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 SUPPLEMENTAL DISCRETIONARY DENIAL BRIEF

As Google previously explained (Paper 8), institution of IPR2026-00281, -00282, -00283, and -00284 is strongly justified given SoftView's litigation conduct, the Office's prior findings on patentably indistinct claims, and the public interest considerations in play. Paper 8, 2-14. SoftView's recent claim election on June 19, 2026, in the parallel Samsung litigation significantly reduces the overlap with Google's IPR petitions, and thus only further strengthens the case for institution. EX1074. As narrowed, SoftView elected 30 asserted claims in the Samsung litigation, including only **22** claims of the challenged patents: no claims of the '729 patent; eight '889 patent claims; eight '154 patent claims; and six '628 patent claims. Google's IPR petitions on the other hand collectively challenge all **209** claims of the four challenged patents. The district court will thus not adjudicate the '729 patent, nor the vast majority of the '889, '154, and '628 patent claims.

The fact that there are now 187 claims addressed in Google's IPRs that will not be considered in district court, including an entire patent, further underscores that institution serves an important public interest role. In litigation that it initiated 15 years ago, SoftView asserted patentably indistinct claims of two related patents against numerous companies including Samsung. Paper 8, 2-6. That litigation led to patent office proceedings that cancelled over 100 claims, including all of the then-asserted claims, and led to a dismissal with prejudice in district court. *Id.* SoftView chose to strategically defer asserting the currently challenged patents for

many years, leaving the public to reasonably assume SoftView would not assert claims that are patentably indistinct from previously cancelled claims. *Id.* But now that SoftView has asserted its claims despite the Office's prior findings, the public interest would be greatly served by having the Office review the 209 claims challenged in Google's IPRs, which are all patentably indistinct from the previously cancelled claims. *See id.*, 6-13; EX1002, App'x A-E. This is particularly so given that the Office is continuing to review in parallel all remaining '353 patent claims, including the 8 elected claims (EX1074), in the pending *inter partes* reexaminations. *See* EX1047; EX1048; EX1072; EX1073. Where related patents present common issues, coordinated review promotes efficiency and consistency. *See Padagis US LLC v. Neurelis, Inc.*, IPR2025-00464, Paper 12 (Dir. July 16, 2025) (informative).

Institution would serve the public interest and promote judicial economy by allowing the Office to resolve the remaining challenged claims now, rather than leaving subsets of patentably indistinct claims for serial, future litigation. Such review is especially important here given that SoftView's litigation campaign is targeting open-source infrastructure developed by an American company, Google, for the public. Paper 8, at 13-14. Google has made significant investments in U.S.-based infrastructure and product development, and SoftView's attempts to hamper such economic development should be put to a stop.

Respectfully submitted,

Dated: June 26, 2026

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CERTIFICATE OF SERVICE

I hereby certify that on June 26, 2026, I caused a true and correct copy of the foregoing Petitioner's Supplemental Discretionary Denial Brief and supporting exhibits to be served by electronic means on the counsel identified below:

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