

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 TO
TERMINATE POST-GRANT REVIEW**

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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”)
UATP-1006	<i>WN0400 – 400 Micron Nylon Mesh 45% Open Area</i> , Industrial Netting product page, archived by Internet Archive Wayback Machine on July 28, 2021 (https://web.archive.org/web/20210728222259/https://www.industrialnetting.com/wn0400-400-micron-nylon-woven-mesh.html) (“WN0400”)
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- UATP-1045 Deposition Transcript of Dr. Rust, October 22, 2025
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Feet of Flight! archived by Internet Archive on Sep. 22, 2020
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- 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 Material-	Confidential and Redacted Invoices (Protective Order Attorney's Eyes Only)
UATP-1083	Declaration of Stephen Polozola, January 30, 2026 (Protective Order Material – Attorney's Eyes Only)
UATP-1084	Transcript of February 17, 2026, Teleconference
UATP-1085	Declaration of Stephen Polozola, March 10, 2026 (Protective Order Material – Attorney's Eyes Only)

I. INTRODUCTION

Patent Owner's (PO) Motion to Terminate is premised on a purported insufficiency of the Petition's real party-in-interest (RPI) designation. But after comprehensive production extending to each of PO's discovery requests, the record shows otherwise, decisively—no unnamed entity funded, controlled, or otherwise had an RPI relationship to the proceeding at any time. The RPI listing in the Petition—UATP IP, LLC and UATP Management, LLC—was, and remains, complete.

Facing undisputed documentary evidence of control and funding exclusively by the named RPIs, PO resorts to assertions of (1) opportunity to control by two entities—Unleashed Brands, LLC and Unleashed Services, LLC and (2) purported beneficial interest of three other entities—UA Attractions, LLC, UASUA, LLC, and Fort Worth UA (an independent franchise entity not part of the corporate structure at all). In its first allegation – opportunity for control, PO relies on a parent-subsidiary relationship and service by an individual (Mr. Polozola) as CLO for multiple entities, but neither transforms these entities into RPI, especially in view of the evidence of complete observance of corporate formalities in maintaining corporate separation. *See, e.g., Daifuku Co. Ltd. v. Murata Machinery, LTD*, IPR2015-01538 (Paper 11) 9 (January 19, 2016) (Murphy, Barrett, Grossman, APJs.). In its second allegation – beneficial interest, PO fails to identify

any benefit accruing to the entities in question other than the benefit inuring to any market participant having “a slide and ride vehicle,” which is insufficient to elevate these entities to an RPI. Motion, 5. *Unified Patents, Inc., v. Realtime Adaptive Streaming, LLC*, IPR2018-00883, Paper 29, 14-15 (PTAB Oct. 11, 2018).

PO argues as an independent basis that Petitioner’s previously-pending November Mandatory Notices “require[] that the petition be given a new filing date and dismissed” (Motion, 6). Those Mandatory Notices were withdrawn and, even if not, did not serve to correct a statutory defect in the original RPIs.

II. THE PETITION CORRECTLY IDENTIFIED ALL RPIs

The Petition correctly identified UATP IP, LLC and UATP Management, LLC as the only real parties-in-interest to this proceeding. *See* Paper 2 (Petition), 95. There is no dispute that [REDACTED] exclusively funded this proceeding, and the record establishes no control or opportunity for control by any entity other than UATP IP and UATP Management. PO relies on a dissociated set of allegations related to five entities, none of which rise to the level of rebutting the comprehensive evidence of record.

A. The Petition was funded entirely by [REDACTED]

All funding of this PGR has come exclusively from [REDACTED]. Petitioner provided PO with check images showing [REDACTED] as the payor for all services rendered in relation to this PGR. EX1081, 1082. Declarations

of Ms. Cornell and Mr. Polozola authenticated these records and confirmed funding by [REDACTED]. EX1081-82; EX1083, ¶¶4-5 (“All payments for services rendered in relation to this PGR, including by counsel and expert witnesses, have been paid by [REDACTED].”); EX1085, ¶¶2-3; EX2055, 78, 85.

The Motion does not dispute [REDACTED] as the source of all funding. This stands to reason, given the absence of competing evidence of funding by an unnamed entity, nor could there be in view of the evidence that [REDACTED] funding is comprehensive.

Accordingly, funding—highly-probative of RPI—is undisputed to be entirely and exclusively from the originally named RPIs.

B. UATP IP and UATP Management Controlled this Proceeding

The evidence of record directly confirms that UATP IP and UATP Management, exclusively and entirely, controlled the PGR, including its preparation and filing, and thereafter, this proceeding. PO alleges opportunity for control by Unleashed Brands and Unleashed Services, but ignores evidence directly confirming the opposite.

i. UATP IP and UATP Management alone controlled or had opportunity to control the proceeding.

UATP IP and UATP Management have exclusively controlled this PGR at all times and are the parties that desire review of the patent. Consolidated Trial

Practice Guide (CTPG), 14 (the RPI “is the party that desires review of the patent”). As Mr. Polozola testified, the “decision to initiate this PGR, and ongoing management of this proceeding, has been *conducted unilaterally by UATP Management, LLC and UATP IP, LLC* through me.” EX1083, ¶2. “It was my intention that these two entities control the proceeding, and *these two entities exclusively have exercised control in this proceeding* through me, as the sole decision maker.” *Id.*; Paper 1, 1 (POA by UATP IP); *see also* EX1071, 2-3 (¶1 and signature block); EX1083, ¶¶1-3 (explaining his CLO roles).

Mr. Polozola operates with complete autonomy in managing legal matters on behalf of UATP IP and UATP Management as CLO for those entities. EX2055, 8:1-9:24-25, 10:19-11:14 (sole authority to initiate/manage disputes, select/manage outside counsel, and review work product). When doing so, he acts exclusively in his role as CLO of those two entities. *Id.*, 16:24-17:2 (“if I’m giving advice to UATP Management, I do so as the CLO of UATP Management.”).

PO points to Unleashed Brands, its CEO Michael Browning, and Unleashed Services, and contends that each had an opportunity to exert control over the PGR. Motion, 12-13. The evidence confirms otherwise. None had the authority for such control, and thus none had an opportunity to control the PGR or this proceeding.

Nothing beyond the unsubstantiated conjecture of PO establishes that the business objectives or activities of UATP Management or UATP IP are informed

or directed by Unleashed Brands, or a board of any parent entity. Rather, the evidence firmly establishes otherwise. *See* EX2055, 74 (“Q [REDACTED]

[REDACTED]”); *see also*, EX2055, 35; *id.*, 61-62 and 66-67; EX1083, ¶3, ¶7.

Likewise, Mr. Browning does not have the authority to instruct or direct activities or decisions of Mr. Polozola; rather, the record evidence is clear that Mr. Polozola acts with independence in his capacity as CLO on behalf of UATP Management, LLC, or UATP IP, or any other entity. *See, e.g.*, EX2055, 68-69 (“Q Could [Browning] instruct you with regard to the actions of Unleashed Services, LLC? . . . A On legal issues, no, he could not. Q Why not? A Because *the autonomy on all legal decisions rests with me*. Q And why is that? A Because . . . I am the CLO of the company.”). PO’s assertion that Browning is “at least ‘technically’ Polozola’s boss” (Motion, 6) mischaracterizes the relationship and ignores Mr. Polozola’s full testimony. EX2055, 68 (“I don’t really consider him my boss,” “I work independent of direction from anybody else,” and “*he could not*” fire me).

PO inappropriately faults petitioner’s proper assertion of privilege, which

was necessitated by PO's overbroad and out-of-scope inquiries.¹ Motion, 6. And PO conspicuously ignores that Mr. Polozola's testimony fully addressed the only PO inquiry as to Mr. Browning relevant to RPI—regarding whether Mr. Browning consulted counsel for Petitioner or provided direction to counsel for Petitioner in connection with the merits of the challenges to patentability raised in the Petition; Mr. Polozola clearly testified, “no, he did not.” EX2055, 71:1-6.

As to Unleashed Services, PO again mischaracterizes the record by suggesting that Mr. Polozola controls strategic legal direction and directs outside counsel “for all entities within the Unleashed Brands umbrella” *in the role of CLO of Unleashed Services*. Motion, 4 (citing to EX2055, 9:2-10:14), 2-3. Instead, Mr. Polozola's testimony confirms that he acts on behalf of a respective entity *as CLO for that entity*, without exception. EX2055, 12:7-9.

PO attempts to manufacture a contradiction as to whether Unleashed Services provides legal services to other entities in the corporate structure. Motion, 3, 13. Contrary to PO's assertions, Mr. Polozola has been consistent, here and in

¹ PO's misunderstanding of the implications of privilege assertion also arises elsewhere in the Motion and is improper in those instances as well in view of the overbroad questions seeking privileged information. *See* Motion, 5, 12, 13, 15.

the unrelated proceeding cited by PO, as to the role of Unleashed Services. Mr. Polozola explained at length the tasks it handles, which amount to administrative legal services, and clarified that he does not provide legal counsel to other entities in his role as CLO of Unleashed Services. *Compare* EX2055, 13:9-14 (Q: “Does Unleashed Services, LLC, provide the legal services to other Urban Air entities?” A: “The staff would provide legal services, but I provide legal services as the CLO of the particular entity for which I’m working on at the time.”); 14:3-8 (Q: “Does the staff provide legal services to you as the CLO of a given Urban Air entity?” A: “*Well, if mailing something out is legal services, then yes. But they don’t typically provide legal services in the nature, I think, in which you’re characterizing it.*”) *with* EX2054, ¶2 (“I am employed by Unleashed Services, LLC, which provides legal services to Unleashed Brands, LLC, its franchisor companies, and all related parents, affiliates, and subsidiaries...I serve as the Chief Legal Officer for all of these entities”).

Likewise, PO contends that Mr. Polozola was not forthcoming as to his employment, a contention that is belied by the fulsome relevant testimony of Mr. Polozola. EX1083, ¶6; EX1085, ¶1; EX2055, 13:17-14:16; 18:3-8.

ii. The evidence confirms observance of corporate formalities and absence of corporate blurring

PO alleges the “Urban Air (“UA”) corporate web . . . is blurred and

confusing,” and relies on Mr. Polozola’s roles of CLO for Unleashed Brands and Unleashed Services as dictating those entities be identified as RPIs. Motion 2; 12-13. Here again, PO’s theory overlooks the law and the facts. The sharing of a resource, in this case a common officer, does not convert an entity into an RPI, as prior decisions highlight.

As to its contentions of blurring, PO cites to “Petitioner’s disclosures” and points to Unleashed Brands being identified as “the sole member of both of the RPI’s identified.” Motion, 3-4. But a parent-subsidary relationship between these entities is not “blurring”—it is well-understood corporate structure that does not inform the presence/absence of an RPI relationship, especially where the evidence demonstrates respect of proper corporate formalities, as here. *Daifuku*, IPR2015-01538 at 9-13 (finding a parent-subsidary relationship insufficient, and that “a common address and telephone number, substantial overlap of officers, . . . establishes a relationship between *parties*; it does not establish a relationship between [unnamed entity] and this *proceeding*”); *Sony Computer Entertainment America LLC v. Game Controller Technology LLC*, IPR2013-00634, Paper 31, 7–8 (Apr. 2, 2015) (parent-subsidary relationship insufficient by itself to establish RPI). Tellingly, PO’s assertion is not followed by any disregard for corporate formalities between Unleashed Brands and UATP IP or UATP Management.

Likewise, Mr. Polozola’s role as CLO of Unleashed Brands, and Unleashed

Services does not support PO's assertion that those entities are RPIs in this PGR. It is well understood that "[d]irectors and officers holding positions with a parent and its subsidiary can and do 'change hats' to represent the two corporations separately, despite their common ownership." *Daifuku* at 9. Indeed, to this very point, the Board confirmed in *Daifuku* that a parent entity sharing general counsel with a petitioner is insufficient to indicate that the parent is an RPI without additional evidence of substantial control. *Daifuku*, 9-13 ("It is entirely appropriate for directors of a parent corporation to serve as directors of its subsidiary, and that fact alone may not serve to expose the parent corporation to liability for its subsidiary's acts."). "If theoretical power, whether exercised or not, were the controlling test for determining a real party in interest, the test would be eviscerated of substance." *Id.* As observed by the Board in *Daifuka*, PO's assertions, which are contrary to the extensive evidence demonstrating a lack of control or opportunity for control from Unleashed Brands and Unleashed Services, are insufficient to establish RPI. *Id.*; see, also *Petroleum Geo-Services Inc. v. WesternGeco LLC*, IPR2014-01475, Paper 18, 15–16 (Mar. 17, 2015) (Paper 18) (sharing in-house counsel insufficient to show RPI); *First Quality Baby Products v. Kimberley-Clark Worldwide, Inc.*, IPR2014-01021, Paper 42, 9-10 (July 16, 2015).

Further informing the point, Mr. Polozola testified that, in his role as CLO,

he exclusively operates on behalf of the entity that he is doing legal work for.

EX2055, 12:23-25; 25-26; 76:10-15. Such adherence to corporate separation highlights a lack of improper blurring that PO alleges and further confirms there is no opportunity for control by other entities. For example, when asked by PO “[i]f you are working as CLO of UATP Management, LLC, do you have occasion to consider the impact of your work that might have on Unleashed Brands, LLC?” Mr. Polozola explained “[g]enerally, no. I can’t think of a situation where anything I’d do on behalf of UATP would impact on Unleashed Brands.” EX2055, 77-78; *see also* 63:15-24; 72:13-15.

The entity Mr. Polozola is acting on behalf of is not arbitrary. His activities and responsibilities for the respective entities are distinct in character. In his role as CLO of Unleashed Brands his activities are [REDACTED]

[REDACTED] EX2055, 85:16-22. For Unleashed Services, Mr. Polozola’s CLO role involves legal matters related to [REDACTED]

[REDACTED]

[REDACTED]. *Id.*, 27:13-28:7. Mr. Polozola’s tasks on behalf of UATP Management, LLC and UATP IP are focused on its respective objectives as [REDACTED]

[REDACTED] (*id.*, 42:7-8), and [REDACTED]

[REDACTED] *Id.*, 38:16-17, 40:9-10. And, contrary to PO’s assertion, the entity for which Mr. Polozola acts is observed and recorded

when Mr. Polozola executes his signature—“the document would reflect on whose behalf I’m working.” *Compare* Motion, 4-5 with EX2055, 76:21-77:2.

As is conventional of an attorney that represents multiple clients, Mr. Polozola represents one entity at a time. PO has identified nothing to call into question Mr. Polozola’s respect of corporate boundaries between entities. Far from *Corning’s* directive that “the evidence as a whole must show that *the non-party possessed effective control over the IPR proceeding*,” the evidence here confirms an absence of any control, or authority for control. IPR2014-00440, Paper 68, 16 (Aug. 18, 2015); *Daifuku* at 7.

C. There Are No Benefits To The Unnamed Parties Sufficient To Make Them RPIs To This Proceeding

As the Board has noted, the RPI analysis “require[s] more than simply confining the analysis to determining whether a party benefits generally from the filing of this Petition and also has a relationship with the Petitioner”—to provide only a general benefit and relationship “overextend[s] the reasoning of *AIT*.” *Unified Patents*, IPR2018-00883, 14-15. PO’s conclusory assertion of a benefit to UA Attractions, UAUSA, and Fort Worth UA (Motion, 5) relies on exactly the overextension that the Board cautions against.

PO’s assertion of a benefit is premised on the idea that because these entities provide (UA Attractions) or use (UAUSA and Fort Worth UA) a slide and ride

vehicle they would “directly benefit if the ’854 Patent is determined to be unpatentable.” *Id.* How these entities would allegedly “directly benefit” from this proceeding merely by having a slide and vehicle (e.g., without specifying relation to the ’854 patent) is never addressed by PO, and there is and has been no relevant litigation between parties. *See id.*, 5-6. At best, PO alleges a general benefit common to any entity having a slide and vehicle, which is not sufficient to show RPI. As to relationship to the proceeding, none of UA Attractions, UAUSA, and Fort Worth UA have any control whatsoever over this proceeding or legal matters of UATP Management and UATP IP. EX2055, 85:18-86:11. In fact, Fort Worth UA is an independent franchisee and not part of the corporate structure at all. *Id.* PO’s reliance on an unstated general benefit tied to generic use of slide and vehicle is misplaced.

D. PO’s Focus On Relationships Of Entities Is At Most Relevant To Privy, Not RPI

While estoppel considerations apply to both RPIs and privies, and thus can similarly bar subsequent challenges or litigation, the Consolidated Trial Practice Guide draws a distinction between the two. *See* CTPG, 14. The “real party-in-interest” is the party that desires review of the patent and is determined based on the relationship of an unnamed party *to the instant proceeding* while “privy” is more expansively related to the relationship between the entity and the party and

encompasses parties that do not necessarily need to be identified in the petition.

Id., 14. *See Aruze Gaming Macau, Ltd. v. MGT Gaming, Inc.*, IPR2014-01288, Paper 13 at 11, 13 (Feb. 20, 2015).

PO's focus on the relationship between various entities and UATP IP, LLC and UATP Management, LLC, even if relevant to privity, falls short of demonstrating RPI. *Unified Patents Inc. v. Uniloc 2017, LLC*, IPR2017-02148, 16–17 (April 26, 2019) (Paper 82) (“Petitioner is not required to identify its privies”). The evidence demonstrates there is no relationship between the unnamed entities and the instant proceeding sufficient to establish an unnamed entity as an RPI.

III. THE UNENTERED NOVEMBER 2025 MANDATORY NOTICES WERE WITHDRAWN AND NEITHER CAN NOR SHOULD DICTATE A NEW FILING DATE

PO asserts, as an independent basis for termination, that mere submission of the November Mandatory Notices “requires that the petition be given a new filing date and dismissed.” Motion, 6. Fatal to PO's theory, the Mandatory Notices were not entered and withdrawn—the RPIs in this proceeding remain, and have always remained, as originally listed at the time of Petition filing (*see, e.g.*, P-TACTS). PO's theory premised on mere submission of Mandatory Notices fails.

From the November Mandatory Notices, and through subsequent Board calls and briefing, Petitioner maintained without exception that the original RPI designation was and remains accurate. Petitioner's Reply, 35-36; EX1078, 5, 8;

EX1079, 8, 9-10; Opposition to Discovery, 4-5. Petitioner did not object to an over-expansive listing of RPIs, under the then-current legal landscape, to administratively moot a potential RPI dispute. *See Proppant Express v. Oren Techs.*, IPR2017-01917, Paper 86 (PTAB Feb. 13, 2019). Having no bearing on the inquiry as to the statutory sufficiency of the original RPI listing, and in view of circumstances in which mandatory notices akin to a stipulation have not been treated as mooted the issue, however, the unentered Mandatory Notices were withdrawn having never been entered. Paper 47 (Mar. 23, 2026).

PO tersely mentions the withdrawal in two sentences, alleging that 37 C.F.R. § 42.8 “provides no means to withdraw identified RPIs.” Motion, 10. Tellingly, PO points to nothing in § 42.8, or elsewhere, that prohibits withdrawal. And it stands to reason that withdrawal must be permitted, as a submission inadvertently listing a party, such as a result of a clerical error, would not automatically be entered and trigger a new filing date. Similarly, PO ignores that § 42.8 likewise does not expressly permit a party to file mandatory notices with new RPI designations, or mandate that the Board enter mandatory notices if filed. Such entry is subject to the Board’s discretion under 37 C.F.R. § 42.5(c)(3). In view of withdrawal of the unentered Mandatory Notices, PO’s argument in III.A fails in its entirety.

Even if the November Mandatory Notices had not been withdrawn, PO’s assertion that RPI disclosures triggers a new filing date if “updated to name

additional RPIs, for any reason” (Motion, 1), is contradicted by the express rules. Section 42.8(a)(3) expressly provides example scenarios for addition of RPIs without a new filing date. PO’s overly broad assertion consumes this express rule. A submission does not automatically trigger a new filing date.

Recent decisions cited by PO likewise fail to remedy PO’s assertion.² PO cites *Curiam*, but *Curiam*’s posture is inapposite—the appropriateness of a new filing date was not at issue. A new filing date had no bearing on the viability of the proceeding, and RPIs were updated to remove the dispute without depriving Petitioner of its challenge. As to *Corning* and *Aylo*, both decisions involved a statutory defect in the original designation being corrected through submission of additional RPIs. *Aylo*, Paper 75, at 3-4. Here, the petition was always accurate. Reply, 35. The November Mandatory Notices were provided in an attempt to serve efficiencies by removing an issue in dispute, much as a stipulation can be offered to remove issues from dispute. Without a correction, the original filing has always remained statutorily sufficient with no reason to update filing date.

² *Curiam* is inapplicable for the independent reason that the unentered November Mandatory Notices were withdrawn, as noted above.

Date: April 16, 2026

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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. §§42.6(e), the undersigned certifies that on April 16, 2026, a complete and entire copy of this Petitioner's Opposition to Patent Owner's Motion To Terminate Post-Grant Review and Exhibit 1085 were provided via email to the Patent Owner by serving the correspondence email addresses of record as follows:

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