UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC
Petitioner

v.

IPA TECHNOLOGIES INC.
Patent Owner

IPR2018-00476
Patent No. 6,757,718

PETITIONER'S REPLY IN SUPPORT OF ITS REQUEST FOR REHEARING AND SUGGESTION FOR REHEARING BY AN EXPANDED PANEL

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Petitioner Google LLC ("Google") submits this reply to Patent Owner IPA Technologies Inc.'s ("IPA") opposition ("Opposition") to Google's Request for Rehearing, as authorized by the Board in its August 24, 2018 e-mail.

I. IPA IGNORES THE EVIDENCE, INCLUDING EXHIBIT 1031

IPA's Opposition does not address one of the two core points of Google's Request for Rehearing—that *Cheyer* was publicly available on the SRI website in substantially identical form as ***both*** a PDF article (Ex. 1030) and as a webpage (Ex. 1031). (*See, e.g.*, Reh'g Req. at 1, 3-6; Pet. (Paper No. 1) at 3-4.) IPA contends that "the only version of *Cheyer* on the Internet Archive relied on by Petitioner is from July 5, 2017." (Reh'g Opp'n at 4.) However, IPA does not—and cannot—dispute that Exhibit 1031 is an archived copy of *Cheyer* or that it was available on SRI's website as early as 1997, made evident by the Internet Archive URL on the face of Exhibit 1031. (Reh'g Req. at 3; Pet. at 4 (citing *SDI Techs., Inc. v. Bose Corp.*, IPR2014-00343, Paper No. 32 at 14 (June 11, 2015)); Ex. 1031 at 1.)

Rather than address the webpage version of *Cheyer* that was indisputably available pre-critical date, IPA focuses on the purported difficulty in retrieving the PDF version of *Cheyer* linked on the SRI website, arguing that the link to download *Cheyer* only worked as of 2017. (*See* Reh'g Opp'n at 4-5.) But even as to this argument, IPA has no response to the fact that Exhibit 1030 contained a link to download *Cheyer* in 1997. In any event, however, IPA's Opposition fails to

address Google's main contention regarding the webpage version of *Cheyer*: "[A] full viewable copy of *Cheyer* was made available at SRI's website at least as early as 1997." (Reh'g Req. at 3 (quoting Pet. at 4).)

In addition, as Google explained in its Petition and its Request for Rehearing, not only has "[d]ocumentary evidence generated by the Wayback Machine generally [] been accepted as prior art," *Elec. Arts Inc. v. White Knuckle IP, LLC*, IPR2015-01595, Paper No. 38 at 11-12 (Jan. 12, 2017), but published articles such as *Moran*[1] (Ex. 1029) can also establish the public availability of other references (such as *Cheyer*) when "they provide a skilled artisan with a sufficiently definite roadmap leading to" the other reference. (Pet. at 3-4; Reh'g Req. at 1-2, 9-11.) *See Blue Calypso, LLC v. Groupon, Inc.*, 815 F.3d 1331, 1350 (Fed. Cir. 2016). While IPA asserts that it is "deeply flawed" for Google to suggest that "a computer scientist would be able to find an article on a website" (Reh'g Opp'n at 7)[2], this is the type of issue that can and should be developed during trial. For instance, IPA argues that "nothing supports Petitioner's contention that *Moran* was 'disseminated to the public —including a POSITA.'" (Reh'g Opp'n at 6.) Yet

[1] *Moran* is entitled "Multimodal User Interfaces in the Open Agent Architecture" which is the subject of the '718 patent. (Ex. 1029 at 3; Ex. 1002 at ¶¶ 39, 41.)

[2] Although IPA makes this assertion in a section of its Opposition regarding a POSITA, IPA does not dispute the definition of a POSITA. (Reh'g Opp'n at 6-9.)

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