UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC,
Petitioner,

v.

ACCUSEARCH TECHNOLOGIES LLC,
Patent Owner.

IPR2026-00288
U.S. Patent No. 11,100,184

PATENT OWNER'S REQUEST FOR DISCRETIONARY DENIAL OF INSTITUTION OF PETITION FOR *INTER PARTES* REVIEW OF UNITED STATES PATENT NO. 11,100,184

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37 C.F.R. § 42.104(b)(4).....19

PATENT OWNER'S EXHIBIT LIST

Exhibit No.	Description
2001	Scheduling Order in *AccuSearch Technologies LLC v. Google LLC*, C.A. No. 25-514-GBW, Dkt. No. 34 (D. Del. Sept. 4, 2025)
2002	Joint Claim Construction Chart in *AccuSearch Technologies LLC v. Google LLC*, C.A. No. 25-514-GBW (D. Del. April 23, 2026)
2003	U.S. Patent No. 9,104,765
2004	June 27, 2017 email from noreply@google.com to gustavo@rzv-ip.com [Sealed]
2005	U.S. Patent No. 10,083,237
2006	November 2, 2017 Notice of References Cited for U.S. Pat. Appl. No. 14/841,078
2007	June 20, 2025 Motion to Dismiss in *AccuSearch Technologies LLC v. Google LLC*, C.A. No. 25-514-GBW, Dkt. No. 14 (D. Del. June 20, 2025)
2008	August 8, 2025 Motion to Dismiss in *AccuSearch Technologies LLC v. Google LLC*, C.A. No. 25-514-GBW, Dkt. No. 27 (D. Del. August 8, 2025)
2009	September 5, 2025 Opposition to Motion to Dismiss in *AccuSearch Technologies LLC v. Google LLC*, C.A. No. 25-514-GBW, Dkt. No. 37 (D. Del. September 5, 2025)
2010	September 19, 2025 Reply In Support of Motion to Dismiss in *AccuSearch Technologies LLC v. Google LLC*, C.A. No. 25-514-GBW, Dkt. No. 44 (D. Del. September 19, 2025)
2011	Invalidity Contentions in *AccuSearch Technologies LLC v. Google LLC*, C.A. No. 25-514-GBW, Dkt. No. 44 (D. Del. September 19, 2025)
2012	Declaration of Steven J. Reynolds

2013	September 25, 2017 email from noreply@google.com to gustavo@rzv-ip.com [Sealed]
2014	PTAB Default Protective Order
2015	April 30, 2026 email from David Silber to Steve Reynolds *et al*.

Patent Owner AccuSearch Technologies LLC, ("AccuSearch" or "Patent Owner") respectfully requests the Director deny institution of the Petition for *Inter Partes* Review ("Petition") filed by Google LLC ("Google" or "Petitioner") challenging claims 1-22 of U.S. Patent No. 11,100,184 ("the '184 patent").

I. INTRODUCTION

The Director should exercise his discretion and deny institution of this IPR for several reasons. First, the Petitioner filed 11th-hour IPRs as a strategic vehicle to leverage its financial ability to multiply litigation expense.

Second, Petitioner proposed claim constructions and advances indefiniteness arguments in district court that contradict its positions here. The Petition provides no explanation for the differences.

Third, Patent Owner has settled expectations in the '184 Patent. The '184 Patent issued over five years ago, on August 24, 2021. Even before the application that issued as the '184 Patent was filed, Petitioner was aware of the '184 Patent family. The '184 Patent is the seventh patent in a series of continuations dating back to 2011. [redacted] And one of Petitioner's patents from the same time period cites the original parent application as prior art.

Fourth, five of six *Fintiv* factors favor denial. Petitioner chose to litigate substantive issues in the district court, a dispositive ruling could be provided any

day, and discovery and claim construction proceedings are well underway.

Fifth, every ground in the Petition involves crucial factual issues that will require district court intervention. The ’184 Patent demonstrates objective indicia of nonobviousness, including long-felt need and commercial success. Proving this will require extensive discovery of technical and financial information going back to the early 2000s from Petitioner, Microsoft, and possibly others. This will include depositions, third party discovery, and potentially motions to compel. It would be an inefficient use of the PTAB’s resources to address these detailed factual issues.

Sixth, the Petition’s overreliance on expert testimony supports discretionary denial. Petitioners’ expert declaration is 236 pages. This extensive reliance on (and incorporation by reference of) expert testimony suggests that the validity question would be better resolved in district court.

Finally, the merits of the Petition are weak. Even relying on 2-, 3- and 4-way combinations, limitations from the independent claims appear to be missing and/or impermissibly supplied by general knowledge of a POSITA. Accordingly, the Director should exercise his discretion to deny institution.

II. PARALLEL AND OTHER PROCEEDINGS

On April 29, 2025, Patent Owner asserted the ’184 Patent, along with several related patents, in *AccuSearch Technologies LLC v. Google LLC*, Civil Action No. 1:25-cv-00514 (D. Del.). That case is currently pending in Delaware and scheduled

for trial starting April 17, 2028. Ex. 2001 [Scheduling Order], 22.

Eleven months after the litigation was filed, on March 6, 2026, Petitioner Google LLC filed IPR2026-00286, and on March 13, 2026, Petitioner filed IPR2026-00287, and IPR2026-00289 challenging related U.S. Patent Nos. 10,867,001, 10,585,959, and 11,971,937, respectively. All the IPRs are in the pre-institution phase.

III. LEGAL STANDARDS

The Director recently provided guidance on the discretionary denial framework. *Magnolia Medical Techs., Inc. v. Kurin, Inc.,* IPR2026-00097, Paper 17, at 2-4 (Director, May 14, 2026) (precedential); *see also* Interim Director Discretionary Process, October 3, 2025; Interim Processes for PTAB Workload Management, March 26, 2025 ("Memorandum").

IV. THE DIRECTOR SHOULD EXERCISE HIS DISCRETION TO DENY INSTITUTION

A. Petitioner Seeks to Use IPR Review for Strategic Purposes

Petitioner seeks to use IPR as a strategic tool. It chose to litigate substantive issues, including those addressing claim scope (*Alice* and claim construction), in district court. It only began filing IPRs at the 11th month, *after* waiting as long as possible for the district court to rule on other substantive issues it raised. Petitioner did so to leverage its unlimited litigation war chest against Patent Owner. IPR here will "expand" (indeed, multiply) costs and litigation efforts by forcing the parties

to litigate "*additional*" positions in an additional venue. *Magnolia,* IPR2026-00097, Paper 17, at 2-4. That is a "tell-tale sign that" this IPR will operate as the opposite of a cost-effective alternative. *Id.,* at 3. If Petitioner had truly sought an alternative to district court, it would have filed IPRs before seeking dispositive rulings at the district court.

On the other side of the balance, Patent Owner is a small business, and the inventor is an individual. As discussed below, the inventor filed his patent application first and Google cornered the market using his invention second—blocking him from bringing it to market. Facilitating Google's approach of disregarding overtures from the inventor, profiting from his invention, and then leveraging its financial might in litigation harms small businesses. *Cf. id.*, at 7.

B. The Petition Should Be Denied Because Petitioner Advances Inconsistent Claim Construction Positions

The Petition does not seek to construe any claim terms. Instead, it asserts only that "[c]laim terms are given their ordinary meaning in light of the specification and prosecution history," citing 37 C.F.R. §42.100(b). Pet., 4. But in the parallel district court litigation, Petitioner took a divergent position. Petitioner proposed constructions for the claim terms "selectable filtering function that, when selected by the user, causes one or more Internet search results referencing webpages that are missing one or more search term elements to be removed from

being displayed on the search results webpage on the computing device" (claims 3, 8, and 13) as "[a]n [option/function] that, when selected by the user, causes the system to display a narrowed set of search results by removing, from the original search results, references to webpages that are missing one or more terms from the user's query" and "descendant webpage[s]" as "[a] webpage in the same domain as the referenced webpage and that is reachable by clicking an outbound link on the referenced webpage." (claims 6, 11, 16-17, 20). Ex. 2002 [Joint CC Chart], 1-3. The Petition provides no explanation for the inconsistent positions.

Moreover, in its invalidity contentions, Petitioner argues that eight different terms from the '184 Patent are indefinite:

'184 patent:

- "by not opening the second webpage a faster execution is enabled for the Internet search process" / "thereby saving time and enabling a faster execution of the Internet search process" / "less time is wasted thereby enabling faster execution of the Internet search process" / "by not opening the respective referenced webpage a faster execution is enabled for the Internet search process" / "not selecting the first search result will speed the Internet search process by reducing wasted time" (claims 1, 7, 12, 17, 19);
- "performing AND operations according to search logic guidelines published by the search engine provider" / "for performing AND operations according to published search logic guidelines" (claims 7, 12, 17, 19);
- "contrary to the search logic guidelines for AND operations published by the search engine provider" / "contrary to the published search logic guidelines for AND operations" (claims 7, 12, 17, 19);
- "a font representing the text has been altered" (claim 18);
- "the text is shown with one or more lines merged with the text" (claim 18);
- "the text is shown with one or more lines superimposed thereupon" (claim 18);
- "the text is shown within a shaded area" (claim 18);
- "the text is shown with a reversed format" (claim 18).

Ex. 2011 [Invalidity Contentions], 72-73.

The Petition should be denied because these inconsistent positions are a "Misuse of [IPR]." *Magnolia*, IPR2026-00097, Paper 17, at 4. It "suggest[s] that [Google is] misleading one tribunal or the other or pursuing alternative theories under a 'wait and see' approach presumably to gain a litigation advantage and/or settlement leverage." *See, e.g., id.* (*citing Infineon Techs. Am. Corp. v. MOSAID Techs. Inc.*, IPR2025-01171, Paper 27 (Director Feb. 19, 2026)); *see also Tesla, Inc. v. Intellectual Ventures II LLC*, IPR2025-00340, Paper 18 at 3 (Director, Nov. 5, 2025) (Informative); *Revvo Techs., Inc. v. Cerebrum Sensor Techs., Inc.*, IPR2025-00632, Paper 20 at 4 (Director Nov. 3, 2025) (precedential) (improper to allow a party to pursue broader and narrower constructions for strategic benefit); *Ford Motor Company v. AutoConnect Holding LLC*¸ IPR2025-01342, Paper 27 (Director, May 12, 2026) (denying institution where Petitioner advanced inconsistent indefiniteness arguments in invalidity contentions). Petitioners have not identified why its inconsistent positions on claim construction are warranted. Pet., 7. Accordingly, institution should be denied under *Tesla* and *Revvo.*

C. The Petition Should Be Denied Because Patent Owner Has Settled Expectations In The '184 Patent

The '184 Patent was filed on December 7, 2020 and issued on August 24, 2021. Ex. 1001 ['184 Patent], (22), (45). Thus, any presumption the '184 Patent does not have settled expectations is very weak because it has been in force for

nearly five years. *See Kahoot! As v. Interstellar Inc.*, No. IPR2025-00696, Paper 12 at 2 (P.T.A.B. July 31, 2025) (denying institution based on "strong settled expectations" for a patent issued just over six years before the institution decision).

Moreover, settled expectations exist because Petitioner has long been aware of, and failed to challenge, patents in the '184 Patent's family. The '184 Patent is part of a line of continuations stretching back to U.S. Pat. Appl. No. 13/163,614 (now U.S. Pat. No. 9,104,765). Ex. 1001 ['184 Patent], (63). The relevant family relationships are shown below, with the '184 Patent highlighted:

Patent	Application	Filing Date	Issue Date
9,104,765	13/163,614	6/17/2011	8/11/2015
9,529,920	14/820,433	8/6/2015	12/27/2016
10,140,374	15/383,907	12/19/2016	11/17/2018
10,437,900	16/199,192	11/25/2018	10/8/2019
10,585,959	16/553,900	8/28/2019	3/10/2020
10,867,001	16/790,057	2/13/2020	12/15/2020
11,100,184	17/114,305	12/7/2020	4/24/2021
n/a	17/395,078	12/07/2020	Abandoned
11,971,937	18/195,882	5/10/2023	4/30/2024

Each of the continuations in this family shares a common specification with the parent '765 Patent. *Compare* Ex. 1001 ['184 Patent] *with* Ex. 2003 ['765 Patent]. *See also* Ex. 2001 [Joint CC chart], 5, n. 3 ("the '959, '001, '184, and '937 patents are members of a common patent family sharing a common specification…").

Petitioner has long been aware of patents in this family. [redacted]

The application that issued as the '184 Patent was not filed until December 7, 2020. Ex. 1001 ['184 Patent], (22). [redacted] Patent Owner has very strong settled expectations that the patents in the family are patentable.

Further, one of Petitioner's patent applications cites a patent from the '184 Patent family. On August 31, 2015, Petitioner filed U.S. App. No. 14/841,078, which issued on September 25, 2018 as U.S. Pat. No. 10,083,237. Ex. 2005 ['237 Patent]. The '237 Patent, titled "Protecting Users From Inappropriate Sensitive Or Offensive Search Results," cites on its face to U.S. Pat. Publ. No 2012/0323888. *Id.,* (56). The '888 Publication is the Prior Publication of the application that would become the '765 Patent. Ex. 2003 ['765 Patent], (65). The '888 Publication first appears on a list of references cited by the examiner dated November 2, 2017. Ex. 2006 [list of references cited for '237 Patent]. Thus, for this additional reason, Petitioner was independently aware of the '184 Patent family no later than November 2, 2017.

D. *Fintiv* Supports Discretionary Denial

Five of the six *Fintiv* factors support discretionary denial. Accordingly, the Director should exercise his discretion and deny institution.

Fintiv Factor 1 1 considers stays of the district court litigation. The district court has not stayed the case. And, under Delaware precedent, a stay is unlikely before a decision on institution. *See Omni MedSci., Inc. v. Whoop, Inc*., No. 25-140, 2025 U.S. Dist. LEXIS 264946, *6-7 (D. Del. Dec. 23, 2025) ("The general rule. . . is . . . that stays are almost never granted before [IPR] review is instituted.") (citation omitted); *Ddrops Co. v. MOM Enterprises, LLC*, C.A. No.

22-332-GBW, D.I. 108 (D. Del. Aug. 25, 2023) (oral order) ("[b]ecause no institution decision has yet been issued, the Court will decline to stay the case until it hears from the PTAB"). Even post-institution, it is unlikely a stay will be entered given Google's inconsistent claim construction positions and that it is relying on invalidity positions in the district court that are unavailable in IPRs, including extensive system art. Ex. 2011 [invalidity contentions], 8-9 (listing 11 different systems as prior art). Indeed, Google even provided charts for four different systems. *Id.*, 13-16. Thus, Fintiv Factor 1 weighs in favor of discretionary denial.

Fintiv Factor 2 considers proximity of the court's trial date to the Board's projected statutory deadline for Final Written Decision. Based on the March 13, 2026 Notice of Filing Date Accorded, a Final Written Decision is expected around September 2027. Paper 3 at 1. The trial in the district court is currently scheduled to begin on April 17, 2028. Ex. 2001 [Scheduling Order]. Thus, this factor weighs against discretionary denial.

Fintiv Factor 3 considers the Investment in the parallel proceeding by the court and the parties. The district court litigation was filed on April 29, 2025. Petitioner waited nearly 11 months to file this IPR on March 13, 2026. Paper 2 (Petition). Because of this delay, any institution decision would issue on or before September 13, 2026. Paper 3.

By September 2026, the parties and court will have expended substantial resources on this litigation. Initial disclosures, infringement contentions, and invalidity contentions have already been served. Ex. 2001 [Scheduling Order], 21. Substantial completion of document production is scheduled for May 30, 2026. Ex. 2001 [Scheduling Order], 21. All claim construction briefing will be complete and the *Markman* hearing will occur shortly afterwards, on October 21, 2026. *Id.*, 21-22. Thus, by the date for a decision on institution, a large majority of discovery and claim construction will be complete.

Moreover, Petitioner has prioritized early resolution of fact-laden motions to dismiss before the district court. Petitioner has filed two motions to dismiss under 35 U.S.C. § 101. Petitioner filed an initial motion to dismiss under § 101 on June 20, 2025. Ex. 2007. Patent Owner filed an Amended Complaint to bolster the factual record on July 11, 2025. Petitioner filed a second motion to dismiss on August 8, 2025. Ex. 2008. The current motion was fully briefed in September 2025 and a decision is imminent. Exs. 2008-2010. Because the parties and court have made, and will continue to make, a substantial investment of time and resources in litigating the district court case, Factor 3 favors discretionary denial.

Fintiv Factor 4 is the overlap between the issues raised in the Petition and in the parallel proceeding. The asserted references—Bates, Bhagat, Brinson, Mehta, Wang and Mills—are each disclosed in Petitioner's invalidity contentions as

"item[s] of prior art that invalidates each Asserted Claim of the Asserted Patents." Ex. 2011 [Invalidity Contentions], 3, 5. Petitioner even charted each reference against the '184 Patent. *Id.,* 13 (Bates and Bhagat), 14 (Brinson), 15 (Mehta and Mills), 16 (Wang). Thus, the issues raised in the Petition are a subset of the validity issues that Petitioner has raised in the related district court litigation. Because the same issues will be addressed in the litigation as in this IPR, this factor favors discretionary denial.

Fintiv Factor 5 is whether the petitioner and the defendant in the parallel proceeding are the same party. This factor favors discretionary denial because the Petitioner is the defendant in the district court litigation.

Fintiv Factor 6 is other circumstances that impact the Board's exercise of discretion, including the merits. As discussed below, the merits here are weak. *Infra*, §IV.F. In addition, as a matter of efficiency, the factual issues raised by PO's objective indicia arguments and Petitioner's overreliance on expert testimony also favor discretionary denial. *Infra*, §§ IV.D, E. Accordingly, this factor favors discretionary denial.

Because five of the six *Fintiv* factors favor discretionary denial, the Director should exercise his discretion to deny institution.

E. The Petition Should Be Denied Because Obviousness Issues Will Require Discovery That Can Be Performed More Efficiently In District Court.

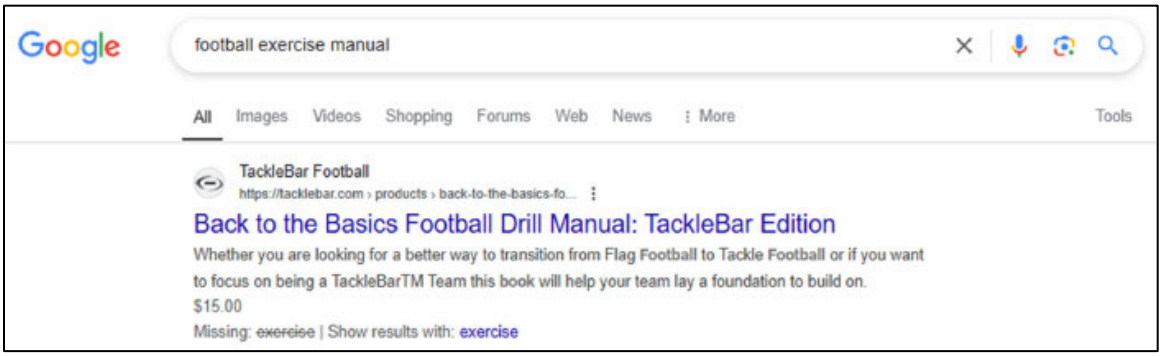
Every ground of the Petition relies on asserting obviousness. Pet., 1. Obviousness in this IPR involves crucial factual issues that the district court is best suited to address. As one example, the obviousness issues will require extensive expert testimony, given that the solutions the '184 Patent claims are unique and stand out in a crowded field of Internet Search Interface technology. As another example, as will be discussed in more detail in the Preliminary Response, the '184 Patent demonstrates objective indicia of nonobviousness, including long-felt need and commercial success. Objective indicia is a highly fact dependent analysis.

The '184 Patent claims "an interactive graphical user interface" for "an Internet search process. Ex. 1001, cls. 1, 7, 12, 17. At the time of the invention, conventional Internet search technologies had several deficiencies. For example, searches often returned irrelevant results without providing the user any way to determine whether a particular result was relevant or not. This was a common complaint at the time.

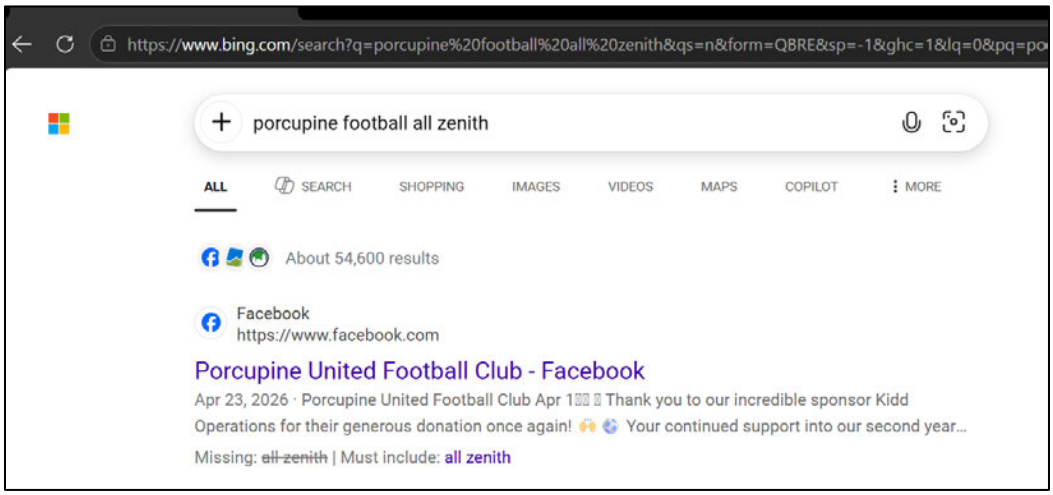
The '184 Patent solved this problem by disclosing and claiming inventions that annotate results to show when some, or all, of the search terms entered by a user are missing from the webpage located at a URL returned by the Internet search and presented on the search results page. *See, e.g.,* Ex. 1001, cl. 1 ("wherein

the second search result grouping is comprised of an annotation showing the at least one search term element missing in the second webpage"). That is, the '184 Patent claims and discloses that search result would display which search terms are missing in the webpage returned by the result.

The '184 Patent also solved a problem related to the ability of search engines to refine user's searches (e.g., by removing search terms) that led to unprecedented commercial success. Petitioner was an early adopter of the technology disclosed in the patent:



Microsoft Bing followed:



Despite months of discovery, Petitioner claims to only have been able to locate approximately 13 documents related to its decision to implement the patented technology. Ex. 2012 [Reynolds Decl.], ¶¶ 1-2. Petitioner has produced no documents related to the Hummingbird project that implemented the claimed invention. Court intervention may be necessary to compel Petitioner's cooperation. Deposition discovery of Petitioner will also be necessary to fill in holes where documents no longer exist. And, Petitioner has taken the position that using documents produced in the litigation for this IPR "would violate the Protective Order" in the litigation, creating another discovery hurdle for pursuing objective indicia in this IPR. Ex. 2015.

Similar discovery will be necessary in connection with Microsoft Bing, and other adopters. Further, "The breadth of a court's scrutiny over patent validity is greater than the Office's in an [IPR]." *Magnolia,* IPR2026-00097, at 6. The standard for third-party discovery is high before the PTAB. *Garmin International, Inc. et al. v Cuozzo Speed Technologies LLC*, IPR2012-00001, Paper 26 at 5 (PTAB March 5, 2013) (IPR discovery "limited as compared to that available in district court litigation."). And it may be difficult to complete in the limited statutory time frame.

In sum, extensive discovery will be necessary in connection with objective indicia of non-obviousness (e.g., long-felt need and commercial success). This

discovery will likely include confidential financial information of Petitioner and third-party Microsoft dating back over a decade. Petitioner and Microsoft may need to be compelled to cooperate. The finite resources of the PTAB would be better allocated on IPRs that lack the fact-intensive objective indicia issues present in this IPR. Thus, the Director should decline institution because these fact-intensive issues would be better resolved by a district court.

F. The Petition's Overreliance on Expert Testimony Supports Discretionary Denial

The Memorandum instructs parties "to address all relevant considerations" bearing on discretionary denial, including "[t]he extent of the petition's reliance on expert testimony." Memorandum, 2. "[A]s a matter of efficiency, extensive reliance on expert testimony … may suggest that the questions are better resolved in an Article III court."[1] The PTAB explains as follows:

> While the Board may consider expert testimony, as a matter of efficiency, extensive reliance on expert testimony and/or reasonable disputes between experts on dispositive issues may suggest that the questions are better resolved in an Article III court. The statute and our reviewing court require that petitions be based on prior art patents and printed publications. As the judges have technical and legal expertise, it is not necessary for an expert to explain every aspect of

[1] *Available at* https://www.uspto.gov/patents/ptab/faqs/interim-processes-workload-management ("Interim Processes FAQs") at 22.

> the prior art. It is most helpful if an expert is providing focused testimony, for example to provide helpful context or to explain terms of art. The failure to provide focused expert testimony may weigh against institution.

Id.

The Bederson Declaration is 236 pages long. Ex. 1003 [Bederson Decl.]. This is more than twice the length of the already-lengthy 107-page Petition. And the Petition relies on the Bederson declaration extensively. A word search of the Petition for "Bederson-Decl." returned 211 citations to the declaration, exclusive of shorthand citations using *id.* In many places, multiple paragraphs are cited without explaining why they are relevant. *See, e.g.,* Pet., 3, 4.

In many places, the Petition relies exclusively on the Bederson Declaration to incorporate arguments by reference. For example, the Petition's entire section on level of ordinary skill is one sentence that states "POSAs would have had a bachelor's degree in computer science or a related field, plus at least two years of industry or graduate-level experience with designing user interfaces for Internet search engines. Bederson-Decl., ¶¶33-37." Pet., 4. To support this sentence, the Petition incorporates five paragraphs from Dr. Bederson's declaration containing analysis and argument regarding level of ordinary skill. Ex. 1003 [Bederson-Decl.] ¶¶33-37. In doing so, the Petition incorporates Dr. Bederson's testimony by

reference in violation of 37 C.F.R. § 42.6(a)(3). ("Arguments must not be incorporated by reference from one document into another document. … .").

In other places, the Petition incorporates Dr. Bederson's testimony to explain the background knowledge of a POSA. *See, e.g.,* Pet., 16 ("POSAs knew that in user interface design there are benefits to reducing users' mental-processing load, including by eliminating even small mental tasks elicited by the interface design. Bederson-Decl., ¶¶91-92 (citing EX1066, 73-75, 80)." But the Petition provides no explanation of the contents of Dr. Bederson's opinions or Ex. 1066 cited therein. Similar examples exist throughout the Petition. *See, e.g.,* Pet., 17, 45. Thus, Petitioner is over-relying on Dr. Bederson.

Dr. Bederson's 236-page expert report does not "provid[e] focused testimony" such as "to provide helpful context or to explain terms of art." Interim Processes FAQs at 22. Instead, it serves to expand the arguments in the Petition by incorporating new arguments and evidence throughout the Petition. Petitioner's "failure to provide focused expert testimony" thus weighs against institution. *Id.*

G. The Weakness of the Petition's Merits Further Supports Discretionary Denial

As will be explained in further detail in the preliminary response, the merits of the Petition are particularly weak. First, each of the eight grounds is an obviousness ground relying on 2-, 3-, or 4-way combinations of six different

references. Pet., 1. Many claims require 3- or 4-way combinations of six different references. This underscores that the claims are significantly different than any of the asserted references individually.

While Ground 1A alleges that "Bates, by itself … renders obvious claims 1-2, 6-7, 11-12, 16 ," (Pet., 5), Petitioner's allegation is based on combining Bates with alleged general knowledge of a POSITA. *See, e.g.,* Pet., 15 ("another obvious implementation would have simply used the color-coded search terms themselves as correlation indicators."). That is, Petitioner does not identify any disclosure in Bates of the limitation requiring "an annotation showing the at least one search term element missing in the second webpage …, and wherein the annotation is comprised of a text representing the at least one search term element." (Ex. 1001, cl. 1). Rather, the Petition alleges it would be obvious to a POSITA to supply this completely missing limitation in combination with Bates. General knowledge of a POSITA may not be used to supply missing limitations under 37 C.F.R. § 42.104(b)(4) *See* Memorandum on Enforcement and Non-Waiver of 37 C.F.R. § 42.104(b)(4).

The Petition fails to explain how Bhagat fills this gap. Pet., 34-35. Bhagat's strikethrough appears in a *suggested alternate query* generated after the user's original query returned no results. *See* Pet., 12. In other words, it tells the user how the query could be relaxed, not which search terms are absent from each referenced

webpage as required by the claims. Ex. 1011 at 8:16–34, Fig. 2. Google therefore is taking Bhagat's disclosure of queries that "remove a search term from the [ ] search query" (*id.*, 8:29-34) and assigning it the different meaning "missing from the referenced webpage" to allegedly disclose the claim requirement.

Ground 2A suffers from the same defect. The petition does not demonstrate that Wang annotates missing search terms. Pet., 88. Nor does the petition explain how Mills supplies limitation [1G]. Pet., 88. Rather, the Petition relies on Mills' display of an *altered* search string as the heading for a group of results, with the strikethrough labeling the term Mills removed from the *query* used to generate that group. *See* Pet., 74 (citing Ex. 1006 at 6:43–46). *See also* Ex. 1006 at 6:33-43, Fig. 2. Thus, the weakness of the merits further supports discretionary denial.

V. CONCLUSION

For all the foregoing reasons, Patent Owner respectfully requests the Director to exercise discretion and deny the Petition.

Dated: May 18, 2026

Respectfully submitted,

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CERTIFICATE OF COMPLIANCE

Pursuant to 37 C.F.R. § 42.24(d) and the Interim Director Discretionary Process § II.C.iii, the undersigned certifies that this Brief in Support of Discretionary Denial complies with the type-volume limitations of those sections because it contains no more than 20 pages.

Dated: May 18, 2026

Respectfully Submitted,

By: / *Stephen McBride* /
Stephen McBride
USPTO Reg. No. 78,396

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing PATENT OWNER'S REQUEST FOR DISCRETIONARY DENIAL OF INSTITUTION OF PETITION FOR *INTER PARTES* REVIEW OF UNITED STATES PATENT NO. 11,100,184 was served electronically via email on May 18, 2026, on the following counsel of record for Petitioners:

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