UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC,
Petitioner,

v.

HEADWATER RESEARCH LLC,
Patent Owner.

Case IPR2026-00467

Patent No. 8,799,451

PETITIONER GOOGLE LLC'S RANKING OF PARALLEL PETITIONS AND EXPLANATION OF MATERIAL DIFFERENCES

I. INTRODUCTION

Petitioner Google LLC has concurrently filed two petitions for inter partes review challenging U.S. Patent No. 8,799,451 ("the '451 patent"). Consistent with the Consolidated Trial Practice Guide (Nov. 2019) ("TPG"), Petitioner submits this paper (1) ranking the two petitions and (2) explaining the material differences between them and why two petitions are warranted. This paper is filed identically in both proceedings, is limited to this issue, and does not exceed five pages. *See* TPG 60 n.3.

II. RANKING OF THE PETITIONS

Petitioner ranks the two petitions as follows and requests that, if the Board institutes, it consider them in this order:

- **First**: Petition challenging claims 1-9, 11-16, 20, 22-28, 33, 36, 43-44, 50, and 52-69 of the '451 patent (IPR2026-00466) ("Petition 1").
- **Second**: Petition challenging claims 1, 10, 17-19, 21, 29-32, 34, 35, 37-42, 45-49, and 51 of the '451 patent (IPR2026-00467) ("Petition 2").

The '451 patent includes 69 claims with three independent claims (claims 1, 14, and 15) among them; however, no claims depend from independent claims 14 or 15. Because the two petitions challenge different, non-overlapping sets of claims except as to independent claim 1 (explained below), both are necessary to reach all asserted claims in the corresponding litigation. The ranking above reflects only the order of consideration and not any suggestion that the second petition is less meritorious.

III. TWO PETITIONS ARE NECESSARY BECAUSE OF THE LARGE NUMBER OF ASSERTED CLAIMS

A. *The number of challenged claims requires a claim-divided approach.*

The ’451 patent contains a very large number of claims (69 total), and Headwater is asserting all of them against Google in the co-pending district court litigation (No. 3:26-cv-6230 (N.D. Cal.), formerly 7:25-cv-00376 (W.D. Tex.)). Because of the large number of ’451 claims, the two petitions divide the claims: Petition 1 and Petition 2 together challenge the asserted claims, with Petition 2 challenging dependent claims not included in Petition 1. The TPG expressly recognizes that more than one petition may be necessary “when the patent owner has asserted a large number of claims in litigation.” TPG 59. A single 14,000-word petition (37 C.F.R. § 42.24(a)) cannot adequately address this volume of claims, the associated grounds, and the claim-by-claim mapping required for all challenged claims. Dividing the claims between two petitions is the efficient way to give each claim the analysis it requires and does not burden the Board or Patent Owner unnecessarily. *See* 35 U.S.C. § 316(b); *Juniper Networks, Inc. v. Portsmouth Network Corp.*, IPR2024-00913, Paper 8 at 1 (PTAB Jan. 15, 2025) (granting institution of parallel petitions with a total of 14 claims). , IPR2024-00913, Paper 8 at 1 (PTAB Jan. 15, 2025) (granting institution of parallel petitions with a total of 14 claims).

B. *The only overlap is independent claim 1, which is challenged identically.*

The petitions challenge different, largely non-overlapping claim sets. The sole overlap is independent claim 1, which is challenged identically in both petitions because every challenged dependent claim depends from claim 1 and thus claim 1 must be addressed in each petition. This identical, non-competing treatment of claim 1 does not create duplicative or conflicting challenges, and it therefore does not raise the concern addressed in *PacifiCorp v. Birchtech Corp.*, IPR2025-00687, Paper 40 (PTAB Jan. 12, 2026) (precedential). There, two petitions challenged the same claims under competing priority-date theories, and the Director directed institution of at most one petition per patent. Here, each petition is the sole vehicle for its distinct group of dependent claims. *See, e.g., Samsung Elecs. Co. Ltd. v. Mojo Mobility Inc.*, IPR2023-01090, Paper 11 at 25-26 (PTAB Jan. 11, 2024) (granting institution and declining to deny a parallel petition where, "[i]n effect, the two petitions were filed instead of one merely because [PTAB] Rules have page limit restrictions").

C. *The General Plastic and Valve factors do not counsel denial.*

These are simultaneously filed parallel petitions, not serial or follow-on petitions. *See General Plastic Indus. Co. v. Canon Kabushiki Kaisha*, IPR2016-01357, Paper 19 (PTAB Sept. 6, 2017) (precedential); *Valve Corp. v. Elec. Scripting Prods., Inc.*, IPR2019-00062, Paper 11 (PTAB Apr. 2, 2019)

(precedential). Petitioner has not previously challenged the '451 patent and gains no sequential "roadmap" advantage, because both petitions are filed at the same time before any preliminary response.

IV. MATERIAL DIFFERENCES BETWEEN THE PETITIONS

The petitions differ materially. They challenge different groups of claims (with only claim 1 shared), and they rely on different combinations of references tailored to those claims. Both petitions use *Sewall* as the primary reference. Petition 1 uniquely relies on *Pandya* (in combinations with *Sewall* and *Thomas*) for certain claims, whereas Petition 2 does not rely on *Pandya*. The comparison table below summarizes the similarities and differences. *See* TPG 60.

Category	**Petition 1 (Rank 1) — IPR2026-00466**	**Petition 2 (Rank 2) — IPR2026-00467**
Challenged claims	Claims 1-9, 11-16, 20, 22-28, 33, 36, 43-44, 50, and 52-69	Claims 1, 10, 17-19, 21, 29-32, 34, 35, 37-42, 45-49, and 51
Claim overlap	Only independent claim 1 (challenged identically in both)	Only independent claim 1 (challenged identically in both)
Primary reference	*Sewall* (§ 103)	*Sewall* (§ 103)
Grounds/reference combinations	*Sewall*; +*Thomas*; +*Polson*; +*Krishnaswamy*; +*Krishnaswamy*+*Pandya*; +*Thomas*+*Pandya*; +*Thomas*+*Polson*	*Sewall*; +*Thomas*; +*Krishnaswamy*; +*Polson*; +*Thomas*+*Krishnaswamy*
Reference unique to this petition	*Pandya*	None; does not rely on *Pandya*

Statutory basis	Pre-AIA 35 U.S.C. § 103 (obviousness)	Pre-AIA 35 U.S.C. § 103 (obviousness)
Priority date treatment	Earliest possible priority date January 28, 2009; all references qualify as prior art even at that date; Petitioner reserves right to challenge priority	Same

V. CLAIM CONSTRUCTION AND CONSISTENCY WITH THE DISTRICT COURT

Neither petition requires any express claim construction because the challenged claims are unpatentable under any reasonable construction. Petitioner's position is consistent with the parties' litigation posture reflected in the Joint Claim Construction Statement (EX1025). Accordingly, the concern in *Revvo Techs., Inc. v. Cerebrum Sensor Techs., Inc.*, IPR2025-00632, Paper 20 (PTAB Nov. 3, 2025) (precedential)—requiring a petitioner to explain divergent claim-construction positions across venues—is not implicated. Petitioner reserves the right to respond to any construction the Board or Patent Owner later raises.

VI. CONCLUSION

For the foregoing reasons, Petitioner respectfully submits that both petitions should be instituted. Should the Board decline to institute both, Petitioner requests that the Board consider the petitions in the ranked order above.

Date: August 28, 2026

Respectfully submitted,

By: /Erika H. Arner/
Erika H. Arner, Lead Counsel
Reg. No. 57,540

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing **PETITIONER GOOGLE LLC'S RANKING OF PARALLEL PETITIONS AND EXPLANATION OF MATERIAL DIFFERENCES** was served on August 28, 2026, via FedEx Priority Overnight on the correspondence address of record indicated in the Patent Office's Patent Center system for U.S. Patent No. 8,799,451.

James Harris
Headwater Research LLC - Outside Firm 1
110 North College Avenue
Suite 1116
Tyler, TX 75702
UNITED STATES

Date: August 28, 2026

By: /Lisa C. Hines/
Lisa C. Hines
Case Manager
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, LLP