

Filed on behalf of SoftView LLC
By: Douglas R. Wilson
Michelle E. Armond
Joseph Li
ARMOND WILSON LLP
4685 MacArthur Court, Suite 390
Newport Beach, CA 92660
Telephone: (949) 932-0778
Email: ipr@armondwilson.com

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC,
Petitioner,

v.

SOFTVIEW LLC,
Patent Owner.

Case No. IPR2026-00281
U.S. Patent No. 10,083,154

PATENT OWNER'S REQUEST FOR DISCRETIONARY DENIAL

TABLE OF CONTENTS

I.	INTRODUCTION	1
II.	PATENT OWNER’S SETTLED EXPECTATIONS FAVOR DISCRETIONARY DENIAL	2
III.	THE <i>FINTIV</i> FACTORS SUPPORT DISCRETIONARY DENIAL	3
1.	Factor 1: Whether the court granted a stay or evidence exists that one may be granted if a proceeding is instituted.....	4
2.	Factor 2: The proximity of the court’s trial date to the Board’s projected statutory deadline for a final written decision.	5
3.	Factor 3: Investment in the parallel proceeding by the court and the parties.	6
4.	Factor 4: Overlap between issues raised in the petition and in the parallel proceeding.	7
5.	Factor 5: Whether the petitioner and the defendant in the parallel proceeding are the same party.	9
6.	Factor 6: Other circumstances that impact the Board’s exercise of discretion, including the merits.....	10
7.	None Of The <i>Fintiv</i> Factors Supports Institution.....	12
IV.	PETITIONER’S INCONSISTENT CLAIM CONSTRUCTION POSITIONS WARRANT DISCRETIONARY DENIAL	12
V.	GOOGLE IDENTIFIED NO MATERIAL ERROR WARRANTING IPR.....	14
VI.	GOOGLE CANNOT JUSTIFY USE OF BOARD RESOURCES	19
VII.	CONCLUSION	20

TABLE OF AUTHORITIES

<i>Advanced Micro Devices v. Concurrent Ventures</i> , IPR2025-00223, Paper 9 (P.T.A.B. June 12, 2025)	6
<i>AGIS Software Dev. v. Google</i> , No. 2:19-cv-00361, 2021 WL 465424 (E.D. Tex. Feb. 9, 2021)	4
<i>Alliance Laundry Sys. v. PayRange</i> , IPR2025-00950, Paper 11 (P.T.A.B. Sept. 19, 2025)	3
<i>Amazon.com v. Audio Pod IP</i> , IPR2025-00768, Paper 15 (P.T.A.B. Aug. 14, 2025)	2
<i>Apple v. Fintiv</i> , IPR2020-00019, Paper 11 (P.T.A.B. Mar. 20, 2020)	3
<i>BMW of N. Am. v. Stragent</i> , IPR2021-00425, Paper 14 (P.T.A.B. July 19, 2021)	14, 19
<i>Cipla v. Gilead Scis.</i> , IPR2025-00033, Paper 22 (P.T.A.B. May 15, 2025)	8
<i>Code200 v. Luminati Networks</i> , IPR2020-01266, Paper 18 (P.T.A.B. Dec. 23, 2020)	7
<i>Dabico Airport Sols. v. AXA Power</i> , IPR2025-00408, Paper 21 (P.T.A.B. June 18, 2025)	2, 20
<i>DK Crown Holdings v. AG 18</i> , No. 2024-2078, 2026 WL 1242446 (Fed. Cir. May 6, 2026)	14
<i>Full-Metal-Power v. InFocus Downhole Sols.</i> , IPR2025-00391, Paper 14 (P.T.A.B. June 25, 2025)	5, 8
<i>Generac Power Sys. v. Champion Power Equip.</i> , IPR2025-00805, Paper 40 (P.T.A.B. Feb. 3, 2026)	14
<i>Global Tel*Link v. HLFIP Holding</i> , IPR2021-00444, Paper 14 (P.T.A.B. July 22, 2021)	9, 10
<i>Google v. Truesight Commc'ns</i> , IPR2025-00024, Paper 12 (P.T.A.B. June 25, 2025)	6

<i>Hisense v. VideoLabs,</i> IPR2025-00880, Paper 11 (P.T.A.B. Oct. 10, 2025).....	3
<i>Intel v. VLSI Tech.,</i> No. 2021-1614, 2021 WL 5968443 (Fed. Cir. May 5, 2021)	3
<i>Motorola Sols. v. Stellar,</i> IPR2024-01205, Paper 19 (P.T.A.B. Mar. 28, 2025)	9
<i>Nokia of Am. Corp. v. IPCom,</i> IPR2021-00548, Paper 10 (P.T.A.B. Aug. 4, 2021)	15
<i>NXP USA v. Redstone Logics,</i> IPR2025-00485, Paper 11 (P.T.A.B. July 10, 2025).....	5
<i>Revvo Techs. v. Cerebrum Sensor Techs.,</i> IPR2025-00632, Paper 20 (P.T.A.B. Nov. 3, 2025).....	12
<i>Revvo Techs. v. Cerebrum Sensor Techs.,</i> IPR2025-00632, Paper 36 (P.T.A.B. Jan. 26, 2026)	13, 14
<i>Samsung Elecs. v. Cerence Operating,</i> IPR2025-00458, Paper 14 (P.T.A.B. June 25, 2025)	4, 5
<i>Samsung Elecs. v. Mobile Data Techs.,</i> IPR2025-00535, Paper 16 (P.T.A.B. July 10, 2025)	5
<i>Shenzen Tuozhu Tech. v. Stratasyss,</i> IPR2025-00354, Paper 11 (P.T.A.B. June 12, 2025)	9
<i>SK Innovation v. LG Chem,</i> IPR2020-00991, Paper 14 (P.T.A.B. Nov. 30, 2020).....	7
<i>Sun Pharms. Indus. v. Nivagen Pharms.,</i> IPR2025-00893, Paper 18 (P.T.A.B. Sept. 19, 2025)	13
<i>TikTok v. NTECH Props.,</i> IPR2024-01339, Paper 9 (P.T.A.B. Feb. 25, 2025)	10
<i>Xerox v. Bytemark,</i> IPR2022-00624, Paper 9 (P.T.A.B. Aug. 24, 2022).....	10

Google LLC v. SoftView LLC
U.S. Patent No. 10,083,154 – IPR2026-00281

XiFi Networks v. Samsung Elecs.,
No. 2:24-cv-01057, 2026 WL 710393 (E.D. Tex. Mar. 13, 2026) 4

OTHER AUTHORITIES

35 U.S.C. § 314..... 3, 12

Interim Director Discretionary Process § I.D. 9

Memorandum, “Interim Processes for PTAB Workload Management”
(Mar. 26, 2025) 2, 10

TABLE OF EXHIBITS

Exhibit No.	Description
2001	Complaint, <i>SoftView, LLC v. Samsung Electronics Co., Ltd.</i> , Case No. 2:25-cv-00246, Dkt. No. 1 (E.D. Tex. Feb. 28, 2025)
2002	Fifth Amended Docket Control Order, <i>SoftView, LLC v. Samsung Electronics Co., Ltd.</i> , Case No. 2:25-cv-00246, Dkt. No. 60 (E.D. Tex. Mar. 19, 2026)
2003	Second Amended Complaint, <i>SoftView LLC v. Apple Inc. et al.</i> , No. 10-389, Dkt. No. 108 (D. Del. Sept. 30, 2011)
2004	DocketNavigator Time to Trial Statistics for Judge Gilstrap (as of April 5, 2026)
2005	Joint Claim Construction and Prehearing Statement, <i>SoftView, LLC v. Samsung Electronics Co., Ltd.</i> , Case No. 2:25-cv-00246, Dkt. No. 57 (E.D. Tex. Mar. 4, 2026)
2006	Defendants' Joint P.R. 3-3 and 3-4 Disclosures, <i>SoftView, LLC v. Samsung Electronics Co., Ltd.</i> , Case No. 2:25-cv-00246 (E.D. Tex. Aug. 20, 2025)
2007	Appendix A to Samsung's P.R. 3-3 Invalidity Contentions (E.D. Tex. Aug. 20, 2025)
2008	Defendants' Subject Matter Eligibility Contentions (E.D. Tex. Aug. 20, 2025)
2009	Declaration of R. Alan Burnett

I. INTRODUCTION

Over a year after the parallel district court litigation was filed, third-party Google now challenges four of five patents asserted in the litigation, where the district court has set a firm trial date of November 16, 2026, nearly ten months before the Board's September 13, 2027 statutory deadline for a final written decision here. EX2002 at 1; EX2001 ¶¶ 9-13; Paper 1 ("Pet."); IPR2026-00282, Paper 1; IPR2026-00283, Paper 1; IPR2026-00284, Paper 1. The four patents challenged by Google—U.S. Patent Nos. 7,844,889; 8,533,628; 9,519,729; and 10,083,154—issued in 2010, 2013, 2016, and 2018, respectively. *See* EX1001; IPR2026-00282, EX1001; IPR2026-00283, EX1001; IPR2026-00284, EX1001.

As explained below, discretionary denial is warranted because SoftView's settled expectations counsel heavily in favor of a jury deciding the overlapping patentability challenges presented here. The '154 Patent issued nearly eight years ago and also has been licensed. Moreover, the parallel district court litigation has been progressing since February 2025 and is set to resolve all the issues raised in this IPR, and more, long before the Board's projected final written decision due date. Despite real party-in-interest Samsung having already proposed claim constructions in the district court, Google's position in the IPR differs, creating a risk that the Board and the district court arrive at inconsistent constructions. The Petition also lacks merit. Institution should be denied.

II. PATENT OWNER’S SETTLED EXPECTATIONS FAVOR DISCRETIONARY DENIAL

In considering discretion, the Director may address the “[s]ettled expectations of the parties, such as the length of time the claims have been in force.” Memorandum, “Interim Processes for PTAB Workload Management,” at 2 (Mar. 26, 2025) (“Interim Processes Memo”). The ’154 Patent challenged here issued almost eight years ago, “creating strong settled expectations for Patent Owner” favoring discretionary denial. *Amazon.com v. Audio Pod IP*, IPR2025-00768, Paper 15 at 2 (P.T.A.B. Aug. 14, 2025) (patents “in force for approximately seven, eleven, seven, eleven, and nine years”); *see also Dabico Airport Sols. v. AXA Power*, IPR2025-00408, Paper 21 at 2 (P.T.A.B. June 18, 2025) (informative) (“[T]he challenged patent has been in force almost eight years, creating settled expectations.”).

Google also had actual knowledge of the ’154 Patent family since at least 2009. *See* EX2009 ¶ 6. Its knowledge of the challenged “patent family for a significant period of time” favors discretionary denial. *Amazon.com*, IPR2025-00768, Paper 15 at 3. Further, real party-in-interest Samsung had notice of infringement of U.S. Patent No. 7,831,926, a parent of the ’154 Patent, since at least September 30, 2011. EX1001 at 1-2; EX2003 ¶¶ 27-30, 35; *see also* Pet. at 3-4 (“On September 30, 2011, SoftView filed an amended complaint to add more defendants,” including Samsung.).

In addition, the '154 Patent has been licensed to third parties, furthering SoftView's settled expectations. EX2009 ¶ 2; *Alliance Laundry Sys. v. PayRange*, IPR2025-00950, Paper 11 at 3 (P.T.A.B. Sept. 19, 2025) (informative) ("settled expectations favoring Patent Owner" where "Patent Owner presents evidence that it has licensed the challenged patent"); *Hisense v. VideoLabs*, IPR2025-00880, Paper 11 at 2 (P.T.A.B. Oct. 10, 2025) (settled expectations where "the challenged patents have been licensed").

SoftView's settled expectations favor discretionary denial so that all validity issues can be efficiently resolved by the district court.

III. THE *FINTIV* FACTORS SUPPORT DISCRETIONARY DENIAL

The Director should also discretionarily deny institution under 35 U.S.C. § 314(a) because none of the *Fintiv* factors supports proceeding with a trial here. *See Apple v. Fintiv*, IPR2020-00019, Paper 11 at 5-6 (P.T.A.B. Mar. 20, 2020) (precedential). "[T]he... *Fintiv* factors... are used to assess whether instituting Patent Office review would be an inefficient use of resources given parallel district court proceedings." *Intel v. VLSI Tech.*, No. 2021-1614, 2021 WL 5968443, at *1 (Fed. Cir. May 5, 2021). A jury deciding the overlapping patentability challenges presented here, as well as additional issues, well before any Final Written Decision, strongly favors denial.

1. Factor 1: Whether the court granted a stay or evidence exists that one may be granted if a proceeding is instituted.

Neither party has sought a stay, and there is no evidence that the district court would stay its case if this IPR were instituted. Indeed, even if instituted, it is the district court’s “consistent and long established practice to deny motions to stay pending IPR and EPR when the PTAB or PTO have instituted review on less than all asserted claims of all asserted patents,” *AGIS Software Dev. v. Google*, No. 2:19-cv-00361, 2021 WL 465424, at *2 (E.D. Tex. Feb. 9, 2021), which would be the case here where Google has filed no IPR challenge to U.S. Patent No. 7,461,353 asserted in the litigation, EX2001 ¶ 13. Further, Google’s filing its IPR challenges more than a year after SoftView commenced the parallel litigation against real party-in-interest Samsung makes it even less likely the court would grant a stay if sought. *See, e.g., XiFi Networks v. Samsung Elecs.*, No. 2:24-cv-01057, 2026 WL 710393, at *1-2 (E.D. Tex. Mar. 13, 2026) (denying motion to stay, finding that the lack of “diligence in the filing of IPR petitions weighs against a decision to stay” where the petitioner filed its IPR challenges “after [the litigation] had already been pending for seven months” (citation omitted)).

Fintiv factor 1 thus favors denial or is neutral. *See, e.g., Samsung Elecs. v. Cerence Operating*, IPR2025-00458, Paper 14 at 2 (P.T.A.B. June 25, 2025) (discretionary denial where “there is insufficient evidence that the district court is

likely to stay its proceeding even if the Board were to institute trial”); *Full-Metal-Power v. InFocus Downhole Sols.*, IPR2025-00391, Paper 14 at 2 (P.T.A.B. June 25, 2025) (same).

2. Factor 2: The proximity of the court’s trial date to the Board’s projected statutory deadline for a final written decision.

The co-pending litigation in Texas is scheduled for trial later this year, on November 16, 2026, almost *ten months before* the September 13, 2027 statutory deadline for a Final Written Decision in this IPR. EX2002 at 1. The earlier district court trial date tips factor 2 strongly in favor of discretionary denial. *See, e.g., Full-Metal-Power*, IPR2025-00391, Paper 14 at 2 (denying institution where the district court’s scheduled trial date was just a few weeks before the projected final written decision due date); *Cerence Operating*, IPR2025-00458, Paper 14 at 2 (same where trial date was roughly four months before the final written decision deadline); *NXP USA v. Redstone Logics*, IPR2025-00485, Paper 11 at 2 (P.T.A.B. July 10, 2025) (ditto for trial date less than three months before the final written decision deadline).

Judge Gilstrap’s 21-month median time-to-trial for patent jury trials accords with the scheduled November 2026 trial date, further supporting denial. EX2004 at 1; *see also Samsung Elecs. v. Mobile Data Techs.*, IPR2025-00535, Paper 16 at 2 (P.T.A.B. July 10, 2025) (discretionary denial: “time-to-trial statistics accord with this [scheduled trial] date”).

3. Factor 3: Investment in the parallel proceeding by the court and the parties.

The co-pending district court case has been moving forward since February 2025. Infringement and invalidity contentions have been exchanged, claim construction is underway with a *Markman* hearing scheduled for May 27, 2026, and fact and expert discovery are scheduled to close on June 26, 2026 and July 31, 2026, respectively, all well before the September 11, 2026 institution deadline. EX2002 at 4-5.

Based on the “meaningful investment in the district court proceeding,” *Fintiv* factor 3 weighs in favor of discretionary denial. *Google v. Truesight Commc’ns*, IPR2025-00024, Paper 12 at 2 (P.T.A.B. June 25, 2025) (denying institution where “the parties have exchanged infringement and invalidity contentions and a *Markman* hearing and completion of fact and expert discovery are scheduled to occur before the due date for an institution decision”); *see also Advanced Micro Devices v. Concurrent Ventures*, IPR2025-00223, Paper 9 at 2 (P.T.A.B. June 12, 2025) (same where “the parties have exchanged infringement and invalidity contentions, have already conducted over seven months of fact discovery, and a *Markman* hearing is scheduled to occur before the due date for an institution decision”).

4. Factor 4: Overlap between issues raised in the petition and in the parallel proceeding.

Real party-in-interest Samsung’s invalidity contentions in the district court challenge the same Claims 1-35 of the ’154 Patent based on the identical Zaurus, Pad_1, Pad_2, SVG, and SVF references. *Compare* EX2006 at 1-2, 11, 13-14, *with* Pet. at 6. Indeed, Samsung’s invalidity contentions purport to “incorporate by reference, and intend to rely on, each reference, disclosure, or argument served in any prior or concurrent matter involving the same patents” and also “incorporate by reference... all grounds for invalidity set forth in any petition filed with the USPTO challenging the validity of any Asserted Claim.” EX2006 at 8, 11. Thus, “the patentability disputes [in the parallel proceeding] will resolve all or substantially all of the patentability disputes between the parties.” *SK Innovation v. LG Chem*, IPR2020-00991, Paper 14 at 16 (P.T.A.B. Nov. 30, 2020) (citation omitted); *see also Code200 v. Luminati Networks*, IPR2020-01266, Paper 18 at 10 (P.T.A.B. Dec. 23, 2020) (factor “strongly favors” denial notwithstanding that “the Petition challenges four claims that are not asserted in the Texas Litigation”).

The district court litigation will also resolve issues beyond those in the IPR. Google’s Petition is confined to whether the “challenged claims should be found unpatentable” based on obviousness. Pet. at 6. Those issues are subsumed in the co-pending litigation. *See, e.g.*, EX2006 at 11-25, 31-34; EX2007 at 20-22. In

addition to obviousness under 35 U.S.C. § 103, in the district court litigation, Samsung asserts invalidity theories under §§ 101, 102 and 112, including written description, enablement, and *Alice* challenges. *See* EX2006 at 11-19, 41-43, 54-56, 62-63, 70-71; EX2008 at 284-317. As explained in Section IV below, Samsung’s positions in the district court are inconsistent with those taken in this IPR. Instituting IPR would not simplify the dispute and would instead force the parties and tribunals to litigate in two forums simultaneously over overlapping facts and evidence, risking potentially inconsistent outcomes.

Despite the overlap in issues raised in the Petition and at the district court, real party-in-interest Samsung provided no stipulation, much less a *Sotera* stipulation, to eliminate the duplication, which weighs strongly in favor of denying institution. *See, e.g., Full-Metal-Power*, IPR2025-00391, Paper 14 at 2 (discretionary denial: “Petitioner has not offered a stipulation, despite overlap in the prior art grounds between the proceedings.”); *Cipla v. Gilead Scis.*, IPR2025-00033, Paper 22 at 12 (P.T.A.B. May 15, 2025) (factor 4 favors denial where the “defendants in the district court litigation... have not joined... the *Sotera* stipulation” and thus “are free to assert the overlapping invalidity defenses against all claims of the [challenged] patent”).

Even if Samsung had submitted a *Sotera* stipulation, Samsung’s extensive use of the asserted IPR art with other types of art in the district court would render its

limited stipulation meaningless. *See* EX2006 at 17-18 (identifying “the following systems as prior art references” and asserting that “each of these references... in combination with others renders obvious all asserted claims under 35 U.S.C. § 103”). Indeed, “Petitioner’s invalidity arguments in the district court are more expansive and include combinations of the prior art asserted in these proceedings with unpublished system prior art, which Petitioner’s [hypothetical and non-existent] stipulation” would not moot. *Motorola Sols. v. Stellar*, IPR2024-01205, Paper 19 at 4 (P.T.A.B. Mar. 28, 2025) (granting Director Review and denying institution); *Shenzen Tuozhu Tech. v. Stratasys*, IPR2025-00354, Paper 11 at 2 (P.T.A.B. June 12, 2025); *see also* Interim Director Discretionary Process § I.D. (“Where the petitioner is relying on corresponding system art in a co-pending proceeding and/or several other invalidity theories, a stipulation may not be particularly meaningful because the efficiency gained in an AIA proceeding will be limited.”).

Fintiv factor 4 weighs strongly in favor of denial.

5. Factor 5: Whether the petitioner and the defendant in the parallel proceeding are the same party.

Samsung, the defendant in the parallel Texas litigation, is named as a real party-in-interest here. Pet. at 1 (identifying “Samsung Electronics Company, Ltd. and Samsung Electronics America, Inc.” as “real parties-in-interest”); EX2001 at 1. Factor 5 thus also supports denial of institution. *See, e.g., Global Tel*Link v. HLFIP*

Holding, IPR2021-00444, Paper 14 at 27-28 (P.T.A.B. July 22, 2021) (“*Fintiv* factor 5 weighs in favor of discretionary denial of the Petition” where “all of the defendants in the [parallel litigation] are real parties-in-interest in this proceeding.”).

6. Factor 6: Other circumstances that impact the Board’s exercise of discretion, including the merits.

The “strength of the unpatentability challenge” may also be considered in deciding whether to exercise discretion to deny institution. Interim Processes Memo at 2. Here, the Petition is supported by an expert declaration from Google’s expert, Dr. Goldberg, that, in many places, “merely repeats, *verbatim*, the conclusory assertion[s] for which it is offered to support.” *Xerox v. Bytemark*, IPR2022-00624, Paper 9 at 15 (P.T.A.B. Aug. 24, 2022) (precedential) (denying institution); *compare* Pet. at 21-73, *with* EX1002 ¶¶ 36-188. Dr. Goldberg’s numerous instances of parroting verbatim Google’s Petition, as shown in the illustrative snapshot below, confirms the Petition’s weakness. *See, e.g., Xerox*, IPR2022-00624, Paper 9 at 15-17; *TikTok v. NTECH Props.*, IPR2024-01339, Paper 9 at 16 (P.T.A.B. Feb. 25, 2025) (“Petitioner fails to establish a reasonable likelihood of” prevailing where its expert “testimony repeats, almost verbatim, the language in the Petition without any further explanation or supporting reasoning or evidence.”).

Pet. at 21-23 Ground 1, Claims [1.pre]-[1.d]	Goldberg Decl. ¶¶ 36-38 Ground 1, Claims [1.pre]-[1.d]
In the Zaurus-Pad-SVG combination, Zaurus is a “Mobile Business Tool” (“<u>mobile hand-held device</u>”) that is “highly portable with compact size and lightweight, browsing can be done by accessing the Internet.” (EX1004, 9-10; <i>see also id.</i>, 11-15.) Zaurus includes a CPU (“<u>processor</u>”). (EX1004, 18.) Zaurus includes adapters that support digital cellular for data communication to access the Internet (“<u>a wireless communications device, to facilitate wireless communication with a network that supports access to the Internet</u>”). (EX1004, 5-7, 11-13.) Zaurus further describes a display that receives touch inputs (“<u>touch-sensitive display</u>”). (EX1004, 15 (“Touch the screen with a pen. Let’s try various operations by touching the screen with a pen.”); EX1002, ¶36.) Zaurus includes flash memory (“<u>flash memory</u>”). (EX1004, 6, 18, 43.) The flash memory is used in connection with the Internet browser by placing the browser’s cache in the “main body flash” or “card flash” (“<u>operatively coupled to the processor</u>”). (EX1004, 43, 48, 52.) Zaurus is pre-installed with an Internet browser (“<u>in which a plurality of instructions are stored comprising a plurality of software components...instructions are configured to be executed by the processor to enable the mobile hand-held device to</u>” [perform web functions]). (EX1004, 39 (“Connect to the Internet, and open Zaurus Plaza (the Zaurus home page).”).) The Internet browser supports HTML 3.2 to display content such as text and images in GIF and JPEG format (“<u>HTML rendering engine</u>”). (EX1004, 40 (“It can display images not only in GIF format, but also in the commonly found JPEG format on a page in 16-gradation grayscale.”).) The Web pages can be displayed frame by frame, which a POSITA would have understood are implemented using standard HTML <frame> markup (e.g., <frame>/<frameset>). (EX1004, 40 (“Pages composed of frames can also be viewed by displaying them frame by frame.”); <i>see also id.</i>, 38, 48-49; EX1041; EX1002, ¶37.) In the combined system, Zaurus’s pre-installed browser is an executable software component stored in flash memory and run by the CPU to provide the disclosed Internet browsing functions, including the rendering of HTML content, images, hyperlinks, and multi-region page structures. (EX1004, 18, 39-41, 43.) Zaurus’s disclosure that it “incorporates HTML 3.2 specifications” and supports “pages composed of frames” would have been understood by a POSITA to require the browser’s “<u>rendering engine</u>” to interpret and process the underlying HTML structure and corresponding elements to generate the displayed page regions and frame-by-frame presentation. (EX1004, 40, 48-49; EX1041; EX1002, ¶38.)	36. In the Zaurus-Pad-SVG combination, Zaurus is a “Mobile Business Tool” (“<u>mobile hand-held device</u>”) that is “highly portable with compact size and lightweight, browsing can be done by accessing the Internet.” (EX1004, 9-10; <i>see also id.</i>, 11-15.) Zaurus includes a CPU (“<u>processor</u>”). (EX1004, 18.) Zaurus includes adapters that support digital cellular for data communication to access the Internet (“<u>a wireless communications device, to facilitate wireless communication with a network that supports access to the Internet</u>”). (EX1004, 5-7, 11-13.) Zaurus further describes a display that receives touch inputs (“<u>touch-sensitive display</u>”). (EX1004, 15 (“Touch the screen with a pen. Let’s try various operations by touching the screen with a pen.”).) 37. Zaurus includes flash memory (“<u>flash memory</u>”). (EX1004, 6, 18, 43.) The flash memory is used in connection with the Internet browser by placing the browser’s cache in the “main body flash” or “card flash” (“<u>operatively coupled to the processor</u>”). (EX1004, 43, 48, 52.) Zaurus is pre-installed with an Internet browser (“<u>in which a plurality of instructions are stored comprising a plurality of software components...instructions are configured to be executed by the processor to enable the mobile hand-held device to</u>” [perform web functions]). (EX1004, 39 (“Connect to the Internet, and open Zaurus Plaza (the Zaurus home page).”).) The Internet browser supports HTML 3.2 to display content such as text and images in GIF and JPEG format (“<u>HTML rendering engine</u>”). (EX1004, 40 (“It can display images not only in GIF format, but also in the commonly found JPEG format on a page in 16-gradation grayscale.”).) The Web pages can be displayed frame by frame, which a person of ordinary skill in the art would have understood are implemented using standard HTML <frame> markup (e.g., <frame>/<frameset>). (EX1004, 40 (“Pages composed of frames can also be viewed by displaying them frame by frame.”); <i>see also id.</i>, 38, 48-49; EX1041.) 38. In the combined system, Zaurus’s pre-installed browser is an executable software component stored in flash memory and run by the CPU to provide the disclosed Internet browsing functions, including the rendering of HTML content, images, hyperlinks, and multi-region page structures. (EX1004, 18, 39-41, 43.) Zaurus’s disclosure that it “incorporates HTML 3.2 specifications” and supports “pages composed of frames” would have been understood by a person of ordinary skill in the art to require the browser’s “<u>rendering engine</u>” to interpret and process the underlying HTML structure and corresponding elements to generate the displayed page regions and frame-by-frame presentation. (EX1004, 40, 48-49; EX1041.)

7. None Of The *Fintiv* Factors Supports Institution

The weight of the *Fintiv* factors supports the Director exercising its discretion to deny review under Section 314(a), thereby conserving Board and party resources and preventing duplicative proceedings evaluating the same invalidity challenges against the same patent. None of the six *Fintiv* factors supports institution here.

IV. PETITIONER’S INCONSISTENT CLAIM CONSTRUCTION POSITIONS WARRANT DISCRETIONARY DENIAL

Board “rules discourage petitioners from seeking broader constructions at the Board to support a patentability challenge” while “narrower constructions” are sought “in litigation to avoid infringement liability.” *Revvo Techs. v. Cerebrum Sensor Techs.*, IPR2025-00632, Paper 20 at 4 (P.T.A.B. Nov. 3, 2025) (precedential). That is precisely what Google and Samsung have done here: Google asserts that “the Board *need not construe* any terms of the challenged claims” in the IPR, Pet. at 18 (emphasis added), while real party-in-interest Samsung simultaneously proposes in the district court that

- the term “scalable vector representation” in Claims 13 and 19 and other claims be construed as “representation of the HTML document that (1) is capable of being rendered at multiple zoom levels and (2) includes one or more vectors,” EX2005 at 12-13;

- the term “object(s)” in Claim 13 and other claims be construed as “a grouping of webpage content, such as the paragraph of text or a graphic image,” EX2005 at 13;
- the term “vector” in Claim 13 and other claims be construed as “for each object, a directional data structure that stores X & Y values from a point for the page or frame to the object,” EX2005 at 13; and
- the term “layout location datum” in Claim 13 and other claims be construed as “point defined at an X, Y coordinate that corresponds to the location of the object,” EX2005 at 14.

These inconsistent claim construction positions are exactly the type of gamesmanship the Office has discouraged, including in a recent informative decision discretionarily denying institution where the petitioner argued in the IPR “that the term ‘composition’ should be given its plain and ordinary meaning, whereas in the parallel proceeding” it was “asserted that the term ‘composition’ was narrower than its plain and ordinary meaning.” *Sun Pharms. Indus. v. Nivagen Pharms.*, IPR2025-00893, Paper 18 at 2-3 (P.T.A.B. Sept. 19, 2025) (informative). Google and Samsung’s inconsistent claim constructions between the two forums warrants denial of the Petition. *See, e.g., id.* at 3 (discretionary denial where the petitioner “advanced a narrow construction in district court and advances a broader construction in its Petition”); *Revvo Techs. v. Cerebrum Sensor Techs.*, IPR2025-

00632, Paper 36 at 4 (P.T.A.B. Jan. 26, 2026) (“The appropriate course of action... is to deny institution” where petitioner “raise[s] different claim constructions in the two forums.”).

To the extent Google asserts that it is not a defendant in the parallel litigation, that disregards that the Samsung defendants are real parties-in-interest in this IPR. *Supra* § III.5. It also does not “eliminate the potential that the Board and the district court arrive at inconsistent claim constructions.” *Generac Power Sys. v. Champion Power Equip.*, IPR2025-00805, Paper 40 at 5 (P.T.A.B. Feb. 3, 2026) (Director vacating institution decisions and denying institution).

V. GOOGLE IDENTIFIED NO MATERIAL ERROR WARRANTING IPR

Despite providing a table purporting to “show[] how the challenged claims are disclosed and/or suggested by previously canceled claims of the related ’353 and ’926 patents,” Pet. at 12, Google never compares the ’154 Patent claims in their entirety with the claims of these other patents, *see id.* at 12-17. Instead, Google identifies claim limitations in isolation. *See id.* This is insufficient to show material error. *See, e.g., BMW of N. Am. v. Stragent*, IPR2021-00425, Paper 14 at 15 (P.T.A.B. July 19, 2021) (“Even assuming that Petitioner is correct that the claims here share some similar limitations with those found unpatentable by the Board, Petitioner does not adequately address the differences.”); *see also DK Crown Holdings v. AG 18*, No. 2024-2078, 2026 WL 1242446, at *3 (Fed. Cir. May 6, 2026)

(“This court, moreover, has never applied collateral estoppel in the manner DK suggests—by cobbling together limitations from disparate claims to replicate another claim.”); *Nokia of Am. Corp. v. IPCom*, IPR2021-00548, Paper 10 at 27 (P.T.A.B. Aug. 4, 2021) (“Petitioner’s approach unduly focuses in isolation on limitations [1d] and [1e] and fails to address claim 1 as a whole sufficiently for institution of an *inter partes* review.”).

As just one example, Google identifies limitations “[1.pre]-[1.d]” of the ’154 Patent as corresponding to limitations “[52.pre]-[52.d]” of the ’926 Patent addressed in IPR2013-00004. *See* Pet. at 12. However, Google never addresses how the examiner allegedly erred with respect to ’154 Patent Claim 1 as a whole, much less compares ’154 Patent Claim 1 as a whole with ’926 Patent Claim 52 as a whole. *See* Pet. at 12-17. As shown in the illustrative comparison below, the claims of the ’154 Patent, including Claim 1, are more detailed than and bear little resemblance to the claims of the ’926 Patent, including Claim 52. As can be readily seen, the two claims have little overlap.

’154 Patent Claim 1 (Pet. at Appendix A, 1-2)	’926 Patent Claim 52 In IPR2013-00004 (EX1002 at 184)
[1.pre] A mobile hand-held device, comprising:	[52.pre] A mobile device, comprising:
[1.a] a processor;	[52.a] a processor,
[1.b] a wireless communications device, to facilitate wireless	[52.b] wireless communications means, to facilitate wireless communication

communication with a network that supports access to the Internet;	with a network via which Web content may be accessed;
[1.c] a touch-sensitive display; and	[52.c] a touch-sensitive display;
[1.d] flash memory, operatively coupled to the processor, in which a plurality of instructions are stored comprising a plurality of software components including an HTML rendering engine, wherein the instructions are configured to be executed by the processor to enable the mobile handheld device to,	[52.d] flash memory, operatively coupled to the processor, in which a plurality of instructions are stored that when executed by the processor enable the mobile device to perform operations including,
[1.e] receive an HTML document including HTML code and cascading style sheet (CSS) code and content associated with the HTML document, the HTML code comprising a plurality of HTML elements including at least one HTML paragraph element, at least one HTML image element, and at least one HTML hyperlink element;	[52.e] rendering a browser interface via which a user is enabled to request access to a Web page comprising HTML-based Web content defining an original page layout, functionality, and design of content on the Web page;
[1.f] process the HTML document with the HTML rendering engine to render a first representation of the HTML document having an interpreted page layout, functionality, and design of the content associated with the HTML document that is in accordance with the HTML code and CSS code, wherein rendering the first representation of the HTML document includes,	[52.f] retrieving and processing the HTML-based Web content to produce scalable content; and
[1.f.1] parsing the HTML document to identify the plurality of HTML elements;	[52.g] employing the scalable content and/or data derived therefrom to,
[1.f.2] logically grouping content associated with HTML elements into HTML objects;	[52.h] render a view of the Web page on the touch-sensitive display; and

[1.f.3] generating page layout information including a bounding box for each HTML object; and	[52.i] re-render the Web page in response to associated user inputs to enable the user to iteratively zoom in and out views of the Web page while preserving an original page layout, functionality, and design defined by the HTML-based Web content as interpreted by a rendering engine,
[1.f.4.a] storing information that links each HTML object with its corresponding page layout information,	[52.j] wherein preservation of the functionality defined by the HTML-based Web content includes preservation of hyperlink functionality.
[1.f.4.b] wherein the page layout information further includes information from which a page layout location of each of the bounding boxes can be determined;	
[1.g] translate the first representation of the HTML document to generate a scalable vector representation of the HTML document wherein generating the scalable vector representation includes,	
[1.g.1] defining a primary datum corresponding to the interpreted page layout;	
[1.g.2] for each HTML object,	
[1.g.2.a] defining an object datum corresponding to a layout location datum for the HTML object's bounding box;	
[1.g.2.b] generating a vector from the primary datum to the object datum for the HTML object's bounding box; and	
[1.g.2.c] creating a reference that links the HTML object to the vector that is generated; and	
[1.h.1] render the scalable vector representation of the HTML document	

on the touch-sensitive display using a first scale factor to display the HTML document at a first zoom level under which the HTML document is displayed to fit across a width of the touch-sensitive display,	
[1.h.2] wherein the scalable vector representation of the HTML document is configured to enable a user to view the HTML document at one or more user-defined zoom levels by rendering the scalable vector representation on the touch-sensitive display using one or more respective scale factors in response to associated user inputs made via the touch-sensitive display, and	
[1.h.3] wherein the interpreted page layout, functionality, and design of the content associated with the HTML document is preserved at each of the first zoom level and the one or more user-defined zoom levels.	

The same applies to independent Claims 13 and 26 of the '154 Patent. As with '154 Patent Claim 1, Google never shows how the examiner allegedly erred with respect to Claim 13 or 26 as a whole. *See* Pet. at 12-17. For example, Google identifies limitations “[13.pre]” and “[26.pre]-[26.d]” of the '154 Patent in isolation as corresponding to limitations “[52.pre]-[52.d]” of the '926 Patent addressed in IPR2013-00004, but makes no attempt to address all of limitations [13.pre]-[13.d.3]

together or all of limitations [26.pre]-[26.g.3] together.¹ *See* Pet. at 12-17; *see also* Pet. at Appendix A, 3-7. Like Claim 1, Claims 13 and 26 of the '154 Patent are more detailed than and bear little resemblance to the '926 Patent claims. *E.g., compare* Pet. at Appendix A, 3-5 ('154 Patent Claim 13), 6-7 ('154 Patent Claim 26), *with* EX1002 at 184 ('926 Patent Claim 52 in IPR2013-00004).

In sum, at least given “the differences in claim language between the claims at issue in previous IPRs and the presently challenged claims,” Google “has not pointed out sufficiently how the Examiner erred in the evaluation of the asserted prior art” during prosecution. *BMW of N. Am.*, IPR2021-00425, Paper 14 at 17.

VI. GOOGLE CANNOT JUSTIFY USE OF BOARD RESOURCES

Institution would not be an appropriate or efficient use of Board resources here, and there is a significant risk of conflicting decisions with the co-pending litigation where the parties have already committed substantial resources toward resolving a broader array of issues in the district court including those presented in Google’s Petition. Absent “persuasive reasons why the Office should review the challenged patent... the Office is disinclined to disturb the settled expectations of

¹ In addition to addressing claim limitations only in isolation, for Claim 26 the Petition never even addresses limitation [26.g] in its comparison table. *See* Pet. at 12-17; *id.* at Appendix A, 7 (labeling limitation “[26.g]”).

Patent Owner.” *Dabico*, IPR2025-00408, Paper 21 at 3. The Board’s institutional policy weighs heavily in favor of discretionary denial where, as here, efficiency gains are nonexistent and the parallel litigation that is set for trial in six months already subsumes all or substantially all issues, and more.

VII. CONCLUSION

The Director should discretionarily deny institution, allowing all validity issues to be efficiently resolved by the district court.

ARMOND WILSON LLP

Dated: May 11, 2026

By: /Douglas R. Wilson/
Douglas R. Wilson (Reg. No. 54,542)
Michelle E. Armond (Reg. No. 53,954)
Joseph Li (Reg. No. 74,998)
Attorneys for SoftView LLC

CERTIFICATE OF SERVICE

The undersigned certifies that pursuant to 37 C.F.R. § 42.6(e), a true copy of the foregoing **PATENT OWNER’S REQUEST FOR DISCRETIONARY DENIAL** and **EXHIBITS 2001-2009** are being served electronically on May 11, 2026 to the following lead and backup counsel for Petitioner to the following email addresses:

Naveen Modi
Daniel Zeilberger
Maksim Mints
PH-Google-SoftView-IPR@paulhastings.com

ARMOND WILSON LLP

Dated: May 11, 2026

By: /Douglas R. Wilson/
Douglas R. Wilson (Reg. No. 54,542)
Michelle E. Armond (Reg. No. 53,954)
Joseph Li (Reg. No. 74,998)
Attorneys for SoftView LLC