

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOODNOTES LIMITED,

Petitioner

v.

MYSCRIPT SAS,

Patent Owner.

IPR2026-00388
U.S. PATENT NO. 10,410,316

BRIEF IN SUPPORT OF PATENT OWNER'S REQUEST FOR
DISCRETIONARY DENIAL

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2001	Docket Control Order, <i>MyScript SAS v. Goodnotes Limited</i> , No. 2:25-cv-00532-JRG-RSP (E.D. Tex. Oct. 8, 2025), Dkt. No. 15
2002	Excerpts from Defendant Goodnotes Limited's Invalidity Contentions and Subject-Matter Eligibility Contentions
2003	Director's Memorandum on <i>Interim Processes for PTAB Workload Management</i> (Mar. 26, 2025)
2004	Excerpts from Goodnotes's Responsive Claim Construction Brief

I. INTRODUCTION

Patent Owner respectfully requests that the Director exercise discretionary denial of institution of the Petition for *inter partes* review (“Petition”), filed by Goodnotes Limited (“Petitioner”), challenging claims 1-9 (the “Challenged Claims”) of U.S. Patent No. 10,410,316 (the “’316 patent”). The Director should exercise discretion to deny institution under 35 U.S.C. § 314 and § 325(d), the *Advanced Bionics* factors, *Fintiv* factors, and the Director’s March 11, 2026 Memorandum “Additional Discretionary Institution Considerations – U.S. Manufacturing and Small Business Use of AIA Proceedings.”

The Petition does not warrant the expenditure of the Board’s limited resources. The Petition relies substantially on prior art that was already before the Examiner during prosecution of the ’316 patent, fails to demonstrate any material error by the Office, and was filed more than 14 months after the parallel district court litigation commenced, well after the litigation had progressed to an advanced stage. The Director should deny institution for several independent and compelling reasons.

First, Petitioner incorrectly asserts that “[t]wo of the references, Li and Kang, are new references which were not presented before the Examiner during patent prosecution.” Pet. at 17. This is wrong. Kang (U.S. Patent Application Publication No. US2014/0300609 A1) was listed as one of the U.S. Patent Documents in the Notice of References Cited attached to the Examiner’s Final Action dated April 18,

2018. *See* Notice of References Cited. Ex. 1004 at 79. Two of Petitioner’s three references—Cleary and Kang—were thus before the Examiner.

Second, Petitioner incorrectly asserts that “[a] trial date has not been set for the co-pending litigation.” Pet. at 54. In fact, the Court entered its Docket Control Order on October 8, 2025, more than nine months before the Petition was filed, setting trial for March 1, 2027. *See* Docket Control Order, *MyScript SAS v. Goodnotes Limited*, No. 2:25-cv-00532-JRG-RSP (E.D. Tex. Oct. 8, 2015), Dkt. No. 15 (Ex. 2001). Trial is set approximately eleven months *before* the projected PTAB Final Written Decision.

Third, Petitioner incorrectly claims that “[t]he proceedings have not progressed beyond the pleadings stage, and neither the parties nor the district court have invested substantial resources in the litigation to date.” Pet. at 54. By the time Petitioner filed its Petition on July 23, 2026, the parallel litigation had already progressed well beyond the pleadings stage. The Court entered its Docket Control Order on October 8, 2025, setting trial for March 1, 2027; the parties had exchanged infringement and invalidity contentions; and the Joint Claim Construction Statement had been filed on June 26, 2026. By the time Patent Owner files this request on September 30, 2026, the litigation will have advanced even further—the deadline for substantial document production passed on July 30, 2026; claim construction briefing was completed on August 27, 2026; and the Markman hearing was held on

September 10, 2026. By the time the Board renders its institution decision, projected for approximately January 30, 2027—three months after the October 30, 2026 deadline for Patent Owner to file its Preliminary Response to the Petition—expert discovery will have been completed, the parties will have completed significant pre-trial work, and the parties will be approximately one month from the March 1, 2027 trial. The parties and the Court have invested, and will by then have invested, substantial resources in the parallel litigation.

Fourth, there is significant overlap between the issues raised in this Petition and the parallel district court proceeding. Petitioner’s proposed *Sotera* stipulation would not eliminate the risk of conflicting decisions because Petitioner has asserted additional prior art references and Section 112 challenges in the district court that cannot be raised or resolved in this proceeding.

For each of these independent reasons, and for the cumulative weight of all of them together, Patent Owner respectfully requests that the Director deny institution of this Petition.

II. DISCRETIONARY DENIAL IS APPROPRIATE UNDER § 325(D)

Under § 325(d), the Director may consider whether the same or substantially the same prior art or arguments were presented to the Patent Office. The Board applies the two-part framework set forth in *Advanced Bionics, LLC v. Med-El Elektromedizinische Geräte GMBH*, IPR2019-01469, Paper 6 at 8 (PTAB Feb. 13,

2020). Under the first prong, the Board considers whether the same or substantially the same art previously was presented to the Office or whether the same or substantially the same arguments previously were presented to the Office. Under the second prong, the Board considers whether the petitioner has demonstrated that the Office erred in a manner material to the patentability of the challenged claims. *Id.* Both prongs favor discretionary denial.

A. The Petition Relies on the Same or Substantially the Same Cumulative Art

The Petition presents three grounds of unpatentability, all of which rely on prior art that was before the Examiner or is cumulative of art that was before the Examiner during prosecution of the '316 patent.

Petitioner misrepresents that Kang was not before the Examiner. Petitioner incorrectly asserts that “[t]wo of the references, Li and Kang, are new references which were not presented before the Examiner during patent prosecution.” Pet. at 17. Kang (U.S. Patent Application Publication No. US2014/0300609 A1), which forms the basis of Ground 1 (*see* Pet. at 1-2), was published as U.S. Patent Application Publication No. US2014/0300609. That publication was one of the U.S. Patent Documents listed in the Notice of References Cited attached to the Examiner's Final Action dated April 18, 2018. Ex. 1004 at 79.

Clary was expressly before the Examiner. Clary (U.S. Patent No. 8,115,748), which forms the basis for both Ground 2 (Li in view of Clary) and Ground 3 (Clary

alone), was considered by the Examiner during prosecution. Clary was published as U.S. Patent Application Publication No. 2010/0309131. *See* Pet. at 17. During prosecution, the Examiner applied Lee (U.S. Patent Application Publication No. 2016/0147723) in view of Clary as a basis for rejection. Ex. 1004 at 114-116. The Applicant overcame that rejection by demonstrating that neither Lee nor Clary, alone or in combination, disclosed the claimed invention. *Id.* at 91-96. The Examiner considered and agreed with these arguments, withdrawing the rejection and ultimately allowing the claims. *Id.* at 17.

Petitioner’s substitution of Li for Lee does not render the prior art non-cumulative. Although the Petition uses Li (US 2010/0066691) rather than Lee, these references disclose substantially the same subject matter. Both Li and Lee fail to disclose inserting the cursor in the area of overlap between bounding boxes—the very feature that the Examiner found distinguished the claimed invention from the Lee/Clary combination. *Compare* Pet. at 32 (Petitioner conceding Li “does not explicitly address cursor or insertion placement in overlapped regions”) *with* Ex. 1004 at 115 (Examiner conceding Lee “does not expressly disclose cause display of, on the display interface, an input cursor in relation to the determined digital ink element ranges.”). Petitioner’s substitution of one substantially similar reference for another is precisely the type of cumulative art that § 325(d) is designed to address. *See Advanced Bionics*, Paper 6 at 8–9

B. Petitioner Has Not Demonstrated Material Error

Under the second prong of *Advanced Bionics*, the Petition must demonstrate that the Office erred in a manner material to the patentability of the challenged claims. Petitioner has not met this burden.

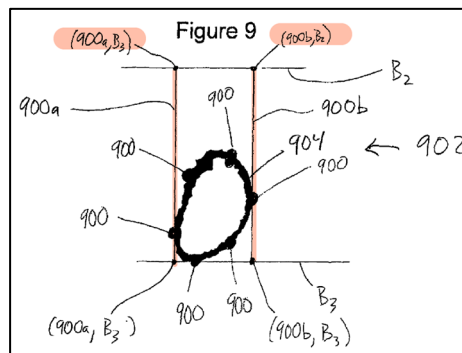
The Examiner considered substantially the same prior art and arguments during prosecution. The Examiner applied a combination of Lee and Clary, evaluated the Applicant's arguments distinguishing those references, and was persuaded that the prior art did not disclose the claimed invention. The Examiner then allowed the claims.

Petitioner's assertion that the Examiner was "misled" (Pet. at 19) is unsupported and does not establish material error. Petitioner isolates a single sentence from paragraph 66 of Clary and asserts, without explanation, that the Examiner failed to properly consider the reference. Pet. at 19. But "[i]f reasonable minds can disagree regarding the purported treatment of the art or arguments, it cannot be said that the Office erred in a manner material to patentability." *Advanced Bionics*, Paper 6 at 9.

Nor does Petitioner show the Examiner relied on materially false or incomplete statement. Applicant correctly explained that Clary does not disclose displaying a cursor within a region of overlap of ranges of elements of digital ink. To the contrary, paragraph 66 teaches away, shifting the cursor to the right (900a) or left (900b) edge of the bounding boxes:

box 902. If the cursor 912 position is located within one or more bounding boxes 902, the pen-enabled computing device 100 determines the x coordinate of the center of the largest bounding box 902. If the cursor position is at an x position greater than the x position of the center of the largest bounding box, the central processing unit 320 shifts the cursor 912 position to correspond to or be slightly larger than the largest x value 900b associated with the bounding box 902, i.e., shifts the cursor 912 to the right side of the largest bounding box. Alternatively, if the cursor 912 position has an x value that is less than the x position of the center of the largest bounding box 902, the central processing unit 320 shifts the cursor 912 position to an x position that is equal to the smallest x value 900a associated with the bounding box 902, i.e., shifts the cursor 912 position to the left of the smallest bounding box 902. If, however, the cursor 912 position is not within a bounding box 902, the cursor 912 position need not be shifted whatsoever.

Clary at [0066].



Clary at Figure 9.

The prosecution history further confirms the Examiner considered this very disclosure. The Examiner expressly applied paragraph 66 of Clary to filed claim 20, which issued as claim 2. *See* Ex. 1004 at 115. After considering Clary and Petitioner's arguments, the Examiner allowed the claims. Petitioner identifies no specific error in that analysis, much less a material one. The Petition therefore fails satisfy *Advanced Bionics* and institution should be denied.

III.DISCRETIONARY DENIAL IS APPROPRIATE UNDER § 314(A)

Independent of § 325 (d), the Director should exercise discretion under 35 U.S.C. § 314(a) to deny institution. The totality of the circumstances, including Patent Owner's settled expectations, the advanced state of the parallel litigation, the significant overlap in issues, and the Petition's numerous factual errors, all weigh decisively in favor of denial.

A. Patent Owner's Settled Expectations Favor Denial

The '316 patent issued on September 10, 2019, and has been in force for over seven years. The patent was filed on December 22, 2015, and claims priority to European Application No. 15290303, filed December 8, 2015. The patent family has thus been in force for over a decade.

Under the Director's Memorandum on *Interim Processes for PTAB Workload Management* (Mar. 26, 2025) ("Interim Processes Memo") (Ex. 2003), Patent Owner's settled expectations are a critical consideration in the discretionary institution analysis. The Director has consistently recognized that patents in force for seven to eight years or more create strong settled expectations that weigh against institution. *See e.g., Dabico Airport Sols. v. AXA Power*, IPR2025-00408, Paper 21 at 2-3 (Director June 18, 2025) (informative) (denying institution where patent had been in force for approximately eight years, creating settled expectations); *Cambridge Indus. USA, Inc. v. Applied Optoelectronics, Inc.*, IPR2025-00435, Paper

10 at 2-3 (Director June 25, 2026) (denying institution where patent had been in force for seven years); *iRhythm Techs., Inc. v. Welch Allyn, Inc.*, IPR2025-00378, Paper 10 at 3 (Director June 6, 2025) (denying institution based in part on settled expectations); *United Microelectronics Corp. v. Advanced Integrated Circuit Process LLC*, IPR2025-01053 Paper 11 at 2 (Director Oct. 10, 2025) (same).

Here, the '316 patent has been in force for seven years, squarely within the range the Director has found gives rise to strong settled expectations. Patent Owner has invested substantial resources in developing, prosecuting, and enforcing its patent rights. The Director should accord significant weight to Patent Owner's settled expectations in deciding whether to deny institution.

B. The *Fintiv* Factors Support Discretionary Denial

Under *Apple Inc. v. Fintiv, Inc.*, IPR2020-00019, Paper 11 at 6 (PTAB Mar. 20, 2020) (precedential), the Board considers six factors in evaluating whether to exercise discretion under § 314(a) when a parallel proceeding involves the same patent. Each factor, and the totality of the circumstances, favor denial. Furthermore, the Petitioner's *Sotera* stipulation does not eliminate conflicting decisions.

1. Factor 1: Whether the Court Would Likely Grant a Stay

Neither party has sought a stay of the parallel litigation, *MyScript SAS v. Goodnotes Limited*, No. 2:25-cv-00532-JRG-RSP (E.D. Tex.), and there is no basis to expect that the Court would grant one. The case is pending before Judge Gilstrap

in the Eastern District of Texas. Judge Gilstrap has a well-established practice of denying stays when fewer than all asserted patents are challenged by IPR. *See, e.g., Emerging Auto. LLC v. Toyota Motor Corp.*, No. 2:25-CV-00782-JRG, 2026 WL 2138010, at *2 (E.D. Tex. July 24, 2026) (citing *Uniloc 2017 LLC v. Samsung Elecs. Am., Inc.*, No. 2:19-cv-00259-JRG-RSP, 2020 WL 1433960, at *6 (E.D. Tex. Mar. 24, 2020); *Force Mos Tech., Co. v. ASUSTek Computer, Inc.*, No. 2:22-cv-00460-JRG, 2024 WL 1586266, at *4 (E.D. Tex. Apr. 11, 2024); *Headwater Rsch. LLC v. Samsung Elecs. Co.*, No. 2:23cv-00103-JRG-RSP, 2024 WL 5080240, at *2 (E.D. Tex. Dec. 11, 2024).

Here, the parallel litigation involves seven asserted patents, and Petitioner has challenged only the '316 patent by IPR. It is highly unlikely the Court would stay a seven-patent case based on an IPR petition directed to a single patent. *Force Mos Tech., Co.*, 2024 WL 1586266, at *4 (E.D. Tex. Apr. 11, 2024) (“[T]he Court finds that the Motion should be denied *with* prejudice given that only two of the three Asserted Patents have been challenged at the PTAB.”) (emphasis in original).

Furthermore, the IPR was filed more than 14 months after the litigation was initiated on May 15, 2025, and well after the litigation had progressed to an advanced stage. Courts routinely deny stays under such circumstances. *Maxell Ltd. v. Apple Inc.*, No. 5:19-CV-00036-RWS, 2020 WL 10456915, at *2 (E.D. Tex. Apr. 27, 2020) (finding “a stay would interfere with ongoing proceedings” when complaint

was filed over a year ago, claim construction was complete, and fact discovery was nearly complete); *Tessera Advanced Techs., Inc. v. Samsung Elecs. Co.*, No. 2:17-CV-00671-JRG, 2018 WL 3472700, at *3 (E.D. Tex. July 19, 2018) (finding nine-month delay in filing IPRs after the complaint weighed against a stay).

2. Factor 2: Proximity of the Court’s Trial Date to the Board’s Projected Statutory Deadline

This factor strongly favors denial. Petitioner incorrectly states in the Petition that a “trial date has not been set for the co-pending litigation.” Pet. at 54. The Court entered its Docket Control Order on October 8, 2025—more than nine months before the Petition was filed—setting trial for March 1, 2027. Ex. 2001 at 1. The trial date has not changed.

The Petition was filed on July 23, 2026. A Final Written Decision would therefore be due approximately 18 months later, or approximately January 30, 2028.¹ The district court trial is thus set approximately eleven months before the projected Final Written Decision. This significant gap between the trial date and the projected Final Written Decision strongly favors denial. *See Full-Metal-Power v. InFocus Downhole Sols.*, IPR2025-00391, Paper 14 at 2 (Director June 25, 2025) (favoring denial where trial proceeded projected final written decision); *NXP USA v. Redstone*

¹ The Patent Office issued its Notice of Filing Date on July 30, 2026. *See* Paper No. 4.

Logics, IPR2025-00485, Paper 11 at 2 (Director July 10, 2025) (same); *Samsung Elecs. v. Cerence Operating*, IPR2025-00458, Paper 14 at 2 (P.T.A.B. June 25, 2025) (same).

The Board has repeatedly held that when a trial date precedes the projected Final Written Decision by a substantial margin, this factor weighs heavily in favor of denial. Eleven months is a substantial margin by any measure.

3. Factor 3: Investment in the Parallel Proceeding by the Court and the Parties

Petitioner's assertion that "[t]he proceedings have not progressed beyond the pleadings stage, and neither parties nor the district court have invested substantial resources in the litigation to date" (Pet. at 54) is, like Petitioner's claim about the trial date, demonstrably false. By the time the Petition was filed on July 23, 2026, the parties and the Court had already invested substantial resources in the parallel litigation. The parties already exchanged infringement and invalidity contentions, exchanged discovery requests and responses, exchanged proposed claim terms and related constructions, and filed the Joint Claim Construction Statement on June 26, 2026.

By the time Patent Owner files this request on September 30, 2026, the litigation has advanced even further. The deadline for substantial production of documents passed on July 30, 2026. Both parties have engaged expert witnesses and are actively preparing expert reports which are due on October 13, 2026. Ex. 2001 at 3. Claim

construction briefing was completed, with the final brief filed on August 20, 2026. *Id.* Most significantly, the claim construction hearing was held on September 10, 2026.

During the hearing, the court preliminarily accepted Patent Owner’s construction of the term “a region of overlap of ranges of elements,” which means “an area where the determined ranges of elements overlap.” The Court did not adopt Petitioner’s construction (“an area where adjacent segmented elements overlap”). Thus, contrary to Petitioner’s assertion in its Petition, a POSITA would not understand that “an area where the determined ranges of elements overlap” is satisfied by “snapping an edit position to an edge that is geometrically engulfed by an adjacent overlapping range.” Pet. at 4.

These facts demonstrate that the parties and the Court have invested substantial resources in the parallel proceeding, and that the litigation is at a highly advanced stage.

The Board has consistently found that advanced discovery and completed claim construction briefing weigh strongly in favor of denial. *See Google v. Truesight Commc'ns*, IPR2025-00024, Paper 12 at 2 (P.T.A.B. June 25, 2025) (weighing investment in parallel proceeding against institution); *Advanced Micro Devices v. Concurrent Ventures*, IPR2025-00223, Paper 9 at 2 (Director June 12, 2025) (same). Here, the investment is even more advanced than in those cases—claim construction

briefing is not merely underway, it is completed and the hearing has already occurred. By the time the Board renders its institution decision, projected for January 30, 2027, expert discovery will have been completed and the parties will have completed significant pre-trial work and will be only one month from the start of the trial.

4. Factor 4: There is Significant Overlap with the District Litigation

This factor favors denial. There is significant overlap between the issues raised in the Petition and those in the parallel proceeding. The same prior art references that form the basis of the Petition (Kang, Li, and Clary) are among the references asserted by Petitioner in its invalidity contentions in the district court.

Petitioner's *Sotera* stipulation does not eliminate the risk of conflicting decisions. In the district court, Petitioner has asserted eight references that "anticipate and/or render obvious, alone or in combination, one or more of the Asserted Claims of the '316 Patent," including Takada, Thimbleby, Kang, Su, Altman, Li/Clary, Apple Newton/3Com Palm III Organizer, and aha! InkWriter handbook. *See* Defendant Goodnotes Limited's Invalidity Contentions and Subject-Matter Eligibility Contentions. Ex. 2002 at 50. Even with a *Sotera* stipulation covering the specific grounds raised in this IPR, Petitioner would retain the ability to assert prior art invalidity in the district court based on the remaining references, including system

prior art references that are not eligible for IPR proceedings and unrelated to any reference raised in the IPR proceeding.²

Petitioner has also asserted invalidity defenses under 35 U.S.C. § 112 in the district court, including challenges to written description, enablement, and definiteness. *See* Defendant Goodnotes Limited’s Invalidity Contentions and Subject-Matter Eligibility Contentions. Ex. 2002 at 145-158. These defenses *cannot* be raised in an IPR proceeding. Accordingly, even a *Sotera* stipulation would not eliminate the overlap between the proceedings or the risk of conflicting decisions on the patent’s validity. *See Magnolia Med. Techs. v. Kurin*, IPR2026-00097, Paper 17 at 3 (Director May 14, 2026) (precedential) (“[A]ll too often the co-pending litigation involves either the same arguments as the AIA review, or a petitioner asserts system art in the litigation that overlaps with the patents or printed publications asserted in the AIA review—a tell-tale sign that the AIA review is not functioning as a litigation alternative.”); *Motorola Sols. v. Stellar*, IPR2024-01205, Paper 19 at 3–4 (P.T.A.B. Mar. 28, 2025) (granting Director Review and denying institution despite *Sotera* stipulation because “Petitioner’s stipulation does not

² In terms of system prior art, Petitioner only agreed to not pursue system prior art in combination with references raised in this IPR proceeding (*i.e.*, Kang, Cleary, Li) or system art corresponding to those same references. *See* Paper No. 5.

ensure that these IPR proceedings would be a ‘true alternative’ to the district court proceeding”); *Shenzen Tuozhu Tech. v. Stratasy*, IPR2025-00354, Paper 11 at 2 (P.T.A.B. June 12, 2025) (same).

These issues cannot be resolved or raised in this proceeding, thus creating the risk of conflicting decisions.

Petitioner also asserts a different level of a person of ordinary skill in the art than they agreed to during claim construction. *Compare* Pet. at 10-11 (asserting person of ordinary skill in the art “would have had at least a bachelor’s degree in computer science or engineering, or similar technical field, or equivalent work experience, and two or more years working on or with interactive computer graphical user interfaces utilizing freeform input devices to make human-driven inputs using software programs such as digital drawing programs, computer aided drafting (CAD) programs, handwriting recognition programs, or other software programs that capture and process such freeform human-driven inputs”) *with* Goodnotes Resp. Claim Const. Br. at 1 (agreeing person of ordinary skill in the art “would have a bachelor’s degree in computer science or electrical engineering, or a related field, and approximately 2-3 years of experience in pen-based computing, handwriting recognition technology on computing systems, and related pattern recognition techniques.”) (Ex. 2004).

Petitioner’s IPR definition materially broadens the relevant field. The district court definition required experience in pen-based computing, handwriting recognition, and related pattern-recognition techniques whereas the Petition asserts experience with general freeform-input applications—including digital drawing and CAD software—without requiring any meaningful experience in handwriting recognition or pattern recognition. This difference further risks creating conflicting decisions

5. Factor 5: The Petitioner and Patent Owner are the Same Parties in the District Litigation

As Petitioner acknowledges, Petitioner is the same and only defendant in the parallel litigation. Patent owner MyScript SAS is also the same and only plaintiff in the parallel litigation. There is no concern for unfairness and denial would avoid duplicative proceedings between the same parties. This factor supports denying institution. *Global Tel*Link v. HLFIP Holding*, IPR2021-00444, Paper 14 at 27–28 (P.T.A.B. July 22, 2021) (“Fintiv factor 5 weighs in favor of discretionary denial of the Petition” where “all of the defendants in the [parallel litigation] are real parties-in-interest in this proceeding”).

6. Factor 6: Other Circumstances Support Exercising Discretionary Denial

Several additional circumstances weigh in favor of denial.

The Petition relies on art already considered by the Office. As discussed in Section II above, two of Petitioner's three asserted references, Kang and Clary, were before the Examiner during prosecution. The Examiner considered substantially the same art and arguments that Petitioner presents here and allowed the claims. Petitioner has not demonstrated that the Office erred in a manner material to the patentability of the challenged claims. This weighs heavily against institution. *See Advanced Bionics*, Paper 6 at 8-10.

Petitioner's misrepresentations undermine its credibility. As noted above, the Petition contains multiple demonstrably false statements. Petitioner incorrectly asserts that Kang was not before the Examiner (Pet. at 17), that no trial date has been set (Pet. at 54), and that the proceedings have not progressed beyond the pleadings stage (Pet. at 54). These errors are not minor—they go to the heart of the Board's discretionary analysis. A petitioner that cannot accurately represent the state of the prosecution history or the parallel litigation should not be credited in its merits arguments.

Patent Owner's settled expectations. As discussed in Section III.A, the '316 patent has been in force for approximately seven years, giving rise to strong settled expectations that institution would undermine.

Considered as a whole, the *Fintiv* factors overwhelmingly favor discretionary denial of institution.

IV. CONCLUSION

For the foregoing reasons, Patent Owner respectfully requests that the Director exercise discretion to deny institution of Petitioner's Petition for *inter partes* review of U.S. Patent No. 10,410,316. The totality of the circumstances overwhelmingly favor denial. Patent Owner has strong settled expectations in a patent that has been in force for approximately seven years, the parallel litigation is in an advanced stage with a trial date set eleven months before the projected Final Written Decision, the Petition relies on art that was before the Examiner or is cumulative of such art and Petitioner has not demonstrated material error, and significant overlap between the proceedings renders a *Sotera* stipulation inadequate to address the risk of conflicting decisions.

CERTIFICATE OF COMPLIANCE

Pursuant to 37 C.F.R. § 42.24(d), I certify that this Request for Discretionary Denial complies with the type-volume limits of 37 C.F.R. § 42.24(b)(1) because it contains 3,992 words, excluding the parts that are exempted by 37 C.F.R. § 42.24(a), according to the word processing system used in preparation of this Request.

Dated: September 29, 2026

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CERTIFICATE OF SERVICE

Pursuant to 37 CFR § 42.6(e)(4), the undersigned certifies that on September 29, 2026, a complete copy of the foregoing Patent Owner's Request for Discretionary Denial was served on Lead and Back-up Counsel for Petitioner at the service addresses below:

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Dated: September 29, 2026

/s/ Amol A. Parikh

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