

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PALO ALTO NETWORKS, INC.,
Petitioner,

v.

QOMPLX LLC,
Patent Owner.

Case IPR2026-00371
Patent 12,143,425

PATENT OWNER'S DISCRETIONARY DENIAL BRIEF

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2005	First Amended Docket Control Order, <i>Qomplx LLC v. Palo Alto Networks, Inc.</i> , No. 2:25-cv-00913 (E.D. Tex.) (ordered Jan. 3, 2026) [Docket Control Order]
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2009	Plaintiff Qomplx LLC’s Sur-Reply Claim Construction Brief, <i>Qomplx LLC v. Microsoft Corporation</i> , No. 1:25-cv-01383 (W.D. Tex.) (served May 11, 2026)

I. INTRODUCTION

Institution should be discretionarily denied for two independent reasons.

First, Petitioner's claim construction position in the Petition is inconsistent with its claim construction position in a parallel district court proceeding (the "District Court Action"). Here, Petitioner asks the Board to apply the plain and ordinary meaning of the challenged claim terms. In the District Court Action, by contrast, Petitioner contends that 20 claim terms and limitations are indefinite and/or means-plus-function indefinite. In Petitioner's view, not only is *every* claim indefinite, nearly *every limitation* of every claim is indefinite. Petitioner does not attempt to reconcile its inconsistent claim construction positions. Indeed, Petitioner does not even disclose the inconsistency. These failures violate the Director's decisions in *Revvo*, *Tesla*, *Terumo*, and *Ford*. And, just as in each of those decisions, institution here too should be denied. Section II.A, *infra*.

The *Fintiv* factors independently favor denial. The District Court Action is not stayed, no stay has been sought, and a stay is unlikely because the litigation involves four patents and numerous invalidity theories that would remain regardless of institution. Trial is scheduled approximately three-and-a-half months before the projected FWD, and the parties will have completed substantial claim construction work by the institution deadline. PAN's stipulation would not eliminate the district court validity dispute; it would merely add a separate

Maturana-Kashyap challenge in a second forum. The parties are identical, and PAN's inconsistent claim construction positions confirm that institution would permit Petitioner to pursue incompatible theories in parallel. Considered holistically, the factors demonstrate that institution would result in duplicative proceedings and expenditures rather than provide an efficient alternative to litigation. *See* Section II.B, *infra*.

II. INSTITUTION SHOULD BE DISCRETIONARILY DENIED.

A. The Petition Should Be Denied Because Petitioner Does Not Disclose Or Reconcile Its District Court Position That 20 Claim Terms Are Indefinite.

In the Petition, Petitioner “proposes the same constructions for common claim terms that Microsoft proposed in IPR2026-00298 and the district court litigation, and that Petitioner proposed in IPR2026-00363” and argues that the other “claim terms should be given their plain and ordinary meaning.” Pet., 8. This “plain and ordinary meaning” position, however, is entirely inconsistent with Petitioner’s position in the district court where it contends that multiple claim terms are “[i]ndefinite” and/or “[m]eans-plus-function indefinite” under 35 U.S.C. § 112. Ex. 2004 [Preliminary Invalidity Contentions] 116-19.

The '425 patent is asserted in *Qomplx LLC v. Palo Alto Networks, Inc.*, No. 2:25-cv-00913 (E.D. Tex.) (the “District Court Action”). There, Petitioner argues that **20** claim terms and limitations in the '425 patent are “[i]ndefinite” and/or

“[m]eans-plus-function indefinite”:

In The District Court Action—But Not The Petition—Petitioner Maintains That 20 Limitations Are “Indefinite”/“Means-plus-function Indefinite”		
Claim Term	Petitioner’s § 112 Assertion	Claims
“first computer system of the first plurality of computer systems is configured to execute software instructions that: receive a first stream of data, process first portions of the first stream of data by applying a first transformation pipeline to the first portions of the first stream of data to generate first pipeline output messages, and transmit the first pipeline output messages”	Means-plus-function indefinite	All claims
“a second computer system of the first plurality of computer systems is configured to execute second software instructions that: process first portions of the first pipeline output messages by applying a second transformation pipeline to the first portions of the first pipeline output messages”	Means-plus-function indefinite	All claims
“third computer system is configured to execute third software instructions that: process the first data to determine information about at least one of the first transformation pipeline and the second transformation pipeline, monitor at least a portion of the execution of at least one of the first software instructions and the second software instructions in accordance with the determined information, and in response to the monitoring, cause a fourth computer system of the third plurality of computer systems to execute fourth software instructions...”	Means-plus-function indefinite, Indefinite	All claims
“fourth computer system of the third	Means-plus-	All claims

plurality of computer systems to execute fourth software instructions that perform at least one of: processing second portions of the first stream of data by applying the first transformation pipeline to the second portions of the first stream of data, or processing second portions of the first pipeline output messages by applying a second transformation pipeline to the second portions of the first pipeline output messages”	function indefinite, Indefinite	
“portion of the distributed computational graph describes a flow of data from the first transformation pipeline to an input of the second transformation pipeline”	Means-plus-function indefinite, Indefinite	All claims
“first data represents a portion of a distributed computational graph”	Means-plus-function indefinite, Indefinite	All claims
“monitor at least a portion of the execution of at least one of the first software instructions and the second software instructions in accordance with the determined information”	Indefinite	All claims
“respective second data represents at least a respective portion of the distributed computational graph”	Means-plus-function indefinite	Claim 4
“first software instructions transmit the first pipeline output messages according to the flow of the distributed computational graph”	Means-plus-function indefinite	Claim 4
“transmit the first pipeline output messages according to the flow of the distributed computational graph”	Indefinite	Claim 4
“third software instructions are further configured to monitor at least a portion of the execution of at least one of the first software instructions and the second software instructions, to identify a	Means-plus-function indefinite, Indefinite	Claim 5

transformation pipeline that causes at least one of the first computer system and the second computer system to transmit information that is outside established data stability boundaries”		
“monitor at least a portion of the execution of at least one of the first software instructions and the second software instructions”	Indefinite	Claim 5
“identify a transformation pipeline that causes at least one of the first computer system and the second computer system to transmit information that is outside established data stability boundaries”	Indefinite	Claim 5
“outside established data stability boundaries”	Indefinite	Claim 5
“distinct” with respect to two “computer systems”	Indefinite	Claims 1, 3
“software instructions that: receive...”	Means-plus-function indefinite	All claims
“software instructions that: process...”	Means-plus-function indefinite	All claims
“software instructions that: perform...”	Means-plus-function indefinite	All claims
“software instructions transmit...”	Means-plus-function indefinite	Claim 4
“software instructions are further configured to monitor...”	Means-plus-function indefinite	Claim 5

Ex. 2004 [Preliminary Invalidity Contentions] 116-19.

Indeed, Petitioner not only maintains that every claim is indefinite but that nearly every limitation of every claim is indefinite. Limitations alleged by Petitioner to be indefinite in just independent claim 1, from which all other claims depend, are highlighted below:

**Claim 1 Limitations Petitioner Contends Are
Indefinite In The District Court Action**

What is claimed is:

1. A system comprising:

a distributed computing network comprising a first plurality of computer systems, a second plurality of computer systems, and a third plurality of computer systems,

wherein a first computer system of the first plurality of computer systems is configured to execute first software instructions that:

receive a first stream of data,

process first portions of the first stream of data by applying a first transformation pipeline to the first portions of the first stream of data to generate first pipeline output messages, and

transmit the first pipeline output messages;

wherein a second computer system of the first plurality of computer systems is configured to execute second software instructions that:

process first portions of the first pipeline output messages by applying a second transformation pipeline to the first portions of the first pipeline output messages;

wherein a third computer system of the second plurality of computer systems comprises a memory that stores a first data,

wherein the first data represents a portion of a distributed computational graph,

and wherein the portion of the distributed computational graph describes a flow of data from the first transformation pipeline to an input of the second transformation pipeline;

wherein the third computer system is configured to execute third software instructions that:

process the first data to determine information about at least one of the first transformation pipeline and the second transformation pipeline,

monitor at least a portion of the execution of at least one of the first software instructions and the second software instructions in accordance with the determined information, and

in response to the monitoring, cause a fourth computer system of the third plurality of computer systems to execute fourth software instructions that perform at least one of:

processing second portions of the first stream of data by applying the first transformation pipeline to the second portions of the first stream of data, or

processing second portions of the first pipeline output messages by applying a second transformation pipeline to the second portions of the first pipeline output messages.

Although Petitioner served its invalidity contentions on January 12, 2026, four months before filing its Petition, Petitioner does not disclose its position that 20 claim limitations are indefinite and instead states that “the claim terms should be given their plain and ordinary meaning under *Phillips v. AWH Corp.*, 415 F.3d 1303, 1312-13 (Fed. Cir. 2005).” Pet., 8. While Petitioner discloses *Microsoft’s* claim construction positions in an IPR petition challenging a related patent, Petitioner makes no mention of its own district court position. *Id.*, 8-15.

Petitioner’s approach violates the Director’s precedential decision in *Revvo* and several informative decisions applying it. In *Revvo*—decided over six months *before* the Petition was filed—the Director explained that while “the Board’s trial rules ‘do not necessarily prohibit petitioners from taking inconsistent claim construction positions before the Board and a district court,’” a petitioner that advances different positions “should, at a minimum, explain why alternative positions are warranted.” *Revvo Techs., Inc. v. Cerebrum Sensor Techs., Inc.*, IPR2025-00632, Paper 20, 3-5 (Nov. 3, 2025) (precedential) (“*Revvo*”) (quoting *Cambridge Mobile Telematics, Inc. v. Sfara, Inc.*, IPR2024-00952, Paper 12, 8-9 (Dec. 13, 2024) (informative)). Such inconsistent positions are disfavored, and the Director has made clear that “a petitioner should pick one [construction], and one consistent with its asserted District Court position.” *Infineon Techs. Am. Corp. v. Mosaid Techs. Inc.*, IPR2025-01456, Paper 27, 3-4 (Mar. 17, 2026).

Tesla is instructive. There, the Director denied institution where the petitioner argued a term was indefinite in the district court while telling the Board that “no claim term requires express construction.” *Tesla, Inc. v. Intellectual Ventures II LLC*, IPR2025-00340, Paper 18, 3-4 (Nov. 5, 2025) (informative). The Director found that “Petitioner’s statement that it cannot raise indefiniteness challenges in an *inter partes* review is not a sufficient explanation” as that “statement amounts to an assertion that a petitioner should be permitted to raise

inconsistent invalidity challenges in the two forums.” *Id.*, 3. The Director found that “denial of institution is appropriate” as “[a]llowing a petitioner to advance a claim construction before the Board when that petitioner has made inconsistent indefiniteness arguments in district court fails to further, but instead detracts from, the Office’s goal of ‘providing greater predictability and certainty in the patent system.’” *Id.*, 4 (quoting *Revvo*, 4-5).

The differences between this case and *Tesla* only strengthen the case for denial here. *Tesla* involved a contention that a single claim term is indefinite; here, Petitioner maintains that 20 different limitations are indefinite and/or means-plus-function indefinite in the district court. In *Tesla*, the petitioner offered an explanation for its inconsistent positions, albeit an insufficient one; here, Petitioner’s inconsistent position is not even disclosed. Moreover, the *Tesla* petitioner filed its petition before *Revvo* and *Tesla* had issued. Here, Petitioner filed its Petition more than six months after both decisions expressly precluded Petitioner’s approach.

The Director has reached the same result even where a petitioner first advances its inconsistent indefiniteness position after institution. As the Director explained in *Terumo*:

Petitioner knew that, consistent with Board precedent, it cannot take different positions on claim construction in the district court and

at the Board without an adequate explanation. Nonetheless, Petitioner did not heed that caution. Instead, at its first opportunity after institution was granted in these IPRs, Petitioner—whom I note is represented by the same counsel here and in district court—advanced indefiniteness contentions in the district court litigation that are different from Petitioner’s proposed “plain and ordinary meaning” constructions in these IPRs. ...

Petitioner’s assertion that the term “controller” is not in controversy in these IPRs and so it was not required to construe the term in the Petitions is an inadequate justification for the different positions. ***As I have stated repeatedly, a petitioner should present a single construction and apply that construction consistently before the Board and the district court.***

Terumo BCT Inc., v. Haemonetics Corp., IPR2025-01374, Paper 20, 3-5 (May 12, 2026) (informative) (citations omitted); *see also id.*, 5 (“I would not have instituted these IPRs in the first instance had Petitioner engaged in this strategic litigation-style behavior before institution.”). Here, as in *Terumo*, PAN is represented by the same counsel in both the district court and before the Board.

Similarly, in *Ford*, the Director vacated the notices granting institution where the petitioner served post-institution invalidity contentions asserting that the challenged claims were indefinite and then offered to withdraw those contentions but only after Patent Owner brought the inconsistency to the Office’s attention:

In its briefing, Petitioner states that it will stipulate to withdraw all indefiniteness arguments against the challenged patents from the related litigation if the Board agrees to maintain and not vacate institution of these IPRs. Paper 16, 2. This stipulation, which Petitioner offered only *after* Petitioner’s actions ran afoul of *Revvo* and *Tesla* and only *after* Patent Owner brought those actions to the Office’s attention, is insufficient. Accordingly, the appropriate course of action is to grant Director Review, vacate the Notices granting institution, and deny institution.

Ford Motor Co. v. AutoConnect Holdings LLC, IPR2025-01342, Paper 27, 3-4 (May 12, 2026) (informative); *id.*, 4, n.3 (“Had Petitioner presented these different claim constructions before institution, these IPRs would not have been instituted.”); *see also TikTok, Inc. v. Shopsee, Inc.*, IPR2025-01485, Paper 13, 2-3 (Jan. 16, 2026) (informative) (denying institution where petitioner failed to disclose district court indefiniteness positions and rejecting stipulation to drop indefiniteness arguments). Here, just as in *Ford*, it is Patent Owner that is raising Petitioner’s inconsistent positions to the Office’s attention.

Even prior to the Director’s decisions in *Revvo* and *Tesla*, Petitioner’s approach was insufficient. In *Cambridge*, the petitioner argued in the district court that the “component” terms were means-plus-function limitations, but did “not address the issue” in the petition, “merely provid[ing] a footnote to state its litigation position.” *Cambridge Mobile Telematics, Inc. v. Sfara, Inc.*, IPR2024-

00952, Paper 12, 7-8 (Dec. 13, 2024) (informative). As the Board explained:

Under these facts we determine that 37 C.F.R. § 42.104(b)(3) mandates that the Petition “identify the specific portions of the specification that describe the structure, material, or acts corresponding to each claimed function.” The Petition failed to do so. At a minimum, the Petition should have explained why the plain and ordinary meaning of the “component” terms should apply in this proceeding (why the inconsistent positions are warranted) or set forth an alternative means-plus-function claim construction. CTPG 45.

Id., 8. Here too, Petitioner failed to satisfy 37 C.F.R. § 42.104(b)(3) because it neither explained why 35 U.S.C. § 112(f) does not apply nor provided the required alternative means-plus-function constructions.

Thus, it has long been clear that a petitioner may not maintain a claim term is indefinite in the district court without disclosing and reconciling that position with its IPR position. Here, in the District Court Action, Petitioner maintains that 20 claim terms are indefinite but it does not even mention those positions in the Petition. Therefore, under *Revvo*, *Tesla*, *Terumo*, *Ford*, *TikTok*, and *Cambridge*—all decided long before the Petition was filed—institution should be denied.

B. The Petition Should Be Denied Under *Fintiv*.

The *Fintiv* factors strongly favor denial. The District Court Action will proceed to trial before any FWD, there is no realistic prospect of a stay, the parties will have made substantial investments by the time of the institution decision, and

PAN's limited stipulation would not prevent institution from adding a second validity proceeding while PAN maintains incompatible claim-construction positions in the two forums.

1. There Is No Stay Or Likelihood Of One (Factor 1).

The District Court Action is not stayed, and Petitioner has neither sought nor indicated that it will seek a stay. That alone weighs against institution.

Nor is a stay, even if sought, likely. Trial is scheduled for August 16, 2027, three-and-a-half months before the final written decision ("FWD") will be due. Ex. 2005 [Docket Control Order] 1. PAN delayed until nine months after the complaint was filed (August 2025) to file the Petition on May 26, 2026. The District Court Action involves four asserted patents. The other three patents were already challenged by Microsoft when PAN filed its "copycat" joinder petitions in May 2026. For two of those three patents, PAN delayed yet another two months to file two more serial petitions, challenging the same patents under the same art, simply adding a handful of dependent claims. Those petitions will have final written decision deadlines of late January 2028, over five months after the trial. And Microsoft's petition against the final asserted patent, the '663, was denied on the merits, virtually guaranteeing that PAN's "copycat" petition to that patent will be denied as well. Institution therefore would not resolve validity in the District Court Action and would not eliminate the need for a trial.

Moreover, PAN's invalidity arguments are much more expansive in the District Court Action than in the IPRs. Ex. 2004 [Preliminary Invalidity Contentions] 20, 43-47. Indeed, PAN relies upon 11 prior art systems and products in the District Court Action for anticipation alone. *Id.*, 20. The District Court Action is pending before Judge Gilstrap, and a stay is unlikely in such circumstances. *See, e.g., Lionra Techs. Ltd. v. Cisco Sys., Inc.*, No. 2:24-CV-00097-JRG, 2025 U.S. Dist. LEXIS 80719, at *3-11 (E.D. Tex. Apr. 28, 2025) (Gilstrap, J.) (denying stay pending IPR where the "final written decision, which could be subject to further appeals, is not due until a date more than five months after the jury trial is set to begin" and "the IPR only covers a portion of Defendant's invalidity arguments").

Here, where there is no stay and any stay is speculative and unlikely, allowing this IPR to proceed in parallel would be wasteful and inefficient.

2. The District Court Trial Is Scheduled Prior To The Projected FWD Deadline (Factor 2).

Factor 2 strongly favors denial because the district court trial is scheduled to occur before the projected final written decision ("FWD") deadline.

Here, the FWD will be due around December 2, 2027. By contrast, the District Court Action is scheduled to go to trial on August 16, 2027, three-and-a-half months earlier. *See* Ex. 2005 [Docket Control Order] 1. And, as discussed

above, the final written decision for Microsoft’s two follow-on petitions will have final written decision deadlines of around January 21, 2028, over five months after the trial. The trial date is, moreover, consistent with Judge Gilstrap’s median time to trial of 21 months (Ex. 2006 [Gilstrap Time to Trial]), which would place the trial date in late May 2027.

The former Acting Director has recognized that “it will be inefficient to maintain two parallel proceedings when the district court scheduled trial date and the projected final written decision due date are in close proximity.” *Shenzhen Tuozy Tech. Co., Ltd. v. Stratasy, Inc.*, IPR2025-00354, Paper 11, 2 (June 12, 2025). That inefficiency is even more pronounced where, as here, the trial is scheduled to precede the Board’s decision altogether.

Indeed, even where a district court trial date is scheduled to occur after a projected FWD, this factor still favors denial where the parties have meaningfully invested in the district court proceeding. *Adv. Micro Devices, Inc. v. Concurrent Ventures, LLC*, IPR2025-00223, Paper 9, 2 (June 12, 2025) (“*Concurrent*”) (“Even though a district court trial date that occurs after a projected final written decision date reduces the possibility of conflicting decisions, that benefit does not outweigh the efficiencies gained by avoiding parallel proceedings in this instance because of the parties’ meaningful investment in the district court proceeding discussed above.”). Here, as further discussed in the next section, the District Court Action

will be well advanced by the time of the institution decision, with the parties already exchanging contentions and preliminary claim constructions by that time.

Factor 2 therefore strongly favors discretionary denial.

3. The Parties Have Expended Significant Resources In The District Court Action (Factor 3).

Factor 3—“investment in the parallel proceeding by the court and the parties”—favors denial. *Apple Inc. v. Fintiv, Inc.*, IPR2020-00019, Paper 11, 5-6 (Mar. 20, 2020) (precedential).

The District Court Action is advanced. PAN served extensive invalidity contentions on January 12, 2026. Ex. 2004 [Preliminary Invalidity Contentions]. By the December 2, 2026 institution decision deadline, substantial claim construction work will be completed. The parties will exchange proposed claim terms on September 28, 2026 and preliminary constructions on October 19, 2026, and filed their Joint Claim Construction Statement on November 9, 2026. Ex. 2005 [Docket Control Order] 4.

Moreover, the claim construction proceedings in this IPR will likely be informed by the claim construction proceedings in *Qomplx LLC v. Microsoft Corporation*, No. 1:25-cv-01383 (W.D. Tex.) (“Microsoft Action”), involving related U.S. Patent No. 12,143,424. Here, PAN recognizes, “the claims of the ’424 patent contain many of the same elements and claim terms as the ’425 patent” and

proposes “the same constructions for common claim terms that Microsoft proposed in IPR2026-00298 and the [Microsoft Action].” Pet., 8. The claim construction of many terms present in the ’425 patent—“distributed computational graph,” “transformation,” “pipeline,” and “transformation pipeline”—have already been briefed as to the ’424 patent in the Microsoft Action. *See, e.g.*, Exs. 1019, 2007, 2008, 2009. Thus, PAN has opted to tie its claim construction positions in this IPR to the Microsoft Action where the parties have already completed claim construction briefing.

The then-Acting Director has treated infringement and invalidity contentions and claim-construction proceedings as meaningful investments under Factor 3. Likewise, Factor 3 “strongly favor[ed] discretionary denial” where the parties had served extensive infringement and invalidity contentions, filed claim construction briefs, and the court construed disputed claim terms. *Motorola Sols., Inc. v. Stellar, LLC*, IPR2024-01205, Paper 19, 3 (Mar. 28, 2025); *Concurrent*, 2 (favoring denial where “parties have exchanged infringement and invalidity contentions”).

Although the claim-construction hearing here is scheduled shortly after the anticipated institution decision, the parties have already exchanged detailed contentions and will have completed substantial portions of the claim-construction process. Thus, Factor 3 favors denial.

4. PAN's Stipulation Does Not Establish That Institution Would Simplify The Parallel Litigation (Factor 4).

In *Magnolia*, the Acting Director explained that, even when the prior art and arguments presented in district court are “substantially different” from those presented before the Board, an AIA review may merely provide the petitioner with additional Section 102 and 103 arguments. *Magnolia Med. Techs., Inc. v. Kurin, Inc.*, IPR2026-00097, Paper 17, 3 (May 14, 2026) (precedential). In that circumstance, “the parties spend more time and resources litigating patent validity,” contrary to Congress’s intent that AIA review “narrow disputes—not create another forum where litigation can be expanded.” *Id.*, 3-4.

Here, although PAN elected not to identify Barsness, Chakradhar, or Siripurapu in its invalidity contentions, PAN will continue litigating the validity of asserted claim 1 in district court based on numerous patent, publication, and system-art theories. Its contentions identify extensive combinations involving, among other things, Borealis, Apache Storm, Apache Flink, Apache Samza, Apache Tez, Apache Spark Streaming, IBM Infosphere, Apache Kafka, Apache Airflow, Amazon Kinesis, and other references and systems. Ex. 2004 [Preliminary Invalidity Contentions] 20. Moreover, in its Invalidity Contentions, PAN explicitly “reserves the right to amend or supplement its contentions” and “to modify or further supplement its prior art list and contentions.” *Id.*, 2. The

proposed IPR would not replace that litigation; it would add Barsness-based challenges in a second forum.

PAN's stipulation thus reduces the possibility that identical grounds will be adjudicated twice, but it does not eliminate the district-court validity dispute, reduce the parties' litigation expenditures, or convert this IPR into an alternative to litigating validity in the district court. Factor 4 therefore is neutral and does not offset the other factors favoring denial.

5. The Petitioner And The Defendant In The District Court Action Are The Same (Factor 5).

Factor 5 strongly favors denial because the Petitioner is the defendant in the District Court Action.

6. Petitioner's Undisclosed And Inconsistent Claim Construction Positions Favor Denial (Factor 6).

Factor 6 strongly favors denial. Petitioner filed the Petition without disclosing or reconciling its preexisting district court position that 20 claim terms and limitations are indefinite and/or means-plus-function indefinite, while asking the Board to apply their plain and ordinary meaning in its IPR Petition. *See* Section II.A, *supra*. As *Revvo* and *Tesla* make clear, allowing a petitioner to pursue such inconsistent positions undermines the Office's goal of providing predictability and certainty in the patent system. Institution therefore would permit PAN to pursue incompatible claim-scope positions in parallel forums, undermining

rather than advancing the efficiency and integrity of the system.

III. CONCLUSION

For the foregoing reasons, Patent Owner respectfully requests that institution be denied under 35 U.S.C. § 314(a).

Respectfully submitted,

/ Kenneth J. Weatherwax /
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Date: August 3, 2026

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the following documents were served
by electronic service, by agreement between the parties, on the date below:

PATENT OWNER'S DISCRETIONARY DENIAL BRIEF

EXHIBITS 2004-2009

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Respectfully submitted,

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Date: August 3, 2026