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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC,
Petitioner,

v.

SOFTVIEW LLC,
Patent Owner.

Case No. IPR2026-00283
U.S. Patent No. 8,533,628

AUTHORIZED RESPONSE TO DIRECTOR REVIEW REQUEST

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The Director correctly summarily denied institution of this IPR. Paper 12 at 1. Google now argues the Director should review his own denial of institution because SoftView purportedly "fundamentally mischaracterized" the Director's decision in *Light & Wonder v. Evolution Malta*, IPR2025-01072, Paper 30 (Dir. June 22, 2026). Paper 13 ("Req.") at 1. The only party guilty of mischaracterization is Google. Google's own brief acknowledges that SoftView accurately quoted this decision's holding that "dismissal of all or substantially all claims in a co-pending litigation" is an exceptional circumstance warranting reconsideration of IPR institution. Req. at 6 (quoting Paper 11 at 1). That is exactly the circumstance here, supports the Director's discretionary denial, and ends the inquiry. Google's remaining efforts to manufacture a conflict in the Director's recent decisions also fall short. Google's frivolous request should be entirely denied.

I. SoftView Did Not Mischaracterize *Light & Wonder*

Google's brief plays a shell game with the three "exceptional circumstances" warranting reconsideration of IPR institution set forth by the Director in *Light & Wonder*. In that decision, the Director set forth guidance for seeking Director Review of an institution decision after the deadline "in light of a decision in a related district court proceeding involving the same parties as these IPRs." *Light & Wonder*, IPR2025-01072, Paper 30 at 2. He extended the time period under 37 C.F.R. § 42.75(c)(1) for requests for Director Review of institution decisions from 14 days

to 30 days. *Id.* at 3. The Director additionally provided three sets of "exceptional circumstances" for further extending the deadline for a Director Review request:

> Further, in exceptional circumstances, the Office may extend the deadline for filing a request for Director Review of a decision on institution, so long as the trial has not progressed meaningfully. *See* 37 C.F.R. § 42.75(c)(1) (allowing for extensions of the deadline to request Director Review "upon a showing of good cause"). Such exceptional circumstances include, for example, **[1]** ***dismissal of all or substantially all claims in a co-pending litigation***, **[2]** findings of fact and conclusions of law that render all or substantially all challenged claims invalid in litigation, and **[3]** a violation of a *Sotera* stipulation.

Id. at 3-4 (emphasis added).

SoftView exactly quoted *Light & Wonder* for the ***first set*** of exceptional circumstances plainly applicable to this IPR and compelling discretionary denial here. *See* Paper 11 at 1 ("The 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." (original emphasis)). Google's Request acknowledges this and quotes SoftView's brief. Req. at 6 (quoting Paper 11 at 1 (quoting *Light & Wonder*, IPR2025-01072, Paper 30 at 3-4)). This is exactly the circumstance here, where Google concedes that all or substantially all of the claims were dismissed from the co-pending litigation,

Paper 11 at 1, and supports the Director's decision denying institution here, *see* Paper 12 at 1.

Google never attempts to show any error or mischaracterization of that cite. Req. at 6. Instead, Google devotes its brief to challenging a strawman by arguing *Light & Wonder*'s ***second set*** of "exceptional circumstances" are inapplicable. *Id.* SoftView relied on the ***first set*** of exceptional circumstances. *Id.* (Google: SoftView "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.'" (alteration in original) (emphasis omitted)). The Request's entire discussion of *Light & Wonder* is beside the point.

II. The Director's Recent Decisions Are Not Inconsistent

Google next seeks to manufacture an "inconsistency in the Office's precedent" by asserting that *Coretronic v. Maxell*, IPR2025-00941, Paper 10 (Dir. Sept. 26, 2025), is inconsistent with both *Arm v. Daedalus Prime*, IPR2025-00207, Paper 14 (Dir. Aug. 6, 2025), and *Entegris v. Inpria*, IPR2025-00267, Paper 21 (Dir. Oct. 31, 2025). Req. at 7. There is no actual inconsistency because *Arm* and *Entegris* did not point to "dismissal of claims from litigation, to ***support*** institution," as Google incorrectly asserts. *See id.* (original emphasis).

SoftView relied upon *Coretronic*'s holding 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." IPR2025-00941, Paper 10 at 3; Paper 11 at 1 (quoting same). By contrast, *Arm* and *Entegris* involve litigation that was dismissed in its entirety—*i.e.*, there would be no assessment of validity of any claims in a parallel litigation. *Arm*, IPR2025-00207, Paper 14 at 2 ("[T]he case was not referred to the Board because the balance of factors weighed in favor of denial in view of the parallel litigation, which would address the validity of the challenged patent. Now that the litigation has been dismissed, the balance of factors weighs in favor of referral."); *Entegris*, IPR2025-00267, Paper 21 at 2 ("While the rehearing request was pending, the district court dismissed the co-pending litigation due to settlement between the litigants. As a result, the challenged patent is no longer the subject of a parallel proceeding." (internal citation omitted)).

Google's attempt to distinguish these cases on the basis of whether the petitioner was a defendant in the parallel litigation, Req. at 7-8, is unsupported by the language of the cases quoted above, which provides the actual basis for the decisions. Again, nothing in these decisions supports Google's request for Director Review.

III. *Padagis* And *Allani* Do Not Support The Request

The Request's final argument is even less compelling. Google asserts that given the allegedly "patentably indistinct" claims challenged here, "*Padagis* and *Allani* should have further compelled the Director not to discretionarily deny

institution." Req. at 9. But Google has failed to show that any challenged claims are "patentably indistinct" to previously addressed claims, rendering this argument entirely without merit. *See id*.

For its assertion that the challenged claims are patentably indistinct from previous claims the Board found to be unpatentable, Google cites to Paper 8 at 3-4 and 6-12. Req. at 9. Pages 3-4 of Google's Opposition to Patent Owner's Request for Discretionary Denial (Paper 8) do not address similarity of claims at all. Paper 8 at 3-4. The cited pages 6-12 rely upon EX1002 Appendices A-E for their assertion that the challenged claims "simply recast the canceled claim limitations." *Id.* at 8. But these charts do not compare any claim as a whole to any previously invalidated subject matter. For example, Appendix A purports to compare claim limitations of the '628 Patent to random groupings of limitations from U.S. Patent Nos. 7,461,353 and 7,831,926. EX1002 at 97-232 (Appendix A); *see also* Pet. at 11-20 (summarizing in table form the random correspondence). As can be seen from the summary table in the Petition, the limitations of Claim 1 of the '628 Patent, for example, allegedly correspond to a selection of limitations from Claims 1, 36, 51, 52, 58, 59, 66, 118, 149, and 252 of the '353 Patent. Pet. at 11-12. But Google never addresses Claim 1 as a whole, which is fatal to its argument. *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.").

In its discretionary denial briefing, SoftView proved the significant differences in the challenged claims versus any previously addressed claims. Paper 6 at 14-18; *see also* Paper 7 at 9-10.

Google's failure to show any level of similarity between the challenged claims here and prior claims of the '353 and '926 Patents addressed by the Board renders *Padagis* inapposite. *See Padagis v. Neurelis*, IPR2025-00464, Paper 12 at 3 (Dir. July 16, 2025) ("Petitioner, however, provides a persuasive comparison of the claims challenged in the present proceedings and those involved in IPR2019-00451 that demonstrates significant overlap in claimed subject matter."); *see also Padagis*, IPR2025-00464, Paper 10 at 6-7 (providing a color-coded comparison of Claim 1 of the '876 Patent previously found unpatentable to Claim 1 of the challenged '546

Patent and showing the entire subject matter of ’546 Claim 1 was contained within ’876 Claim 1).

Google’s reliance on *Apple v. Allani*, IPR2025-00856, Paper 11 (Dir. Sept. 5, 2025), is similarly misplaced. There, the Director cited the petitioner’s expectation of non-enforcement of the patent “because it concluded that it did not require a license to the patent and advised Patent Owner of its position, and because Patent Owner did not assert the challenged patent against Petitioner until eleven years after the parties’ discussion about that patent.” *Id.* at 3. Google alleges no such interaction between itself and SoftView here. Moreover, SoftView still has not asserted the ’628 Patent against Google. Paper 8 at 3 (Google asserting that SoftView “has still not asserted [the continuation patents, including the ’628 Patent] against Google”). Thus, *Allani* is easily distinguishable and does not require Director Review.

IV. Conclusion

For the foregoing reasons, Google’s Request for Director Review of the Director’s decision summarily denying institution should be entirely denied.

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CERTIFICATE OF SERVICE

The undersigned certifies that pursuant to 37 C.F.R. § 42.6(e), a true copy of the foregoing **AUTHORIZED RESPONSE TO DIRECTOR REVIEW REQUEST** is being served electronically on August 27, 2026 to the following lead and backup counsel for Petitioner to the following email addresses:

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