

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC,

Petitioner,

v.

K.MIZRA LLC,

Patent Owner.

IPR2026-00254

U.S. Patent No. 8,144,717

**PATENT OWNER K.MIZRA LLC'S
REPLY IN SUPPORT OF REQUEST FOR DISCRETIONARY DENIAL**

Contrary to the assertions in Petitioner's Opposition of May 26, 2026 ("Opp."), the Patent Office did not make any "egregious material error" (Opp., 2) in its examination of the '717 Patent. Petitioner's claim of material error rests entirely on its incorrect allegation that the Examiner performed a "cursory, overly narrow search [that] applied search terms and classifications that were not targeted to the claims at hand." Opp., 2. This is wrong, as established most clearly by Petitioner's exclusive and myopic focus on the classification of the Yoon publication (Ex1005), while ignoring the Yoon patent (Ex1008) that resulted from that publication.

Petitioner incorrectly contends that Yoon is found in only one class/subclass (370/310) and that the Examiner did not search in that subclass. To the contrary, the Yoon patent includes additional subclasses and the Examiner's field of search included the very same subclass (370/401) that is cross-referenced by the Yoon patent itself. (*Compare* Ex 1008 (listing class 370/401) *with* Ex 1002, 21, 27, 28 (search for 370/401).)¹ Thus, whether the Examiner performed a search in class/subclass 370/310, the class/subclass preliminarily identified on the face of the Yoon publication, is not indicative of whether the Examiner erred. Rather, the Examiner's field of search included the class/subclass for the most up-to-date

¹ The Examiner also searched class 370 as a whole. (Ex 1002, 19 (L17).)

classification of Yoon as it issued, thus confirming that the Examiner was searching in exactly the right spot to find relevant prior art and did not err.

Further, the searches the Examiner performed were neither cursory nor overly narrow. The Examiner searched in two relevant classes over 13 subclasses, including at least one subclass where the Yoon patent was classified (EX1008), and performed searches in the EAST database. EX1002, 28. Although Petitioner alleges the Examiner should have used a broad array of additional search terms including station, grant, source, unit, node, link, connection, number, and tally (Opp., 3), it completely ignores that use of terms like “unit” would have vastly increased the number of results and rendered the review impractical.

At bottom, Petitioner’s “material error” argument starts from the premise that Yoon should have been identified and works backwards to reverse-engineer a search that would make it so. The Director should not condone nitpicking of Examiner search strategies based on hindsight. Indeed, a petitioner will always be able to propose a “better” search that coincidentally covers the art it alleges was overlooked. For example, Yoon uses Petitioner’s proposed search term “unassociated” exactly once. Had Yoon instead used the term “isolated” as it did everywhere else, Petitioner would no doubt be arguing that the Examiner erred by not including the term “isolated” instead.

Petitioner’s contention that “absence of a first substantive office action on the merits constitutes material error” (Opp., 3) is also non-sensical. Numerous

patents are issued on the first Office Action on the merits. Here, the Petition's allegation is based on Petitioner's belief in Yoon's strength, which is not enough to show material error. *See Ecto World, LLC v. RAI Strategic Holdings, Inc.*, IPR2024-01280, Paper 13, 6 (precedential) ("Petitioner's generalized statements as to the strength of its Petition fail to identify sufficiently a material error.").

Under Petitioner's apparent standards, either an appropriate search is impossible such that every patent that issues includes an examiner material error, or examiners would be forced to spend weeks on every search to review searches and results, including every possible relevant keyword and synonym in every potentially-related class. This is simply untenable and completely ignores the efficient operation of the USPTO and the patent system overall. *See Magnivision, Inc. v. Bonneau Co.*, 115 F.3d 956, 960-61 (Fed. Cir. 1997) (an examiner's "absolute compliance with the internal rules of patent examination becomes irrelevant after the patent has issued. Indeed, the patent examiner's thought processes are shielded from discovery"). Petitioner's attempt to nitpick the Examiner's search strategies should be rejected. There was no examination error and Petitioner is incorrect to argue otherwise.

Respectfully submitted,

Dated: June 11, 2026

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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. §§ 42.6(e) and 42.105(a) and (b), I certify that on this date, a true and accurate copy of this paper was served on the following counsel for Petitioner via email, pursuant to Petitioner's consent to e-mail service:

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