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 REQUEST FOR DIRECTOR REVIEW

TABLE OF CONTENTS

I. INTRODUCTION 1

II. BACKGROUND 3

A. The Substantial Majority of the Patent Claims Will Not Be Considered in Patent Owner's District Court Case with Samsung 3

B. Patent Owner Delayed Asserting the Challenged Patents for Many Years, and Did So After the Board Found Patentably Indistinct Claims Unpatentable 4

C. Patent Owner Is Targeting an Open-Source Product Developed by an American Company That Has Made Significant Investments in U.S.-Based Infrastructure and Products 5

III. ARGUMENT 6

A. The Notice Raises Serious Questions Regarding the Director's *Light & Wonder* Decision and the Director's Related Jurisprudence Regarding Dismissal of Claims in District Court 6

B. The Notice Raises Serious Questions Regarding the Director's *Padagis* and *Allani* Decisions 9

C. The Notice Should Be Reversed 11

IV. CONCLUSION 13

TABLE OF AUTHORITIES

Page(s)

Cases

Apple Inc. v. Ferid Allani,
IPR2025-00856, Paper 11 (Director Sept. 5, 2025) 2, 9, 10, 11

Arm Ltd. v. Daedalus Prime LLC,
IPR2025-00207, Paper 14 (Director Aug. 6, 2025).....1, 7, 8

Coretronic Corp. v. Maxell, Ltd.,
IPR2025-00941, Paper 10 (Director Sept. 26, 2025) 2, 7, 8

Entegris, Inc. v. Inpria Corp.,
IPR2025-00267, Paper 21 (Director Oct. 31, 2025).....2, 7, 8

F.C.C. v. Fox Television Stations, Inc.,
556 U.S. 502 (2009).....12

Fred Beverages, Inc. v. Fred's Cap. Mgmt. Co.,
605 F.3d 963 (Fed. Cir. 2010) 12

Light & Wonder, Inc. v. Evolution Malta Ltd.,
IPR2025-01072, Paper 30 (Director June 22, 2026) 1, 6, 7, 13

Padagis US LLC v. Neurelis, Inc.,
IPR2025-00464, Paper 12 (Director July 16, 2025).....2, 9, 10

In re SoftView LLC,
No. 2020-1971, 2021 WL 1941827 (Fed. Cir. May 14, 2021).....10

SoftView LLC v. Apple Inc.,
108 F.4th 1366 (Fed. Cir. 2024) 9

SoftView LLC v. Apple Inc.,
No. 2023-1006, 2024 WL 2858320 (Fed. Cir. June 6, 2024).....9

SoftView LLC v. Kyocera Corp.,
592 F. App'x 947 (Fed. Cir. 2015) 10

SoftView LLC v. Kyocera Corp.,
592 F. App'x 949 (Fed. Cir. 2015) 10

I. INTRODUCTION

The notice denying institution (Paper 12, "Notice") in this IPR along with related IPR2026-00281, -00283, and -00284 should be reversed for several reasons that implicate important issues of law and policy.

First, the Notice is infected by SoftView's mischaracterization of the Director's recent decision in *Light & Wonder, Inc. v. Evolution Malta Ltd.*, IPR2025-01072, Paper 30 (Director June 22, 2026) (precedential). This has created a situation where the Notice, though silent as to its reasoning, may be read as being at odds with *Light & Wonder*. In particular, after SoftView narrowed the parallel Samsung litigation such that at least 187 of the 209 claims challenged in Google's four IPRs will ***not*** have their validity considered, Paper 9, at 1, SoftView argued that *Light & Wonder* stood for the proposition that when claims are dismissed from a co-pending litigation an IPR should not be instituted. Paper 11, at 1. This fundamentally mischaracterized *Light & Wonder*, which held that institution is not appropriate where claims are dismissed because ***the claims were found invalid in district court***—the opposite of what happened here, where the claims will not be considered in district court. Consideration of this issue is particularly important as the Office has issued other recent decisions that are contradictory on this dismissal issue. *Compare Arm Ltd. v. Daedalus Prime LLC*, IPR2025-00207, Paper 14, at 2 (Director Aug. 6, 2025) (reversing earlier discretionary denial and referring for merits

consideration because "litigation has been dismissed") & *Entegris, Inc. v. Inpria Corp.*, IPR2025-00267, Paper 21, at 2 (Director Oct. 31, 2025) (reversing earlier discretionary denial and referring for merits consideration because "the district court dismissed the co-pending litigation"), *with Coretronic Corp. v. Maxell, Ltd.*, IPR2025-00941, Paper 10, at 3 (Director Sept. 26, 2025) (denying institution because "[i]t is an inefficient use of Board resources to review claims of a patent that will not be further addressed in the district court trial").

Second, the Notice is irreconcilable with other decisions by the Director, including *Padagis US LLC v. Neurelis, Inc.*, IPR2025-00464, Paper 12 (Director July 16, 2025) (informative) and *Apple Inc. v. Ferid Allani*, IPR2025-00856, Paper 11 (Dir. Sept. 5, 2025) (informative). Like *Padagis*, here there is significant overlap in issues between the challenged claims and claims previously found unpatentable. And like *Allani*, here SoftView waited many years to assert the patents-at-issue despite prior litigation and discussions involving the patent family.

Especially when taken together, these issues raise serious concerns about the consistent application of existing precedent for institution decisions. The Notice should be reversed and this IPR should be instituted.

II. BACKGROUND

A. The Substantial Majority of the Patent Claims Will Not Be Considered in Patent Owner's District Court Case with Samsung

Google's IPR petitions challenged 209 claims in four related patents that are all in the same family. In comparison, on June 19, 2026, SoftView indicated that in its litigation with Samsung, it was only asserting 22 claims in three patents. *See* EX1074.[1]

Proceeding / Patent	Claims Challenged	Claims Asserted
IPR2026-00281 / 10,083,154	1–35	13, 16–19, 22, 23, 25
IPR2026-00282 / 9,519,729	1–22	None
IPR2026-00283 / 8,533,628	1–37	1, 2, 4, 11, 13, 14
IPR2026-00284 / 7,844,889	1–115	1, 2, 22, 33, 35, 37, 108, 115

The vast majority of the claims challenged in Google's petitions thus will not be addressed in the Samsung litigation, where Google is not a defendant.

[1] SoftView has now narrowed the Samsung litigation even further. By the time of trial between SoftView and Samsung, one can expect that far fewer claims will be addressed.

B. Patent Owner Delayed Asserting the Challenged Patents for Many Years, and Did So After the Board Found Patentably Indistinct Claims Unpatentable

The four challenged patents are in the same family as two patents that were asserted around fifteen years ago in *SoftView LLC v. Samsung Electronics Co. Ltd. et al.*, No. 1:12-cv-00987-LPS (D. Del.): U.S. Patent Nos. 7,461,353 and 7,831,926. As Google previously explained, the patents in the present IPRs are patentably indistinct from previously cancelled claims of the ’353 and ’926 patents, Paper 8, at 8-10. And at the time of the first Samsung litigation, 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.

In the many years after SoftView filed the first Samsung litigation, SoftView did not assert the four patents challenged here while the Office repeatedly and consistently determined that the related claims of the ’353 and ’926 patents were unpatentable. Paper 8, at 2-4, 6-12. For example, in 2014, the Office determined that all challenged claims were unpatentable in IPR2013-00007 (directed to the ’353 patent) and IPR2013-00004 (directed to the ’926 patent), which led to cancellation of those claims in 2016. EX1011, 41-42; EX1015, 51-52. Between 2017 and 2024, the Office also canceled claims in various reexaminations directed to the ’353 and ’926 patents. EX1011, 41-48; EX1014; EX1015, 53-59.

SoftView itself claims that it facilitated putting Google on notice of the patent family in 2009. Ex. 2009, ¶ 6. Yet it was not until 2025 that SoftView filed its currently pending case against Samsung, *SoftView LLC v. Samsung Electronics Co., Ltd.*, No. 2:25-cv-00246-JRG (E.D. Tex.).

C. Patent Owner Is Targeting an Open-Source Product Developed by an American Company That Has Made Significant Investments in U.S.-Based Infrastructure and Products

Google is an American company that has made significant investments in U.S.-based infrastructure and product development. Paper 8, at 13-14. SoftView's complaint targets Google-developed Chrome web browsing and rendering technology that operates on Samsung devices. EX1058, 20-22. SoftView's case against Samsung 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.

SoftView, on the other hand, has identified no current product or manufacturing investment. EX1058, 12-14.

III. ARGUMENT

A. The Notice Raises Serious Questions Regarding the Director's *Light & Wonder* Decision and the Director's Related Jurisprudence Regarding Dismissal of Claims in District Court

After the pending Samsung litigation was narrowed such that the vast majority of the claims challenged by Google will not be considered in SoftView's district court litigation with Samsung, SoftView argued that this case narrowing in district court supported denial of institution. It characterized Google's argument that only 22 of the 209 claims challenged by Google as something "Google concedes," and argued that "[t]he Director recently explained that 'dismissal of ***all or substantially all claims*** in a co-pending litigation' constitutes 'exceptional circumstances' warranting revisiting a decision to institute trial." Paper 11, at 1 (quoting *Light & Wonder*, at 3-4) (emphasis original). According to SoftView, "[t]hat is because it would be a wasteful use of Board and party resources here to institute trial on the 'now 187 claims addressed in Google's IPRs that will not be considered in district court, including an entire patent.'" *Id.*

SoftView fundamentally mischaracterized *Light & Wonder*. In particular, in *Light & Wonder*, the "Patent Owner sought to terminate [the] IPRs because the district court granted Petitioner's motion to dismiss, finding the challenged claims at issue in these IPRs to be directed to ***patent ineligible subject matter*** under 35 U.S.C. § 101." *Light & Wonder*, at 4. The "Patent Owner argued that continuing

these proceedings to a final written decision ***after an invalidity determination*** in another forum undermines the efficiency and integrity of the Office." *Id.* The Director agreed, explaining that "[b]ecause all of the challenged claims now stand invalid, it is unnecessary and inefficient to maintain these IPRs to further review the claims for patentability under other grounds." *Id.*, at 5. *Light & Wonder* thus represented the opposite scenario of what has happened here. In *Light & Wonder*, the district court dismissed claims ***because they were found invalid***. Here, in contrast, SoftView dropped claims from its litigation with Samsung and thus their ***validity will never be considered***.

SoftView cited another decision, *Coretronic*, for the proposition that "[i]t is an inefficient use of Board resources to review claims of a patent that will not be further addressed in the district court trial." Paper 11, at 1 (quoting *Coretronic*, at 3). However, the Director pointed to the same occurrence, dismissal of claims from litigation, to ***support*** institution in *Arm* and *Entegris*. *Arm*, at 2 (reversing earlier denial and instituting review because "litigation has been dismissed"); *Entegris*, at 2 (reversing earlier denial and instituting review because "the district court dismissed the co-pending litigation"). Thus, SoftView is highlighting an inconsistency in the Office's precedent that, at a minimum, requires clarification.

To the extent there is a cognizable distinction between *Coretronic* on the one hand and *Arm* and *Entegris* on the other, it is whether the petitioner was a defendant

in the district court litigation. In *Coretronic*, the Director said that "[i]t is an inefficient use of Board resources to review claims of a patent that will not be further addressed in the district court trial ***involving the parties***." *Coretronic*, at 3 (emphasis added). Notably, SoftView used ellipses to hide *Coretronic*'s reference to trial "involving the parties," once again potentially leading the Office astray from its past precedent. Paper 11, at 1 (quoting *Coretronic* as follows: "It is an inefficient use of Board resources to review claims of a patent that will not be further addressed in the district court trial….").

In contrast, in *Arm*, "there was no litigation involving Petitioner," *Arm*, at 2, and likewise in *Entegris*, the petitioner was not a party to the litigation, *Entegris*, at 2. And if that is the distinction, then this IPR falls into the *Arm* and *Entegris* category as Google is not a defendant in the Samsung litigation. The fact that Samsung was identified as an RPI in Google's petition does not make a difference, as there was also an open question at the time of the Director's decision in *Entegris* about whether the defendant was an RPI with the petitioner. *Entegris*, at 2 (emphasizing how the petitioner was "not … a party to the settlement agreement," thus declining to discretionarily deny, and explaining how the panel can "address[] complex RPI issues" when considering the merits). If anything, the present IPR represents a stronger situation calling for institution than *Arm* and *Entegris*, given the Office's prior determinations that patentably indistinct claims are unpatentable, and the

public's interest in seeing the pending claims addressed on the merits. Paper 8, at 3-4, 6-14; *see also infra* Section III.B.

B. The Notice Raises Serious Questions Regarding the Director's *Padagis* and *Allani* Decisions

Even setting aside the fact that the vast majority of claims challenged in Google's IPRs have been dismissed from the Samsung litigation, *Padagis* and *Allani* should have further compelled the Director not to discretionarily deny institution.

In *Padagis*, the Director explained that, even though the "district court's scheduled trial date" was seven months before "the projected final written decision due date," institution was warranted given "these proceedings raise similar issues to those previously adjudicated in" a prior IPR. *Padagis*, at 2. In that prior IPR, "the Board determined the challenged claims are unpatentable, and the Court of Appeals for the Federal Circuit affirmed the Board's unpatentability decision." *Id.* The Director observed how "[t]he challenged claims in [the prior IPR] are directed to similar subject matter as the challenged claims in these proceedings." *Id.*, at 2-3.

The circumstances here are even more compelling. Here, the challenged claims are not only "similar" but are in fact patentably indistinct from previous claims the Board found to be unpatentable, including with affirmance by the Federal Circuit. *See* Paper 8, at 3-4, 6-12; *see also SoftView LLC v. Apple Inc.*, 108 F.4th 1366 (Fed. Cir. 2024); *SoftView LLC v. Apple Inc.*, No. 2023-1006, 2024 WL

2858320 (Fed. Cir. June 6, 2024); *SoftView LLC v. Kyocera Corp.*, 592 F. App'x 947 (Fed. Cir. 2015); *SoftView LLC v. Kyocera Corp.*, 592 F. App'x 949 (Fed. Cir. 2015); *In re SoftView LLC*, No. 2020-1971, 2021 WL 1941827 (Fed. Cir. May 14, 2021). Even assuming *arguendo* that the claims are only "similar," that still calls for institution under *Padagis*.

In addition, in *Allani*, the Director referred petitions to the Board despite a district court trial scheduled to precede a final written decision by over five months, and despite the patents being old (with one 13 years old). *Allani*, at 2-3. The Director identified two considerations "counsel[ing] against discretionary denial": (1) the petitioner "'did not expect enforcement' of the patent challenged in [one of the IPRs] … because Patent Owner did not assert the challenged patent against Petitioner until eleven years after the parties' discussion [regarding a license] about that patent"; and (2) "Patent Owner did not assert the challenged patents against Petitioner until after they expired." *Id.*, at 3. The Director unambiguously stated that "[u]nder these circumstances, discretionary denial is not appropriate." *Id.*

Here again, the facts are on all fours with *Allani*. SoftView brought the patent family into question by filing suit asserting the related '353 and '926 patents in 2010 (even further back than in *Allani*). Paper 8, at 3; *see also* Ex. 2009, ¶ 6 (SoftView itself claiming that it facilitated putting Google on notice of the patent family in 2009). In that prior litigation, SoftView could have but chose not to assert two of

the challenged patents, the ’889 and ’628 patents (at issue now in IPR2026-00283 and -00284), as they issued during its pendency. *Id.* And SoftView did nothing with the other two patents (i.e., the ’154 and ’729 patents) either, instead waiting six more years after the last patent issued—after all of the decisions by the Office invalidating patentably indistinct claims of the ’353 and ’926 patents, only further reinforcing to the public that the related patents would not be asserted—to surprisingly assert the patents challenged here. *Id.*, at 3-4. In addition, like in *Allani*, every challenged patent expired in the years before SoftView filed the second Samsung litigation in 2025. EX1001; EX1015; EX1028; EX1030; EX1058; EX1065.

C. The Notice Should Be Reversed

The Director’s prior decisions each individually show that institution, or at least referral to a merits panel, was warranted. Taken collectively, it is impossible to reconcile the Notice with the prior decisions.

Claims dismissed from district court: The Office has made clear that, where claims are dismissed from a co-pending district court case, where that dismissal is not due to an invalidity determination, that weighs in favor of institution, not against it as SoftView told the Office, at least where the petitioner is not the defendant. *Supra* Section III.A. That was the case here. *Id.*

Prior unpatentability determinations by the Office: The Office has made clear that where it has previously found similar claims to be unpatentable, that

counsels in favor of institution, even if a district court trial will precede a final written decision. *Supra* Section III.B. That was the case here. *Id.*

Lack of enforcement: The Office has made clear that where a patent owner acts in a manner that suggests it does not intend to enforce its patents, and waits until after the patents are expired to enforce them, that counsels in favor of institution, even if a district court trial will precede a final written decision. *Supra* Section III.B. That, once again, was the case here. *Id.*

In the Director's decisions discussed above, these factors, even taken alone, were enough to call for referral to a merits panel. *Supra* Sections III.A-B. Yet here, where all these factors are present in a single case, the Notice says only that institution was denied "[p]ursuant to 35 U.S.C. § 314(a), after review of discretionary and non-merits considerations." Paper 12, at 1. "Where an agency departs from established precedent," it must at least provide "a reasoned explanation." *Fred Beverages, Inc. v. Fred's Cap. Mgmt. Co.*, 605 F.3d 963, 967 (Fed. Cir. 2010). This "ordinarily demand[s] that [the agency] display awareness that it is changing position. An agency may not, for example, depart from a prior policy *sub silentio*." *F.C.C. v. Fox Television Stations, Inc.*, 556 U.S. 502, 515 (2009).

Thus, if the Office intended to depart from its earlier policies, it should at minimum explain that departure. On the other hand, if the Office did not intend to

depart from its earlier policies (e.g., if the Office was instead led astray by SoftView's mischaracterization of *Light & Wonder* and the Director's related jurisprudence regarding dismissal of claims in district court, *supra* Section III.A), the Notice must be reversed.

IV. CONCLUSION

The Notice discretionarily denying IPR2026-00281, -00282, -00283, and -00284 should be reversed, and these IPRs should be considered on their merits.

Respectfully submitted,

Dated: August 13, 2026

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CERTIFICATE OF SERVICE

I hereby certify that on August 13, 2026, I caused a true and correct copy of the foregoing Petitioner's Request for Director Review to be served by electronic means on the counsel identified below:

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