UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC,
Petitioner

v.

SOFTVIEW LLC,
Patent Owner.

Case No. IPR2026-00282
U.S. Patent No. 9,519,729

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

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I. INTRODUCTION

This *inter partes review* along with the related challenges in IPR2026-00281, -00283, and -00284 are uniquely strong candidates for institution. The Office has already determined that other patentably indistinct claims are unpatentable, and it was only due to examiner error that SoftView was able to obtain the challenged patents. Indeed, despite the claims being patentably indistinct, SoftView obtained two of the four challenged patents *after* the Office's prior invalidity determinations. In addition, SoftView has engaged in gamesmanship. It asserted the indistinct patents *15 years ago* and lost. It chose *not* to assert the presently challenged patents in that prior litigation, even though it could have, and indeed chose not to assert the challenged patents in any litigation for nearly 15 years from when the first challenged patent issued. In addition, to ensure the public benefits from these IPRs, the present petitions are challenging *all claims* of SoftView's newly asserted patents, even though only a small subset of the claims is asserted against Samsung.

As discussed further below, Google respectfully requests that this *inter partes* review be instituted.

II. BACKGROUND

Google filed four *inter partes* reviews against SoftView patents: IPR2026-00281, challenging U.S. Patent No. 10,083,154 ("the '154 patent"); IPR2026-00282, challenging U.S. Patent No. 9,519,729 ("the '729 patent"); IPR2026-00283,

challenging U.S. Patent No. 8,533,628 ("the '628 patent"); and IPR2026-00284, challenging U.S. Patent No. 7,844,889 ("the '889 patent") (collectively, "the challenged patents"). These patents are all in the same family as two other patents, U.S. Patent No. 7,461,353 ("the '353 patent") and U.S. Patent No. 7,831,926 ("the '926 patent"), that were previously at issue in several patent office proceedings that resulted in unpatentability determinations for claims that are patentably indistinct from the presently challenged claims: IPR2013-00004 (joined by IPR2013-00257) ("'926 patent IPR"), *Inter Partes* Reexamination Nos. 95/000,635 and 95/002,126 ("'926 patent IPRx"), and *Ex Parte* Reexamination Control No. 90/009,995 ("'926 patent EPR"); IPR2013-00007 (joined by IPR2013-00256) ("'353 patent IPR"); *Inter Partes* Reexamination Nos. 95/000,634 and 95/002,132 ("'353 patent IPRx proceedings"); and *Ex Parte* Reexamination Control No. 90/009,994 ("'353 patent EPR"). The '353 and '926 patents collectively contained over 400 claims, and the Office proceedings challenged, canceled, or identified for cancellation different subsets of those claims.

III. ARGUMENT

A. SOFTVIEW'S ASSERTION HISTORY FAVORS REVIEW

SoftView presents a misleading settled expectations theory that depends on patent age and family level notice. DD Req. 2-3. In *Allani*, the Director referred petitions to the Board despite patent age because the patent owner waited eleven

years after earlier patent discussions to sue. *Apple Inc. v. Ferid Allani*, IPR2025-00856, Paper 11 (Dir. Sept. 5, 2025) (informative). The Director should do the same here, where SoftView litigated and lost against Samsung over a decade ago, did not assert the continuation patents for many years (and has still not asserted them against Google), and that delay unfolded while related family claims were being canceled by the Office. SoftView's delay favors review.

The history of these patents stems back over fifteen years to 2010. SoftView filed suit asserting the '353 patent in May 2010, amended in December 2010 to add the '926 patent, added Samsung as a defendant in 2011, and litigated against Samsung until the case was dismissed (for certain claims with prejudice) in October 2015. Pet. 3-5; *SoftView LLC v. Samsung Electronics Co. Ltd. et al.*, No. 1:12-cv-00987-LPS (D. Del.) ("first Samsung litigation"). At that time, SoftView did *not* assert the '889 patent, even though it issued in November 2010, and did *not* assert the '628 patent, even though it issued in September 2013. EX1030; EX1065. SoftView therefore cannot rely on family level notice to establish settled expectations while ignoring its own conduct: SoftView chose to amend its pleadings to add the '926 patent and Samsung yet strategically elected not to assert the '889 or '628 patents, even though they issued during the first Samsung litigation.

Over the next decade, SoftView did not assert its patents while the Office repeatedly and consistently determined that the related claims of the '353 and '926

patents were unpatentable. In 2013, the Office determined that all challenged claims were unpatentable in the '353 patent IPR and the '926 patent IPR, which led to cancellation of those claims in 2015. EX1011, 41-42; EX1015, 51-52. Between 2017 and 2024, the Office also canceled claims in the '353 patent EPR, '926 patent IPRx, and '926 patent EPR. EX1011, 41-48; EX1014; EX1015, 53-59. The Office also intends to cancel certain claims in the pending '353 patent IPRx proceedings. EX1047; EX1048. And not until six years after the last of the challenged patents issued (the '154 patent issued in 2018) did SoftView finally bring the second Samsung litigation in 2025. EX1058; EX1068.[1] SoftView's delay after both the District Court's dismissal with prejudice and the Office's repeated claim cancellations reasonably created the expectation that SoftView would not assert its new patents.

The delay is particularly significant because just like in the first Samsung litigation, SoftView again targets Android mobile browser functionality on Samsung devices. *Compare* EX1058, 20-21, *with* EX1063, 7. The parallel litigation is *SoftView LLC v. Samsung Electronics Co., Ltd.*, No. 2:25-cv-00246-JRG (E.D. Tex.)

[1] SoftView also asserts claims of the '353 patent that were not challenged in the '353 patent IPR. Those claims are currently being challenged in the '353 patent IPRx proceedings.

("second Samsung litigation"). Google is not a defendant in the second Samsung litigation, but SoftView identifies Google functionality in its complaint—functionality that SoftView alleges has been developed by Google since at least ***2013*** and thus during the first Samsung litigation. EX1058, 20-21. SoftView's complaint also identifies various old devices such as the Galaxy S6 among the accused products, and those devices went on sale in the United States in 2015. EX1058, 21; EX1064. As in *Allani*, SoftView's long delay in asserting expired patents against products and functionality that existed during the first Samsung litigation weighs against discretionary denial because that delay reasonably created expectations of nonassertion against both Google and Samsung. *Allani* at 3.

SoftView's delay is even more significant because every asserted patent expired in the years before SoftView filed the second Samsung litigation in 2025. EX1001; EX1015; EX1030; EX1058; EX1065; EX1068. *Allani* confirms that post-expiration assertion after years of delay also weighs against discretionary denial. *Allani* at 3. Moreover, SoftView allowed the '889 patent to lapse for nonpayment of maintenance fees in 2022 before filing a petition to revive it in December 2024 (EX1066, 528-544), a mere two months before asserting it in February 2025 (EX1058). The PTO rejected the petition in February 2025 (EX1066, 545-548), SoftView resubmitted the petition in April 2025 (EX1066, 549-572), and the PTO granted the petition in May 2025 (EX1066, 573-574). SoftView's decision to assert

the '889 patent before the Office granted revival also weighs against discretionary denial. *See Ford Motor Company v. AutoConnect Holdings LLC*, IPR2025-01342, Paper 10 (Dir. Dec. 4, 2025).

SoftView relies on the Burnett declaration (EX2009) for alleged settled expectations, but his declaration does not support SoftView. Burnett mentions licensing, but his declaration omits even basic facts about the alleged license, including the licensee, timing, consideration, licensed products, licensed claims, whether the license was litigation-driven, and whether anyone relied on the challenged claims. And his alleged 2009 notice to Google predates the challenged patents, predates SoftView's years of non-assertion, and predates the later cancellation history. Fundamentally, notice of a patent family is not the same as settled expectations in later continuation claims, particularly where SoftView repeatedly declined to assert the family patents during the first Samsung litigation and then delayed for a decade, by which point, the patents expired.

B. THE PRIOR CANCELLATION OF PATENTABLY INDISTINCT CLAIMS DEMONSTRATES EXAMINER ERROR FAVORING REVIEW

1. The Office has already canceled, or identified for cancellation, hundreds of related claims

The Examiner clearly erred in allowing the '729 patent to issue, as evidenced by the fact that its claims are patentably indistinct from claims that the Office canceled after determining that they are unpatentable, including based on the very

same prior art at issue here. This posture fits squarely with how "the central purpose of IPRs is to determine whether the patent at issue may have been improvidently granted" and that "discretion is afforded to ensure fairness, efficiency, and predictability in patent disputes." *Magnolia Medical Technologies, Inc. v. Kurin, Inc.*, IPR2026-00097, Paper 17 at 6-8 (Dir. May 14, 2026) (precedential). Indeed, the Director has previously explained that referral is warranted where there is significant overlap in issues between challenged claims and claims previously found to be unpatentable. *See Padagis US LLC v. Neurelis, Inc.*, IPR2025-00464, Paper 12 (Dir. July 16, 2025) (informative). The record overwhelmingly demonstrates such overlap here.

The '729 patent belongs to the same continuation family as patents for which the Office has already canceled or identified for cancellation 331 claims: all 88 claims of the '926 patent have been canceled, 95 claims of the '353 patent have been canceled, and 148 claims of the '353 patent are identified for cancellation in the pending '353 patent IPRx proceedings. EX1014; EX1015, 51-53; EX1047; EX1048; Pet. 3-5. Google's Petition relies on the same prior art—Zaurus, Pad, SVG, and SVF—as the previous Office proceedings that resolved the teachings of these references.

2. The challenged claims are patentably indistinct from the previously canceled claims

Dr. Goldberg shows that the challenged claims are patentably indistinct and simply recast the canceled claim limitations. EX1002, App'x A-E; Pet. 6; *see also* EX1019, 14-15 (Federal Circuit explaining how, in SoftView's own case, determining whether claims are patentably indistinct is analogous to an obviousness analysis that involves "evaluat[ing] whether the combination of the canceled claim limitations—all of which are individually in the prior art—made them anything more than the obvious sum of their parts."). For example, claim 1 recites the same recurring features of the canceled claims: a mobile hand-held device, HTML-based Web content, an original format defining original page layout, functionality, and design, HTML code including columns and/or forms, CSS content, generation of a scalable vector representation, rendering at different zoom levels, and preservation of the original page layout, functionality, and design. EX1002, App'x A.

During prosecution, the Examiner rejected the claims for double patenting, finding they were "not patentably distinct" from U.S. Patent No. 8,145,995, the '926 patent, the '889 patent, and the '353 patent. EX1003, 173. SoftView confirmed this substantive similarity by filing a terminal disclaimer. EX1003, 251. This is "a strong clue that a patent examiner and, by concession, the applicant, thought the claims in the ['729 patent] lacked a patentable distinction over the ['926 and '353 patents]." *SimpleAir, Inc. v. Google LLC*, 884 F.3d 1160, 1168 (Fed. Cir. 2018).

SoftView's criticism of Google's method of comparing claim limitations to identical or nearly identical limitations in canceled claims falls flat; indeed, the comparison confirms that the claims are patentably indistinct from canceled claims.[2] Appendix A maps the challenged claims limitation-by-limitation to canceled claims across the concluded SoftView proceedings, including the '353 patent IPR, the '926 patent IPR, the '926 patent EPR, and the '926 patent IPRx. EX1002, App'x A-E.

SoftView's *BMW*, *Nokia*, and *DK* authorities are inapposite. DD Req. 15-16, 19. *BMW* denied institution under § 325(d) because the petitioner relied on prior IPR determinations for related claims but failed to apply the prior art to different claim language in the challenged patent. *BMW of N. Am., LLC v. Stragent, LLC*, IPR2021-00425, Paper 14 at 14-17 (P.T.A.B. July 19, 2021). Google does the opposite: the Petition maps the prior art to every challenged limitation, and Appendix A provides a limitation-by-limitation comparison showing overlap between the challenged claims and canceled claims. *Nokia* is likewise inapposite because the Board denied institution after finding that the petitioner presented flawed obviousness analysis that failed to prove specific limitations and failed to address the claim as a whole. *Nokia of Am. Corp. v. IPCom GmbH & Co. KG*,

[2] Even though Dr. Goldberg separately analyzed each patent, SoftView only focuses on the same claim 52 in each of its discretionary denial briefs.

IPR2021-00548, Paper 10 at 27-28 (P.T.A.B. Aug. 4, 2021). Google's Petition addresses the challenged claims as whole claims; Appendix A is not a substitute merits ground. *DK* is different for the same reason. There, the Federal Circuit rejected a new reply-stage ground based on a collateral estoppel theory that improperly cobbled together different grounds. *DK Crown Holdings Inc. v. AG 18, LLC*, No. 2024-2078, slip op. at 5-6 (Fed. Cir. May 6, 2026). Google relies on prior art grounds for unpatentability and Appendix A for the discretionary showing that the challenged claims are patentably indistinct from canceled family claims such that Board review is appropriate.

3. Assertion of patentably indistinct claims undermines Office consistency and justifies review

The Office's patent owner estoppel rule reinforces that institution is warranted here. 37 C.F.R. § 42.73(d)(3)(i). The Federal Circuit explained that the rule is directed to "ensuring the integrity of the proceedings before the PTO by preventing actions that would undermine the outcomes of those proceedings." EX1019, 11; *see also* 35 U.S.C. § 316(b) ("the Director shall consider…the integrity of the patent system"); *POSCO Co. Ltd. v. ArcelorMittal*, IPR2025-00370, Paper 10 (Dir. June 25, 2025) ("The fact that the Board previously determined related claims to be unpatentable—prior to the issuance of the challenged claims in this proceeding—tips the balance against discretionary denial"). The Federal Circuit explained that it "would be inconsistent with the decision in an IPR if, for example, a patent owner

obtained claims not patentably distinct from those canceled in the IPR by way of a continuation." EX1019, 11; *see also Apple Inc. v. Smart Mobile Techs. LLC*, No. 2024-1352, 2026 WL 160563, at *4 (Fed. Cir. Jan. 21, 2026) (nonprecedential) (explaining the fallacy of permitting "a patentee to assert a claim substantially similar to a claim previously found unpatentable by the PTAB").

The Office has already applied this regulation to SoftView's '353 patent: the Board rejected claims amended in the '353 patent IPRx proceedings under § 42.73(d)(3)(i) as patentably indistinct from claims previously canceled in the prior IPRs, and the Federal Circuit affirmed. EX1024; EX1019. SoftView's assertion of the later issued '729 patent implicates these concerns yet again because the '729 patent issued in 2016, after the prior SoftView IPRs concluded.

4. Prior Office findings regarding the same art further confirm the examination error

Issue preclusion principles reinforce the Office-error concern. When claims are patentably indistinct from claims previously held unpatentable, a patent owner should not relitigate the same patentability issues. *See, e.g., Google LLC v. Hammond Dev. Int'l, Inc.*, 54 F.4th 1377, 1381 (Fed. Cir. 2022).

The Board recognized this concern in SoftView's own proceedings, explaining in the '353 patent IPRx proceedings that issue preclusion principles could apply to prior determinations regarding Zaurus. EX1024, 24 n.6. Specifically, in the IPRs of the '926 and '353 patents, the Board adopted the combination utilizing

the Zaurus HTML browser to parse the HTML content (including tables and frames) and Pad for the zooming interface. EX1013, 15-23; EX1017, 15-23. In the '926 patent EPR, the Board ruled that Pad's limitations do not foreclose obviousness combinations with other references because Pad expressly invites implementation of a "much more advanced version" of its browser. EX1033, 30.

Had the Examiner correctly appreciated these findings, the claims would have been rejected just as they were by the Board. Although the Examiner failed to leverage the teachings of these references during examination, Google's Petition relies on the same prior art—Zaurus, Pad, SVG, and SVF—as the previous Office proceedings that settled the teachings of these references.

5. The priority and inventorship record supplies an independent reason for referral

The priority record further confirms that the asserted patents did not receive meaningful examination of threshold priority issues. SoftView's infringement contentions concede that "each asserted claim of each Asserted Patent is entitled to a priority date of April 7, 2001," not the June 12, 2000 or July 11, 2000 provisional dates. EX1010, 5. Similarly, the Examiner identified during prosecution that the claimed form, column, and CSS features should be given a priority date of June 8, 2001 because they are not in the priority applications. EX1003, 474, 644. Nonetheless, the Examiner conducted searches using provisional-date cutoffs of "20000612." EX1003, 134, 138, 143, 145, 146, 151, 152, 155, 159, 163, 271, 275,

280, 282, 283, 288, 289, 292, 296, 300, 717, 733, 734, 736-738, 740, 743, 833, 834, 847, 848, 884, 894.

The record also shows an unexplained inventorship mismatch in the priority chain: U.S. Provisional Application No. 60/217,345, filed July 11, 2000, lists Mike McMullen and omits Scott Sherman, even though Scott Sherman is listed on the issued patents, and Mike McMullen is not listed as an inventor anywhere else in the asserted patents' priority chain. EX1059. Combined with the repeated cancellation of patentably indistinct claims, the examination record favors referral.

C. THE PUBLIC'S INTEREST IN OPEN-SOURCE PRODUCTS FAVORS INSTITUTION

The public interest favors review of the '729 patent. *See Magnolia* at 6-7; *see also* EX1061. SoftView identifies no current product or manufacturing investment. EX1058, 12-14. By contrast, Petitioner Google is an American company that has made significant investments in U.S.-based infrastructure and product development. SoftView's complaint targets Google-developed Chrome web browsing and rendering technology that operates on Samsung devices. EX1058, 20-22. SoftView is essentially targeting at least in-part public-facing browser infrastructure developed by Google for the public: "Chromium is an open-source browser project that aims to build a safer, faster, and more stable way for all users to experience the web." EX1067. Institution would protect ongoing investment and development of widely used software rather than disrupt any SoftView product. This is particularly true

where SoftView asserts that the Google open-source products referenced in its complaint have been developed since ***2013***, yet SoftView has not sued Google; SoftView has only asserted its patents against smartphone manufacturers. EX1058, 20-21; Pet. 4 (collecting cases); *Home Depot U.S.A., Inc. v. H2 Intellect LLC*, IPR2025-00480, Paper 11 at 2-3 (Dir. Sept. 4, 2025) (informative) (declining to discretionarily deny institution where the challenged patent had not been commercialized, asserted, marked, licensed, or otherwise applied in petitioner's technology space).

D. THE SAMSUNG LITIGATION DOES NOT FAVOR DISCRETIONARY DENIAL

Google's Petitions present a complex dispute across multiple patents and hundreds of claims where the Office has already canceled or identified for cancellation hundreds of related family claims. *See Tesla, Inc. v. Intellectual Ventures II LLC*, IPR2025-00217, Paper 9 (Dir. June 13, 2025) (informative) (declining discretionary denial where Board review was warranted notwithstanding parallel litigation involving numerous patents and claims). In *Allani*, *Home Depot*, *Padagis*, and *Tesla*, the Director referred petitions despite *Fintiv* considerations, including district court trial dates projected to precede final written decisions. *Allani* did so based on patent owner assertion delay; *Home Depot* did so based on patent owner's assertion history; *Padagis* did so based on Office error; and *Tesla* did so

based on the complexity of the Office proceedings. The same result is warranted here.

Even if the *Apple Inc. v. Fintiv, Inc.*, IPR2020-00019, Paper 11 at 6 (P.T.A.B. Mar. 20, 2020) (precedential) factors are considered, Factors 4-6 strongly favor institution and outweigh SoftView's reliance on Factors 1-3. With respect to ***Fintiv* Factor 4 (overlap)**, SoftView argues that Samsung's invalidity contentions overlap with the Petition. DD Req. 7-9. As an initial matter, Google is not a named defendant in the second Samsung litigation. SoftView also ignores that Google's petitions challenge all 209 claims of the challenged patents, including approximately 141 claims that SoftView is not currently asserting against Samsung. The Petition alone challenges all 22 claims of the '729 patent, while SoftView asserts only claims 1-5, 7-10, 13-18, and 21-22 against Samsung. EX1010, 2; Pet. 6. As for stipulations, petitioner Google cannot offer a stipulation in the second Samsung litigation because Google is not a defendant there; Samsung is not the petitioner; and any stipulation by Samsung would not resolve the public's independent interest in Board review of the large majority of challenged claims that are unasserted and are not on track to be adjudicated in the second Samsung litigation. Nor would it address whether SoftView may continue to later assert patentably indistinct claims that the Office should not have allowed.

SoftView's "four of five patents" argument fails for similar reasons. DD Req. 1. The fifth asserted patent, the '353 patent, is already before the Office in the '353 patent IPRx proceedings, where the Office intends to cancel claims for which the Federal Circuit affirmed the application of estoppel.[3] EX1047; EX1048. Together, the pending '353 patent IPRx proceedings and Google's Petitions place all asserted patents before the Office.

With respect to ***Fintiv* Factor 5 (parties)**, SoftView relies on Samsung's status as an RPI. DD Req. 9-10. First, Google is not a defendant in the district court litigation. Second, Samsung's status as an RPI does not eliminate the public's interest in Board review because SoftView's infringement theories target open-source technology developed by Google. *See* Section III.C. If Samsung settles, narrows the district court case, or resolves the case on grounds other than invalidity, the independent interest remains. Moreover, as discussed above, the majority of the claims that Google is challenging are not even at issue in the second Samsung litigation.

[3] The '353 patent IPRx proceedings remain pending with respect to the claims for which the Federal Circuit determined estoppel was inapplicable because they issued before the '353 patent IPR and the '926 patent IPR. EX1072; EX1073.

With respect to ***Fintiv* Factor 6 (other circumstances)**, as explained in Sections III.A-C, Board review is an appropriate use of Office resources here because of the assertion history, Office error, and product and investment considerations. SoftView argues that Dr. Goldberg's declaration repeats the Petition. DD Req. 10-12. To the contrary, Dr. Goldberg's declaration supplies the technical claim mapping, as well as the Appendix A family-claim comparisons that explain why the challenged claims are patentably indistinct from claims the Office already canceled or identified for cancellation.

Fintiv **Factors 1-3** do not overcome these considerations. SoftView relies on stay speculation, the scheduled trial date, and district court investment. DD Req. 4-6. But *Padagis*, *Home Depot*, *Allani*, and *Tesla* confirm that these issues are not dispositive where other considerations favor review, including assertion history, Office error, and proceeding complexity. The second Samsung litigation will not adjudicate most challenged claims, may narrow or settle, and may resolve on grounds other than invalidity. Those factors do not warrant denying Office review of the patentably indistinct claims.

E. THE CLAIM CONSTRUCTIONS ARE CONSISTENT

SoftView's argument that Google and Samsung are taking inconsistent claim construction positions misstates the record. DD Req. 12-15. The Petition's analysis "is consistent with the prior constructions and those offered by Samsung and

SoftView in the parallel litigation." Pet. 16-17. Google does not ask the Board to adopt broader constructions than Samsung advanced in district court, does not rely on constructions inconsistent with the district court, and does not argue that any term is indefinite in district court while definite before the Board. *Cf. Revvo Techs., Inc. v. Cerebrum Sensor Techs., Inc.*, IPR2025-00632, Paper 20, at 2, 4-5 (Dir. Nov. 3, 2025) (precedential); *Sun Pharm. Indus. Inc. v. Nivagen Pharm., Inc.*, IPR2025-00893, Paper 18, at 3 (Dir. Sept. 19, 2025) (informative).

The Petition relies on Dr. Goldberg, who identified Samsung's proposed constructions and explained that he applied them. EX1002 ¶¶27-29. For the specific terms SoftView identifies (DD Req. 12-14), Dr. Goldberg disclosed the relevant constructions, and the Petition applies the prior art under those constructions:

Term	**Samsung construction**	**Google's Petition**
"original"	"as designed for a desktop computer"	The Petition relies on Dr. Goldberg, who applied Samsung's construction. EX1060, 13-16; Pet. 20-24, 29-34, 56-57, 61-62; EX1002 ¶¶27, 38-44, 50-58, 89-92, 100-102.
"processing … the HTML-based Web content… to generate a scalable vector	"converting Web content from HTML to a scalable vector representation of the Web page"	The Petition relies on Dr. Goldberg, who applied Samsung's construction. EX1060, 17-20; Pet. 25-29, 56; EX1002 ¶¶27, 45-49, 90.

representation of the Web page"		
"processing … into an additional scalable vector representation"	"converting … to an additional scalable vector representation"	The Petition relies on Dr. Goldberg, who applied Samsung's construction. EX1060, 17-20; Pet. 40-43, 59; EX1002 ¶¶27, 66-69, 96.
"scalable vector representation"	"representation of the [Web page / HTML document] that (1) is capable of being rendered at multiple zoom levels and (2) includes one or more vectors"	The Petition relies on Dr. Goldberg, who applied Samsung's construction, with which SoftView has since agreed. EX1060, 7; Pet. 25-38, 56-57; EX1002 ¶¶27, 45-62, 89-92.
"object(s)"	"a grouping of webpage content, such as a paragraph of text or a graphic image"	The Petition relies on Dr. Goldberg, who applied Samsung's construction. EX1060, 20; Pet. 61-62; EX1002 ¶¶27, 103-105.
"commercially available desktop browser"	"a desktop browser that was commercially available as of the earliest effective filing date of the '729 patent"	The Petition relies on Dr. Goldberg, who applied Samsung's construction. EX1060, 20-23; Pet. 20-24, 29-34, 56-57; EX1002 ¶¶27, 38-44, 50-58, 89-92.
"vector"	"for each object, a directional data structure that stores X & Y values from a point for the page or frame to the object"	The Petition relies on Dr. Goldberg, who applied Samsung's construction. EX1060, 23-28; Pet. 65-66, 70-71; EX1002 ¶¶27, 117-122, 130.

"layout location datum"	"point defined at an X, Y coordinate that corresponds to the location of the object"	The Petition relies on Dr. Goldberg, who applied Samsung's construction. EX1060, 8; Pet. 63-65, 70; EX1002 ¶¶27, 111-116, 129.

The relevant constructions also are not new positions created for these IPRs: they track the prior Delaware constructions that were before the Office during the earlier SoftView IPRs and reexaminations. *See, e.g., Kyocera v. SoftView LLC*, IPR2013-00007, Paper 32 (P.T.A.B. Oct. 11, 2013). The joint claim construction chart confirms that the terms are agreed to and/or track the prior Delaware constructions. *See* EX1057; EX1060.

Nor does Google's statement that no express construction is necessary create inconsistency. It reflects the ordinary rule that the Board construes only terms necessary to resolve the patentability dispute. Here, the prior art satisfies the claims under both Samsung's constructions and any other constructions (e.g., those asserted by SoftView) in the district court. EX1002 ¶¶27-29; EX1060. The claim construction issue therefore provides no basis for discretionary denial.

IV. CONCLUSION

Google respectfully requests referral for merits review.

Respectfully submitted,

Dated: June 12, 2026

By: / Naveen Modi /

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CERTIFICATE OF SERVICE

I hereby certify that on June 12, 2026, I caused a true and correct copy of the foregoing Petitioner's Opposition to Patent Owner's Request for Discretionary Denial and supporting exhibits to be served by electronic means on the counsel identified below:

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