mar. 27, 2026, ECF No. 1)
2007	Plaintiff K.Mizra LLC’s Complaint for Patent Infringement, <i>K.Mizra LLC v. Amazon.Com, Inc. et al.</i> , Case No. 1:26-cv-00316 (W.D. Tex. Feb. 10, 2026, ECF No. 1)
2013	U.S. Publication No. 2003/0151513 A1 to Hermann et al.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 26th day of May, 2026, a true and correct copy of the foregoing **PETITIONER'S OPPOSITION TO PATENT OWNER'S REQUEST FOR DISCRETIONARY DENIAL and EXHIBITS 1014-1018** are being served upon Patent Owner's counsel via electronic as follows:

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