

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC,
Petitioner,

v.

VALTRUS INNOVATIONS LIMITED,
Patent Owner.

Case IPR2026-00262
Patent No. 7,057,509

**PATENT OWNER'S
DISCRETIONARY DENIAL BRIEF**

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EXHIBIT LIST

Exhibits	Description
EX2001	Declaration of Angela Quinlan
EX2002	Assignment List for U.S. Patent No. 7,057,509
EX2003	Invention Disclosure dated January 8, 2004
EX2004	Valtrus Letter to Google dated November 15, 2021
EX2005	Salil Pradhan LinkedIn Profiled
EX2006	<i>Valtrus Innovations Ltd., et al. v. TierPoint, LLC</i> , Complaint for Patent Infringement and Jury Demand dated April 1, 2025 in Case No. 2:25-cv-00323 (EDTX)
EX2007	<i>Valtrus Innovations Ltd., et al. v. Lenovo Group Limited, et al.</i> , Complaint for Patent Infringement dated January 27, 2025 in Case No. 2:25-cv-00080 (EDTX)
EX2008	Email correspondence from Google LLC Acknowledging receipt of Valtrus's November 15, 2021 Letter (EX2004)

I. INTRODUCTION¹

The Board should exercise its discretion to deny the Petition at least because Valtrus has a strong settled expectation that Google would not challenge U.S. Patent No. 7,057,509 (“the ’509 patent”). First, the ’509 patent was issued nearly *twenty years* ago, on June 6, 2006, alone creating strong settled expectations of patent rights. EX1001, field 45 (’509 patent was issued in June 2006, almost 20 years ago). Moreover, Valtrus put Google (the Petitioner) on notice of its infringement of the ’509 patent via, *inter alia*, the provision of Google Maps in November 2021. *See* EX2004 at 1, 3 (Nov. 2021 notice letter to Google putting it on notice of its potential infringement of the ’509 patent, among others); EX2001, ¶¶ 6-8. In fact, Google has employed one of the inventors since 2020. EX2005 [Pradhan LinkedIn]. Despite all of this, Google did nothing to challenge the validity of the patent until it suddenly filed the Petition in February 2026, more than a year after the patent expired.

In addition, strong settled expectations of validity are supported and enhanced by the fact that Valtrus has entered into over 50 license agreements involving the ’509 patent, including ones entered into after asserting the ’509 patent. *See* EX2001 [Quinlan Decl.], ¶¶ 3-4; EX2006 (TierPoint Complaint); EX2007 (Lenovo Complaint). The lawsuits asserting the ’509 patent included one against Lenovo and

¹ All emphases are added unless otherwise noted.

Motorola (the “Lenovo Action”), in which Valtrus alleged infringement by Lenovo and Motorola “through the use of Google Maps.” EX2007 [Lenovo Complaint], ¶ 48; EX2001, ¶ 5. Google Maps is provided by Google, the Petitioner; and as noted above, Google has been on notice of infringing the ’509 patent through the provision of Google Maps since at least November 2021. *See* EX2004 (notice letter); EX2008 (email from Google acknowledging receiving the notice and seeking clarification on another patent). Yet, even in the face of the Lenovo Action and its product being accused of infringement, Google did nothing until, out of blue, it filed this Petition in February 2026.

Simply put, the length of time since the ’509 patent was issued (nearly **20 years**), the number of licenses granted on the ’509 patent (over 50 since 2021, including as a result of assertion of the ’509 patent), and the years of inaction by Google after it had learned of the ’509 patent’s relevance to its products, all give rise to a strong presumption of settled expectations of no validity challenges against the ’509 patent, especially a settled expectation that Google—the Petitioner here—would not challenge the validity of the ’509 patent.

Additional reasons justify discretionary denial of the petition. For example, Petitioner challenges only a subset of claims (claims 14-21 and 25-28), meaning that even if trial is instituted, over a dozen claims of the ’509 patent will survive. Pet., 1. In the meantime, Google can address validity in a parallel district court action that

was just initiated in response to Google’s petition here. *See* Papers 6-7 (the parties informing the Board that on April 16, 2026, Valtrus added the ‘509 patent as a counterclaim to *Google LLC v. Valtrus Innovations Ltd. et al.*, Case No. 3: 26-cv-00363-TLT (N.D. Cal.)). The duplicative efforts in the district court and the incomplete challenge of issued claims make this proceeding an inefficient use of the Board’s resources.

Discretionary denial is also appropriate because non-routine discovery to address Valtrus’s swear-behind defense for at least the first two grounds is far more efficient in the district court. There, Valtrus need not file a motion for additional discovery to justify the need to depose an inventor who is now working for Google, to seek third-party discovery from prosecuting attorneys, or to open a docket in a district court just to obtain a subpoena by a district court under 35 U.S.C. § 24, all within the limited time prescribed under an IPR schedule. The discovery barrier coupled with the short statutory deadline raises a concern of fundamental fairness.

Discretionary denial is appropriate also because the Petition relies heavily on Mr. Williams’ testimony to justify the Petitioner’s reading of the references, as well as its alleged motivation to combine the references. *See* Interim Director Discretionary Process, I.B. (listing “strength of the unpatentability challenge” and “extent of the petition’s reliance on expert testimony”) as factors to consider in discretionary denial). The Petition’s extensive reliance on Mr. Williams’ declaration

and significant weaknesses in the merits will be further addressed in the POPR. *See infra*, Section IV.

Another independent ground for discretionary denial lies in the fact that the Petition has not named all real parties-in-interest as required by 35 U.S.C. § 312. *See infra*, Section IV.

For these and additional reasons stated below, the Director should exercise his discretion to deny the Petition.

II. THE SETTLED EXPECTATIONS OF PATENT RIGHTS FAVOR DISCRETIONARY DENIAL

A. The Patent Was Issued Nearly Twenty Years Ago, Supporting a Presumption of Settled Expectations

The '509 patent was issued nearly *twenty years* ago, on June 6, 2006, creating strong settled expectations of patent rights. *E.g.*, *Amazon.com v. Audio Pod IP, LLC*, IPR2025-00757, Paper 15 (P.T.A.B., Aug. 14, 2025) (denying institution even though no trial date has been set, because the challenged patents have been in force for between seven to eleven years and there are strong settled expectations); *Google LLC v. VirtaMove, Corp.*, IPR2025-00487, Paper 11 at 2 (P.T.A.B., July 11, 2025) (denying institution even though no trial date has been set because of the strong settled expectations created by a 14-year old patent); *Apotex Inc., v. Alkermes Pharma Ireland Limited*, IPR2025-00514, Paper 10 at 2 (P.T.A.B. July 2, 2025) (denying institution where the “the challenged patent has been in force for more than

14 years, creating ***strong settled expectations***”); *Samsung Electronics Co. Ltd. et al. v. Sinotechnix LLC*, IPR2025-00331, Paper 13 at 2 (P.T.A.B, July 2, 2025) (patents in force for ten years created “***strong settled expectations***”).

The settled expectations are not weakened simply because Valtrus, the present patent owner, acquired the patents from the original owner more recently. For example, in *SAP America, Inc. v. Valtrus Innovations Ltd.*, IPR2025-00414, Paper 11 (P.T.A.B., July 10, 2025) (“*SAP*”), then Acting Director Stewart exercised her discretion to deny SAP’s petitions based in large part on the strong settled expectations in light of the fact that the patent had been in force for over 17 years, even though Valtrus (the same patent owner as here) acquired the patent more recently.

Likewise, settled expectations are not weakened by the fact that the ’509 patent expired in October 2024. For example, in *Omnivision Technologies, Inc. v. Re Secured Networks, LLC*, IPR2025-01019, Paper 14 (PTAB Oct. 10, 2025), the Acting Director Stewart denied institution of a contested patent that had expired. There, the patent was in force for 17 years and expired three years prior to the petition filing. The Acting Director found that an elapse of twenty years since the patent’s issuance created “strong settled expectations,” and denied institution. *Id.*

Here too, about twenty years had elapsed between when the patent was issued and when the patent was challenged. The Director should reach the same decision

here at least because the challenged '509 patent was issued nearly 20 years ago and was never challenged before its expiration.

B. Licensing and Partial Challenge Further Strengthens Settled Expectations.

In addition to the nearly 20 years of being in force, the settled expectations are further bolstered by additional facts.

First, while age alone may establish reliance interests, actual licenses are among the clearest indicators that market participants have treated the patent as a valid and enforceable right. *See e.g., Alliance Laundry Systems, LLC v. Payrange LLC*, IPR2025-00950, Paper 11 at 3 (PTAB, Dir. Decision, Sep. 19, 2025) (evidence of licensing creates settled expectations even where challenged patent in force only four years). Here, since Valtrus obtained a portfolio of patents that includes the '509 patent, it has successfully licensed the '509 patent to over fifty companies. *See* EX2001 [Quinlan Decl.], ¶¶ 2-3; *cf., Ancora Technologies, Inc. v. Roku, Inc.*, 140 F.4th 1351 (Fed. Cir. June 16, 2025) (explaining that actual market behavior matters more than theoretical motivations because “licenses, taken by substantial parties paying substantial royalties to secure the right to practice the [] patent, should [be] given more, if not controlling, weight in the Board’s obviousness determination.”). As Ms. Quinlan, the Managing Director of Valtrus has noted, “[t]he '509 patent was specifically called out in notice letters to nearly a dozen of these licensees.” EX2001,

¶ 3.

Second, the '509 patent was asserted in litigation, including against TierPoint, LLC, Lenovo and Motorola. *See id.*, ¶ 4; Paper 5 at 1. These cases settled, also resulting in rights being granted to the '509 patent. *See* EX2001, ¶¶ 4-5. Of note here, the settlement with Lenovo and Motorola followed the filing of a complaint that accused Lenovo and Motorola of infringement “through the use of Google Maps.” EX2007 [Lenovo Complaint], ¶ 48; *see also id.*, ¶¶ 117-123 (complaint repeatedly mentioning the “Google Maps” feature); EX2001, ¶ 5. Google Maps is provided by Google. EX2001, ¶ 5; EX2004 at 3 (calling out Google Maps as an infringing service/product for the '509 patent). Accordingly, this is not a case where the challenged patent had not been “commercialized, asserted, marked, licensed, or otherwise applied in a petitioner’s particular technology space.” *Intel Corp. v. Proxense LLC*, IPR2025-00327, Paper 12 at 2-3 (June 26, 2025). Despite this connection, Google did not take any actions during the pendency of the Lenovo Action or for more than four years since it had first learned of the patent and its relevance to its products and services in November 2021 (*see* Section II.C below).

Third, even when Google finally did challenge the validity of the '509 patent, it only challenged a subset of the claims. *See* Pet. 3. This means that some claims will still survive regardless of the Board’s final written decision. Thus, in addition to supporting Patent Owner’s settled expectations of patent rights, this fact indicates

that it would not be an efficient use of the Board's resources because it would not resolve all claims and potential disputes for this already expired patent.

Finally, there have been no applicable changes in the law since the '509 patent issued that would impact the settled expectations.

Simply put, the '509 patent enjoys a strong settled expectation of being issued nearly 20 years ago, which has not been weakened by any factors, and is in fact strengthened by the patent's licensing and litigation settlement history as well as Google's decision to challenge only some of the claims after it was put on notice of the patents nearly 4.5 years ago.

C. Google Has Been on Notice of the Patent Since at Least November 15, 2021

Constructive notice of the patent alone is sufficient to support a finding of settled expectations. *See Dabic*, IPR2025-00408, Paper 21 at 3 (actual notice not required for settled expectations). But in this case, Google actually learned of the '509 patent in November 2021 but did not engage in substantive discussions with Valtrus about it and did not challenge its validity for over 4 years. EX2001, ¶¶ 6-8. Specifically, in a letter dated November 15, 2021, Valtrus notified Google of its infringement of the '509 patent. *See* EX2004 at 1 ("The table below identifies additional patents infringed by Google, as well as exemplary list of infringing products and services."), 3 (listing '509 patent); EX2001 [Quinlan Decl.], ¶ 6. It

specifically called out “Google Maps” as an example of infringing service and product. *Id.* (see below).

US7057509	Monitoring An Object With Identification Data And Tracking Data	17 & 18	Google products and services featuring location sharing, including but not limited to Google Maps and Pixel phones
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Google received the notice, and indeed followed up regarding the title of the patent for another patent in the same letter. *See* EX2008; EX2001 [Quinlan Decl.], ¶ 7. Google, however, never corresponded with Valtrus in respect to the ’509 patent. EX2001, ¶¶ 7-8. Nor did it file or even voice any validity challenges against the ’509 patent until February 2026. *Id.*, ¶ 8. That is, despite having been on notice of infringing the ’509 patent since November 2021, Google remained silent about the ’509 patent until it suddenly filed the petition in this proceeding more than four years later in February 2026, long after the patent expired.

Additionally, one inventor of the ’509 patent, Mr. Salil Pradhan, has been with Google’s X, the Moonshot Factory (which is supposedly Google’s innovation lab), since 2020. EX2005. His LinkedIn profile lists him as a Director and Project Leader at the venture. *Id.*

As noted earlier, Lenovo and Motorola settled litigation with Valtrus and took rights in the ’509 patent after Valtrus sued them for infringement of several patents, one of which was the ’509 patent “through the use of Google Maps.” EX2007

[Lenovo Complaint], ¶ 48; *see also id.*, ¶¶ 117-123 (complaint repeatedly mentioning the “Google Maps” feature being covered by the ’509 patent); EX2001, ¶¶ 4-5. Google’s years of silence—including throughout the Lenovo Action despite having access to one of the inventors—strengthens Valtrus’ settled expectations of no validity challenges from Google, the provider of Google Maps.²

Thus, strong settled expectations attach to the ’509 patent that has been in force for nearly **twenty years** with many licensees and no timely challenges to it until about 15 months after the patent’s expiration. The Director should exercise his discretion to deny the petition. *See Intel*, IPR2025-00327/00328/00329, Paper 12 (discretionary denial exercised for a patent that had been in force for nine years); *Omnivision*, IPR2025-01019, Paper 14 (denying institution on an expired patent).

² To the extent that Google argues that the infringement action Valtrus filed against Google in 2021 did not include the ’509 patent and Google therefore assumed that Valtrus would not pursue infringement due to Google Maps, that action focused on Google’s search technology and data centers and did not include features that Google provides to consumers or original equipment makers, such as Google Maps. The scope of that lawsuit gave no indication that Valtrus would not enforce the ’509 patent.

III. THE RECENTLY FILED COUNTERCLAIMS SUPPORT, RATHER THAN UNDERMINE, THE APPROPRIATENESS OF DISCRETIONARY DENIAL.

Petitioner may argue that discretionary denial is inappropriate in light of Valtrus's recently filed infringement counterclaims in the Northern District of California. Specifically, Google filed a declaratory judgment action against Valtrus in the Northern District of California. *See* Paper 6 n. 1. Google's original declaratory action originally sought a declaration against several of Valtrus's patents, but the '509 patent was not one of them, (*id.*), which further strengthens Valtrus's settled expectations of no validity challenge by Google. In response, Valtrus recently filed its answers and counterclaims, asserting, among other patents, infringement of the '509 patent. *See* Paper 6 n.1; Paper 7 (listing the *Google v. Valtrus* in the Northern District of California as a related action).

Even if a trial does not take place before any projected final written decision, the settled expectations doctrine is a distinct inquiry unrelated to the existence of parallel proceedings. Indeed, the PTAB has confirmed that settled expectations may attach irrespective of whether or not there are parallel proceedings. For example, in *Dabico Airport Sols. Inc. v. AXA Power ApS*, IPR2025-00408, Paper 21 (P.T.A.B., June 18, 2025) (informative), the Acting Director rejected, among other things, Petitioner's argument that discretionary denial was not appropriate where there was no pending parallel litigation, no multiple or serial petitions against the challenged

patent, and the petition included prior art that was not previously presented to the Office. The Acting Director explained that “in general, the longer the patent has been in force, the more settled expectations should be.” *Id.* at 3. Here, no parties challenged the ’509 patent before it expired, making the settled expectations extremely strong.

Moreover, where strong settled expectations exist, petitions have routinely been denied even though the final written decisions are projected to occur before the trials in parallel actions. For example, in *SmartSky Networks LLC v. Gogo Business Aviation LLC*, IPR2025-00672, Paper 10 (P.T.A.B., July 31, 2025) (“*SmartSky*”), the Acting Director exercised her discretion and denied the petition because “the challenged patent has been in force ***for seven years***, creating strong settled expectations, and Petitioner does not provide any persuasive reasoning why an *inter partes* review is an appropriate use of Board resources under these circumstances.” *Id.* at 2 (emphasis added). Discretionary denial was granted there even though “a final written decision is likely to issue before the district court trial occurs.” *Id.* Similarly, in *Tanklogic, LLC v. SitePro, Inc.*, IPR2025-00647, 648, 649, 650, 651, 652, 653, Paper 10 (P.T.A.B., July 31, 2025) (“*Tanklogic*”), the Acting Director exercised discretion to deny petition against three patents that had been in force for ***seven, eleven, and nine years***, even though “it is likely that a final written decision in [those] proceeding[s] will issue before the district court trial occurs.” *Id.* at 2-3.

Similarly, in *HS Hyosung Advanced Materials Corp. v. Kolon Industries, Inc.*, IPR2025-00662, Paper 12 (P.T.A.B., Aug. 14, 2025) (“*Kolon*”), citing “strong settled expectation,” the Acting Director exercised her discretion and denied challenges to patents that had been in force for *seven, six and nine years*, respectively, even though the parallel district court litigation had been stayed. *Id.* at 2.

That the settled expectations inquiry is distinct from the existence or status of any parallel litigation is also clear by the fact that the March 26, 2025 memorandum on interim processes for PTAB workload delineated settled expectations as a separate and distinct consideration from the *Fintiv* factors.

A discretionary denial is consistent with the Congress’s intent to have the IPR proceeding to be an alternative, and not a duplicative, forum for challenging a patent’s validity. Here, with the recent counterclaim by Valtrus, Google can address the ‘509 patent’s validity in the district court. Thus far, Google has not filed any stipulation to avoid the duplicity of challenging validity in two different forums. Nor has it challenged the entire set of issued claims, as noted above, such that the proceeding here may not resolve the dispute between the parties. For these reasons, even if the Board reaches a decision before a trial in the Northern District of California, adjudication by the Board won’t be an efficient use of its limited resources.

If anything, the presence of a parallel litigation presents additional reasons favoring discretionary denial of the Petition. Leaving the challenge to the district court action is also more efficient for the parties and the Board in light of the likely need for non-routine additional discovery. Here, the invention disclosures (EX2003) demonstrate that the inventors conceived the inventions as of at least January, 2004. But in order to establish that reasonably continuous diligence was exercised during a critical period between, for example, May 4, 2004 (when the Zanolich reference was filed) and June 29, 2004 (when the '509 patent was filed), Valtrus may need to seek discovery from Inventor Pradhan, who is now working for Google because Valtrus is not the original applicant/assignee and does not have the original reduction to practice documents. Valtrus also expects to have to seek discovery from third party corroborating witnesses, including the prosecuting patent attorney. Thus, it is expected that significant motion practices, including a motion for leave to seek additional discovery, a motion for additional discovery, and subsequent applications to district court for subpoenas, will need to be filed. This tax the parties' and the Board's resources. In contrast, such discovery is more routine in the district court.

The need for third party discovery may also implicate fundamental issues of fairness because the Board's rules under the *Garmin* factors are specifically designed to significantly restrict the amount of discovery available to the parties. Moreover, the extensive need for third party discovery, including the need to involve a district

court to issue subpoenas, will likely to introduce significant delays, further hindering Valtrus' ability to properly develop a complete factual record within the framework of a fast-paced IPR schedule.

In contrast, in the district court, it is part of the standard discovery process to depose the co-inventor who is now at Google and to issue subpoenas to third parties, such as prosecution attorneys and the like.

For these reasons, discretionary denial is appropriate in light of the pending district court action.

IV. THE PETITION'S EXTENSIVE RELIANCE ON EXPERT TESTIMONY TO CLOSE GAPS WEIGH IN FAVOR EXERCISING DISCRETIONARY DENIAL.

The Petition's significant weaknesses and reliance on conclusory expert testimony further weigh in favor of exercising discretionary denial. *See* Interim Director Discretionary Process, I.B. (listing "strength of the unpatentability challenge" and "extent of the petition's reliance on expert testimony") as factors to consider in discretionary denial).

For example, for Ground 1, the Petition contends that the recited "tracking data" of Elements [14.c], [17.b], and [24.b] is satisfied by Zanolvitch's disclosure of "*weight*, contents, dimensions, or the like" of a passenger's carry-on bags. *See e.g.*, Pet., 21 (claim 17), 29 (claim 14), 32 (claim 24). However, weight, contents, and dimensions of a passenger's carry-on are physical characteristics of an object, and

the Petition does not explain how or why such physical characteristics would be “tracking data” within the meaning of the ’509 patent. Instead, the only citation in the Petition is to a single sentence in Mr. William’s declaration which is a verbatim copy of the last sentence on page 21 of the Petition. *See* Pet., 21 (citing EX1002, ¶67). Likewise, for Ground 3, the Petition relies solely on Mr. Williams’s declaration to argue that “Pederson merges the separate identification and tracking data for each monitored object” as required by the claim. Pet. 50 (citing EX1002, ¶ 112). To the extent that Petitioner argues that Mr. Williams provides reasoning in the declaration that is not captured in the Petition itself, that would be improper incorporation by reference.

As another example, even if the secondary reference, Johnson, were analogous art, which Petitioner did not establish as will be discussed in the POPR, the Petition relies entirely on Mr. Williams’ unsupported testimony to establish any motivation to combine Zanovitch and Johnson (Ground 2) or Pederson and Johnson (Ground 4). For example, for Ground 2, on page 39-40, the Petition lists out various alleged reasons for why a “POSITA implementing Zanovitch’s systems and methods would have had good reason to consider Johnson’s data structure.” Pet., 39. But those pages consist of a series of conclusions, each of which is followed by a citation to a paragraph in Mr. Williams’ declaration. No additional reason or evidence is provided, including no citations to the references. Thus, without Mr. Williams’

testimony, each and every one of those conclusions would be nothing more than attorney argument, which is not evidence, and the Petitioner would be unable to establish a motivation to combine.

Similarly, for Ground 4, the Petition adopts the same flawed approach of listing out various alleged reasons for why a POSITA would have combined the references. *See* Pet., 61-63. But here again those pages consist of nothing more than a series of conclusions followed by a single citation to a paragraph in Mr. Williams' declaration, which merely parrots the petition. *Compare* Pet., 39-40 with EX1002, ¶¶ 98-100 for Ground 2; *compare* Pet., 61-63 with EX1002, ¶¶ 133-135 for Ground 4. Thus, as with Ground 2, without Mr. Williams' testimony, each and every one of those conclusions would be nothing more than attorney argument, not evidence.

Mr. Williams's testimony, merely repeating what was said in the Petition, is not helpful to the Board and should be accorded no weight. 37 C.F.R. §42.65(a) ("Expert testimony that does not disclose the underlying facts or data on which the opinion is based is entitled to little or no weight."). Those unsupported conclusory statements are not competent factual support for Petitioner's assertion. *See In re Nuvasive, Inc.*, 842 F.3d 1376, 1383 (Fed. Cir. 2016).

Grounds 5 and 6 challenge only dependent claims, and in any event suffer from the same excessive reliance on Mr. Williams' testimony regarding the alleged motivations to combine. *See e.g.*, Pet., 67-69, 71; *see also Chevron Oronite Co. LLC*

v. Infineum USA L.P. (IPR2018-00923, Paper 9) (denied institution under § 314(a) when the petitioner demonstrated a reasonable likelihood of success on only a small subset of the challenged claims).

Thus, the Petition's excessive reliance on Mr. Williams' testimony, unsupported as it may be, further weighs in favor of discretionary denial.

V. THE PETITION'S FAILURE TO NAME ALL REAL PARTIES-IN-INTEREST FAVORS DISCRETIONARY DENIAL.

35 U.S.C. § 312 provides in relevant that "[a] petition filed under section 311 may be considered only if," among other things, "the petition identifies all real parties in interest." 35 U.S.C. § 312(a)(2). Consistent with the statutory requirement, the Board recently re-designated *Corning* as a precedential opinion on real party-in-interest ("RPI") issues.

Here, Google only identifies Google LLC as the RPI, even though it acknowledges that "Google LLC is a subsidiary of XXVI Holdings Inc., which is a subsidiary of Alphabet Inc." Pet. 2, n.2. Google does not explain why neither XXVI Holdings Inc. nor Alphabet Inc. is a real party-in-interest. Because Google has not shown that it has named all relevant RPIs, the petition should be denied.

VI. CONCLUSION

For the foregoing reasons, the Director should exercise discretion to deny institution of the Petition pursuant to Section 314(a).

Dated: April 27, 2026

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify, pursuant to 37 C.F.R. section 42.6, that on April 27, 2026, a complete copy of the **PATENT OWNER'S DISCRETIONARY DENIAL BRIEF** and **EXHIBITS 2001-2008** were served upon the following, by ELECTRONIC MAIL:

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