Filed on behalf of SoftView LLC
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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. IPR2026-00284
U.S. Patent No. 7,844,889

AUTHORIZED REPLY TO PETITIONER'S SUPPLEMENTAL DISCRETIONARY DENIAL BRIEF

TABLE OF EXHIBITS

Exhibit No.	Description
2001	Complaint, *SoftView, LLC v. Samsung Electronics Co., Ltd.*, Case No. 2:25-cv-00246, Dkt. No. 1 (E.D. Tex. Feb. 28, 2025)
2002	Fifth Amended Docket Control Order, *SoftView, LLC v. Samsung Electronics Co., Ltd.*, Case No. 2:25-cv-00246, Dkt. No. 60 (E.D. Tex. Mar. 19, 2026)
2003	Second Amended Complaint, *SoftView LLC v. Apple Inc. et al.*, 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, *SoftView, LLC v. Samsung Electronics Co., Ltd.*, 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, *SoftView, LLC v. Samsung Electronics Co., Ltd.*, 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

Google's supplemental brief (Paper 9) only confirms that discretionary denial is warranted.

Google concedes that as a result of SoftView's asserted claim narrowing, "only **22** claims" including "no claims of the '729 patent" are asserted in the district court, whereas Google's IPR petitions "collectively challenge all **209** claims of the four challenged patents." Paper 9 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. *Light & Wonder v. Evolution Malta*, IPR2025-01072, Paper 30 at 3-4 (P.T.A.B. June 22, 2026) (precedential) (emphasis added). That 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." Paper 9 at 1; *see also Coretronic v. Maxell*, IPR2025-00941, Paper 10 at 3 (P.T.A.B. Sept. 26, 2025) ("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….").

Like in *Intel v. VLSI Technology*, Google "has not shown that this change in circumstance" supports instituting trial "after weighing all factors and taking a holistic view of the relevant circumstances." IPR2020-00498, Paper 21 at 4 (P.T.A.B. Dec. 18, 2020) (petitioner arguing changed circumstances because "Patent Owner 'recently narrowed its asserted claims… such that five out of the nine claims

challenged in this petition are no longer asserted in the co-pending litigation'"). Quite the opposite, SoftView's "decision to narrow the asserted claims" favors denying institution and "reveals just how far along the co-pending litigation is, with trial scheduled to proceed" in November 2026. EX2002 at 1; *Ericsson v. Pegasus Wireless Innovation*, IPR2025-00084, Paper 17 at 12 (P.T.A.B. June 6, 2025) (discretionary denial). As to *Fintiv* factor 4, despite claiming that SoftView's claim election "reduces the overlap with Google's IPR petitions," Paper 9 at 1, Google never asserts, much less shows, that "the combinations of references asserted by Petitioner in the district court" no longer "largely overlap with the combinations of references asserted in the Petition," *Intel*, IPR2020-00498, Paper 21 at 4-5.

Google asks that "the Office review the 209 claims challenged," claiming they "are all patentably indistinct from the previously cancelled claims," an issue that will be addressed by the district court. Paper 9 at 2. As SoftView explained (Papers 6 and 7), the challenged patent claims are distinct from claims of other patents Google attempts to piggyback on, and essentially the same IPR references were cited during prosecution of the '729 and '628 Patents.

SoftView's settled expectations (*e.g.*, 15.5-year-old patent), the district court trial date, and efficiency considerations all support denying institution here so that the district court may resolve the parties' "private dispute." *Magnolia Med. Techs. v. Kurin*, IPR2026-00097, Paper 17 at 6 (P.T.A.B. May 14, 2026) (precedential).

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Dated: June 30, 2026

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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 REPLY TO PETITIONER'S SUPPLEMENTAL DISCRETIONARY DENIAL BRIEF** is being served electronically on June 30, 2026 to the following lead and backup counsel for Petitioner to the following email addresses:

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