

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

UATP IP, LLC
Petitioner,

v.

SLICK SLIDE LLC,
Patent Owner.

Case PGR2024-00054
Patent 11,998,854

**PETITIONER'S OPPOSITION TO PATENT OWNER'S MOTION FOR
ADDITIONAL DISCOVERY**

TABLE OF CONTENTS

I.	Introduction.....	1
II.	Factor 1: Patent Owner fails to show more than a mere possibility of finding something useful	2
	a. Patent Owner’s discovery request is directed to RPI assertions rendered moot by updated mandatory notices.....	3
	b. No evidence of “gamesmanship”	7
	c. Patent Owner’s assertion that useful information will be uncovered is speculative.....	8
III.	Factors 4 & 5: Patent Owner’s requested discovery in item (3) is overly broad and burdensome to produce	13
IV.	Patent Owner’s motion for discovery to investigate RPI is untimely.....	14

EXHIBIT LIST

UATP-1001	U.S. Patent No. 11,998,854 to Schmit (“the ’854 patent”)
UATP-1002	Excerpts from the Prosecution History of the ’854 Patent (“the Prosecution History”)
UATP-1003	Declaration of Dr. Youjiang Wang
UATP-1004	U.S. Patent No. 7,896,779 to Phillips (“Phillips”)
UATP-1005	U.S. Patent Publication No. 2023/0129814 to Fallgatter (“Fallgatter”)
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27-36

UATP-1042	Declaration of June Ann Munford
UATP-1043	Supplemental Declaration of Dr. Youjiang Wang
UATP-1044	Second Declaration of Dr. Youjiang Wang
UATP-1045	Deposition Transcript of Dr. Rust, October 22, 2025
UATP-1046	Deposition Transcript of Dr. Spiegelberg, October 30, 2025
UATP-1047	Deposition Transcript of Mr. Schmit, November 10, 2025
UATP-1048	Cruising Genoa: Voyager Cross-Cut (retrieved from https://www.uksailmakers.com/cruising/genoas/voyager-genoa/)
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- UATP-1054 SAILCLOTH (retrieved from <https://bainbridgeintusa.com/wp-content/uploads/2022/08/HSX-V.pdf>)
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UATP-1071	Joint Written Consent (Dec. 27, 2022) (redacted) and Declaration of Stephen Polozola re Authentication of Joint Written Consent
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UATP-1074	RESERVED
UATP-1075	RESERVED
UATP-1076	Joint Proposed Protective Order
UATP-1077	Redline of Joint Proposed Protective Order
UATP-1078	Transcript of December 4, 2025 Teleconference
UATP-1079	Confidential and Redacted Transcript of December 22, 2025 Teleconference (Protective Order Material-Attorney's Eyes Only)
UATP-1080	Petitioner's Demonstrative Exhibits

UATP-1081	Confidential and Redacted Checks (Protective Order Material-Attorney's Eyes Only)
UATP-1082	Confidential and Redacted Invoices (Protective Order Material-Attorney's Eyes Only)
UATP-1083	Declaration of Stephen Polozola, January 30, 2026 (Protective Order Material – Attorney's Eyes Only)

I. Introduction

In the interest of efficient resolution of Patent Owner's concerns, Petitioner previously served materials responsive to Patent Owner's requests. In the interest of mooted the issue entirely, Petitioner provides additional materials addressing Patent Owner's items (1) and (2) in full, and aspects of item (3). In particular, Petitioner provides (i) redacted invoices from counsel, all of which are addressed to [REDACTED] (ii) proof that payment for those invoices was provided by [REDACTED] and (iii) a declaration from Mr. Polozola related to his employment, compensation, and sole control and direction of this PGR. UATP-1083. These documents encompass nearly the entirety of Patent Owner's requests and render further discovery unnecessary.

As to remaining aspects of Patent Owner's item (3), Patent Owner's showing is deficient of the requisite "good cause." *Bloomberg, Inc. v. Markets-Alert Pty Ltd.*, CBM2013-00005, Paper 32 ("Bloomberg"), 4-5 (May 29, 2013) (precedential); *see also SWM International, LLC v. DynaEnergetics Europe GmbH*, PGR2021-00097, Paper 79 ("SWM"), 4-9 (Nov. 10, 2022). The requested discovery has not been shown to provide more than a mere possibility of uncovering something useful (Factor 1), as the requested discovery is moot, seeking information directed to RPI of entities that have already been included in updated Mandatory Notices, and speculative as to what might be discovered, with

no evidence of actual control from an individual or entity not named in the Petition, and no hint of gamesmanship or bad faith. The requested discovery is also overly broad, seeking information that is not probative of control or RPI considerations (Factors 4-5). Moreover, Patent Owner's request is untimely. The purported evidence underlying its request—e.g., LinkedIn profiles regarding three individuals and other public materials regarding Unleashed Brands, LLC (EX2048-2053)—has been available to Patent Owner since at least the Petition's filing, yet Patent Owner delayed until days before Petitioner's Reply to pursue its requests.

II. Factor 1: Patent Owner fails to show more than a mere possibility of finding something useful

Good cause for additional discovery does not exist absent a showing of “more than a possibility and mere allegation” that something *useful* will be discovered. *Bloomberg*, 5. Patent Owner, as the moving party, bears the burden of demonstrating “good cause” for its discovery request. 37 C.F.R. § 42.51(b)(2); 37 C.F.R. §42.224; *SWM* 3; *Bloomberg*, 5. Additional discovery is not granted as a matter of course and the “statutory provisions for . . . post-grant reviews . . . caution against overly broad discovery.” *Bloomberg*, 3.

Patent Owner fails to demonstrate the requested materials are useful to its RPI inquiry which, at best, would demonstrate RPI of an entity already identified in mandatory notices. Reply, 35-36; Paper 28. Indeed, the only entity Patent Owner

specifically names—Unleashed Brands, LLC—is not time-barred and has, in fact, been named in the updated Mandatory Notices. Patent Owner’s request is unsupported by evidence of gamesmanship or bad faith, and with no pending litigation, there is no advantage to be had regarding RPI. Lastly, the lack of evidence in-hand as to involvement or actual control by an outside individual or entity highlights the unduly speculative nature of Patent Owner’s requests and deviation from *Corning Optical* or other scenarios in which the Board has granted discovery. *See Zerto, Inc. v. EMC CORP.*, IPR2014-01254, Paper 15 (“Zerto”), 7-8 (Nov. 25, 2014) (denying requested discovery when “Patent Owner fails to show beyond speculation that the requests would lead to something useful”).

a. Patent Owner’s discovery request is directed to RPI assertions rendered moot by updated mandatory notices

The RPI assertions that Patent Owner raises are mooted by Petitioner’s prompt identification and willingness to update mandatory notices to include parents and subsidiaries of UATP IP, LLC and UATP Management, LLC.¹ *See*

¹ Petitioner filed Updated Mandatory Notices on November 26, 2025, as acknowledged in the Board’s Order. *See* Paper 31, 2; *see also* Paper 28, Paper 27,

Adello Biologics LLC v. Amgen Inc., PGR2019-00001, Paper 11 (“Adello”), 6 (Feb. 14, 2019) (“Given that Amneal LLC is now disclosed as an RPI and is subject to the relevant statutory restrictions, such discovery appears to have little, if any, substantive relevance”); *Halliburton Energy Services, Inc. v. Schlumberger Technology Corporation*, IPR2017-01574, Paper 33 (“Halliburton”), 4 (Oct. 27, 2017) (“given Halliburton Energy Services, Inc.’s willingness to amend its mandatory notices to add Halliburton Co. and its admission that Halliburton Co. is at least a privy to Halliburton Energy Services, Inc., the issue of whether or not Halliburton Co. is a real party in interest is moot”).

Patent Owner first communicated it was investigating RPIs on Nov. 14, 2025. In its Reply filed Nov. 26, Petitioner explained that, while Petitioner disputes any suggestion that the Petition did not properly identify all RPIs, Petitioner submitted updated Mandatory Notices listing parent entities of Petitioner and additional subsidiaries. Reply, 35-36. The updated Mandatory Notices include the only entity specifically named in Patent Owner’s Motion: Unleashed Brands, LLC.

35-36. If considered necessary by the Board, Petitioner hereby seeks authorization for entry of the updated Mandatory Notices.

With the addition of Unleashed Brands, LLC and other parent and subsidiary entities, Patent Owner's inquiry into the RPI status of such entities is moot and not directed to something "useful."²

Patent Owner's deficiency under Factor 1 is not remedied by the assertion that the "the Squires Memorandum confirms that if Petitioner failed to identify all RPIs in connection with, and at the same time as, the filing of the Petition, then this proceeding should be dismissed." Motion, 8. Patent Owner ignores the precedential *Proppant Express*, *Lumentum*, and *Adello* decisions that remain undisturbed by *Corning* and the Squires memo, and additional Fed. Cir. decisions endorsing post-institution updates to RPI. Removing all doubt, a recent PTAB decision affirmatively rejects Patent Owner's exact theory: "[n]otably, the Director's actions did not affect other precedential decisions of the Board regarding the identification of RPIs, including *Proppant Express* . . . and *Lumentum Holdings*." *Aylo Freesites Ltd v. Dish Technologies L.L.C.*, IPR2024-00940, Paper 71 ("Aylo"), 2-3 (Jan. 9, 2026). Patent Owner entirely disregards *Aylo* with a conclusory assertion that it "appears to conflict with *Corning Optical*." Motion, 1,

² Notably, Patent Owner's brief focuses on Unleashed Brands, LLC, and does not include any allegations or evidence as to any other entity.

fn. 1. This is insufficient to demonstrate its requests are directed to something “useful” under Factor 1.

Patent Owner’s discovery request is premised entirely on whether the entities named in Petitioner’s Reply are RPIs. Motion, 4-5 (“all discovery requested relates directly to establishing the nature of the relationships among the entities named by Petitioner in its Reply and the named RPIs, and whether Petitioner was obligated to name additional entities as RPIs.”). As such, there is no aspect of its discovery request not rendered moot by the updated Mandatory Notices. Indeed, under *Proppant*, absent evidence of gamesmanship, bad faith, or prejudice to the patent owner, none of which exists here, the Board has authority to enter updated mandatory notices post-institution, even without a party conceding that the named entity is an RPI. *Proppant Express Investments, LLC v. Oren Techs., LLC*, Paper 86 (“Proppant”), 6-7 (Feb. 13, 2019); *see also id.*, 5 (allowing the Petitioner to update mandatory notices “serve[s] to narrow the issues in dispute while also ensuring that the proper parties are subject to the estoppel provisions of 35 U.S.C. § 315(e)”); *Lumentum Holdings, Inc. v. Capella Photonics, Inc.*, IPR2015-00739, Paper 38 (“Lumentum”), 5 (Mar. 4, 2016) (precedential); *Applications in Internet Time, LLC v. RPX Corp.*, 897 F.3d 1336, 1364 (Fed. Cir. 2018). Patent Owner’s discovery directed to purported control by entities beyond UATP IP, LLC, and UATP Management, LLC has not been shown to demonstrate

anything “useful” in view of the entities named in updated Mandatory Notices, which include Unleashed Brands, LLC and other parents and subsidiaries.

b. No evidence of “gamesmanship”

Patent Owner asserts that “Polozola has not been forthcoming with respect to his status as Chief Legal Officer of Unleashed Brands, LLC. . . having only identified himself as Chief Legal Officer of UATP IP, LLC and UATP Management, LLC in his declaration.” Motion, 10. This assertion is misleading at best. Patent Owner’s evidence that Mr. Polozola “has not been forthcoming” is information provided by Mr. Polozola himself—the Joint Written Consent *attached to Mr. Polozola’s own declaration* in Exhibit 1071 (Motion, 3-4, 10), which indicates that Mr. Polozola is additionally the CLO of Unleashed Brands, LLC, among other entities. The voluntary disclosure of evidence intended to resolve Patent Owner’s concern is an act of transparency, not gamesmanship.

Likewise, the initial listing of UATP IP, LLC and UATP Management, LLC as RPIs and later addition of Unleashed Brands, LLC and other members of the corporate structure does not evidence gamesmanship. *See Proppant*, 13 (no evidence of gamesmanship where Petitioner promptly added RPIs). Patent Owner does not allege any other purported evidence of gamesmanship, and there is none.

c. Patent Owner’s assertion that useful information will be uncovered is speculative

Patent Owner’s request, particularly as to the remaining aspects of item (3) is unsupported by any evidence of actual control or involvement by an unnamed entity or individual. Patent Owner asserts two individuals—“Mark McAndrew” and “Farheen Ibrahim”—“hold themselves out as counsel for Unleashed Brands, LLC.” Motion, 2. This assertion is not accompanied by any evidence or reason to suggest involvement in this PGR by Mr. McAndrew or Ms. Ibrahim. Motion, 2, 8-9. To the contrary, Mr. Polozola confirmed that “Mr. McAndrew and Ms. Ibrahim have no decision-making authority or control related to this PGR and have not been involved in this PGR.” UATP-1083, ¶7. This is not in dispute—Patent Owner acknowledges that “Patent Owner was not able to identify any information connecting Polozola, McAndrew or Ibrahim, with either of the two entities, UATP IP, LLC, and UATP Management LLC, identified as a [sic] RPIs in the Petition.” Motion, 9. Patent Owner presents no evidence of any involvement with this PGR by Mr. McAndrew and Ms. Ibrahim, or any other unnamed corporate counsel.

As to Mr. Polozola, the record confirms he acted in his capacity as CLO for UATP Management, LLC and UATP IP, LLC. UATP-1083, ¶2; *see Par Pharmaceutical, Inc. v. Horizon Therapeutics, Inc.*, IPR2015-01117, Paper 13, 10 (Nov. 14, 2015) (the fact that “the same person has roles” in parent and subsidiary

companies does not by itself evidence control). UATP-1071, previously served on Patent Owner, confirms Mr. Polozola's role as CLO of UATP IP, LLC and UATP Management, LLC. Again, Patent Owner identifies no evidence to the contrary.

Patent owner asserts that item (3) "by necessity shows which entities controlled the filing or conduct of, or could have exercised control of, this proceeding." Motion, 11. But, item (3) is so broad as to encompass entirely unrelated third-parties, as discussed below in Factors 4-5. Evidence that one "reviewed PGR papers," for example, has no bearing on whether they "controlled the filing or conduct of, or could have exercised control of, this proceeding."

Patent Owner fails to demonstrate that item (3) is based on anything more than speculation that it might lead to useful information. Patent Owner's showing is particularly deficient given the lack of any threshold evidence of involvement or control. The record confirms no involvement by the only two individuals Patent Owner identifies, and Patent Owner fails to present any evidence of involvement by others. Indeed, contrary to Patent Owner's speculative requests, all direction to counsel for Petitioner was provided by Mr. Polozola, and no other individuals provided direction to counsel for Petitioner in this matter. UATP-1083, ¶2.

The evidence responsive to items (1) and (2) further highlight the speculative nature of Patent Owner's request. Patent Owner continues to request "information regarding corporate counsel who was/were considering or intending

to be present at any deposition in the PGR,” and asserts that such information “by necessity would suggest that such corporate counsel controlled the conduct of, or could have exercised control of, this proceeding.” Motion, 10. But this information has already been provided and it does not indicate control by any unnamed entity or individual. As previously communicated by Petitioner and acknowledged by Patent Owner, only Mr. Polozola considered attending a deposition in this proceeding. UATP-1083, ¶3; UATP-1078, 10 (Patent Owner’s counsel stating “the name of corporate counsel who is intending to be present, that would be mooted.”). Moreover, as the only corporate counsel that has had any control and involvement in the proceeding, there were no other corporate counsel that considered or intended to be present at any deposition in the proceeding. UATP-1083, ¶3. Item (1) of Patent Owner’s request has not only been fully satisfied, but the lack of any additional individual highlights that Patent Owner’s remaining requests are unsupported by more than a mere possibility of resulting in something useful.

Patent Owner asserts that the information of item (2) “by necessity would suggest funding and control of the proceeding.” Motion, 10-11. Here again, however, such information has been voluntarily produced and confirms an absence of any funding beyond the originally-named entities. UATP-1081, 1082, 1083, ¶¶4-5. All payments in connection with the PGR were made by [REDACTED], all invoices have been directed to [REDACTED]

██████████ and all payments for experts were included in the previously-identified payments from ██████████. By Patent Owner’s admission, this evidence demonstrates “control of the proceeding” resides with the originally-named entities, and highlights the speculative basis of Patent Owner’s requests.

Patent Owner’s deficient showing is not remedied by its contention that the requested discovery is tailored to discover evidence of corporate blurring. *See* Motion 4-5. “The mere existence of a relationship between a petitioner and a parent company is insufficient to demonstrate a real party-in-interest issue.” *CaptionCall, LLC v. Ultratec, Inc.*, IPR2015-00636, Paper 24, 14 (Feb. 23, 2016). Indeed, existence of a corporate structure involving other entities does not render these other entities RPIs in this proceeding. *See First Quality Baby Products, LLC v. Kimberly-Clark Worldwide, Inc.*, IPR2014-01021, Paper 42, 9 (July 16, 2015) (general sharing of business resources, cooperation in business, and overlapping managers “falls short of indicating” RPIs).

The record here is divorced from that of *Corning Optical* that Patent Owner relies upon. *E.g.*, Motion, 5. There, the moving party presented substantial threshold evidence of active involvement by unnamed entities. *See Corning Optical Communications RF, LLC v. PPC Broadband, Inc.*, IPR2014-00440, Paper 68 (“Corning”), 4-5 (Aug. 18, 2015) (including “a relevant engagement letter in relation to ... IPR proceedings between an executive at [parent company] and

outside counsel for Petitioner,” and invoices sent to and paid by the parent company), 16 (“evidence sufficiently establishes that [the unnamed entity] funded these IPR proceedings, and also exercised or could have exercised control over Petitioner’s participation in these proceedings”); *Geotab Inc. v. Perdiemco LLC*, IPR2016-01061, Paper 21, 11 (Dec. 9, 2016) (“*Corning Optical* does not stand for the proposition that an unnamed entity that is ‘intertwined with’ a named petitioner is necessarily an RPI. Rather, we must substantively evaluate the relationship of the unnamed entity to these proceedings.”) (emphasis in original). Here, not only is Patent Owner without such evidence, the record affirmatively demonstrates payment and control by [REDACTED] UATP-1083.

Patent Owner’s reliance on *Copperweld*, *Zoll*, and *Zerto* is misplaced. *Copperweld*’s holding that a parent corporation is incapable of conspiring with a subsidiary under the Sherman Act has no bearing on whether a parent entity could exercise control of a PGR filed by a subsidiary. *Copperweld Corp. v. Indep. Tube Corp.*, 467 U.S. 752, 771 (“for purposes of §1 of the Sherman Act.”) (U.S. 1984) (“*Copperweld*”). Patent Owner ignores that in *Zoll* the evidence of corporate blurring included involvement of and control by the parent entity in other proceedings and consistent control of the parent over the subsidiary – no such evidence is in the record here. *Zoll Lifecor Corp. v. Philips Elecs. N. Am. Corp.*, IPR2013-00609, Paper 15 (“*Zoll*”), 15 (Mar. 20, 2014) (“*Based on the facts*

discussed above, the evidence in its totality shows that the close relationship ... is not one of mere collaboration”) (emphasis added). Patent Owner glosses over the pertinent fact that in *Zerto*, discovery was granted based on evidence in websites and newspaper articles showing “that Zerto [Zerto, Inc. and Zerto, Ltd.] holds itself out as a single entity [and] a single entity implicitly has control over its actions.” *Zerto*, 10. In contrast, here, there is no such evidence, and moreover, all entities mentioned in Patent Owner’s discovery request are already RPI’s of record.

III. Factors 4 & 5: Patent Owner’s requested discovery in item (3) is overly broad and burdensome to produce

Far from being “narrowly tailored” as Patent Owner asserts, the information and documentation requested in item (3) is overly broad, not probative of control, and improperly seeks attorney-client privileged communications. For example, the request is so broad as to encompass individuals and entities far removed from this proceeding, and the review of documents after they’ve been filed. Third party docket services, internal filing paralegals, and possibly any member of the public would be included in the requested category of “all individuals and entities that have been sent PGR papers, have reviewed PGR papers, or have provided comments to PGR papers.” Motion, 5. Patent Owner’s justification for the request to produce time entries including attorney-client privileged communications is insufficient. *FPUSA, LLC v. M-I LLC*, IPR2016-00213, Paper 32, 10-11 (Aug. 30,

2016) (request for billing narratives lacked “adequate justification to require FPUSA and its attorneys to undertake the considerable effort of ... analyzing [entries] for privilege issues, and preparing redacted versions and privilege log”).

Moreover, overbroad item (3) does not speak to control of these proceedings at all. Merely receiving, reviewing or commenting on PGR papers has no direct connection to any alleged control of the proceeding, and thus certainly does not “by necessity show which entities controlled the filing or conduct of ... this proceeding,” as Patent Owner alleges. On the contrary, because individuals and entities that have “been sent,” “have reviewed,” or “have provided comments to” PGR papers include those that are aware of the proceeding but do not exert control of the proceeding, the requested discovery in item (3) is not probative of control. Further, the task of identifying individuals and entities that have “been sent,” “have reviewed,” or “have provided comments to” PGR papers would be difficult, if not impossible, and thus unduly burdensome to Petitioner.

IV. Patent Owner’s motion for discovery to investigate RPI is untimely

Patent Owner has raised the issue of RPI and discovery at the 11th hour, despite having access to the information that allegedly spurred their concern since the Petition’s filing. Stephen Polozola has been identified as the CLO of UATP IP, LLC since the Petition was filed and executed the POA filed therewith as CLO of UATP IP, LLC. *See* Paper 1, filed Oct. 9, 2024. Although Patent Owner asserts

that Petitioner’s reference to corporate counsel in November 2025 initiated their concern about RPI identification and the existence of other entities in the corporate structure, Patent Owner has had access to the identity of Petitioner’s corporate counsel – and the public information cited by Patent Owner such as LinkedIn pages – for over a year before that. Patent Owner’s sudden concern about the CLO cannot be traced to any new concern and can only be due to last minute posturing to support a fishing expedition with new discovery requests that could have and should have been made earlier in the proceeding, if at all. *See Sony Computer Entertainment America LLC v. Game Controller Technology LLC*, IPR2013-00634, Paper 31, 3-4 (Apr. 2, 2015) (11th hour RPI challenges are “untimely”).

The Squires Memo and designation of *Corning* do not justify Patent Owner’s late request, as neither impacts the underlying facts in this matter or the Patent Owner’s legal theory that RPI was incorrect when the Petition was filed. Granting additional discovery in this proceeding would not only be unnecessary but would also unduly jeopardize the “efficient administration of the Office and the ability of the Office to complete the proceeding timely.” *See Bloomberg*, 3, fn. 4 (citing 35 U.S.C. §§ 316(b) and 326(b)).

Based on these facts, no additional discovery is warranted this late in the game, and Patent Owner’s request to engage in a fishing expedition should be denied.

Date: January 30, 2026

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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. §§42.6(e), the undersigned certifies that on January 30, 2026, a complete and entire copy of this Petitioner's Opposition to Patent Owner's Motion for Additional Discovery and its supporting exhibits were provided via email to the Patent Owner by serving the correspondence email address of record as follows:

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