

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC, SAMSUNG ELECTRONICS CO., LTD., SAMSUNG
ELECTRONICS AMERICA, INC., LG ELECTRONICS INC., and LG
ELECTRONICS U.S.A., INC.,
Petitioners,

v.

PARUS HOLDINGS, INC.,
Patent Owner.

Case No. IPR2020-00846
U.S. Patent No. 7,076,431

**PATENT OWNER'S SUR-REPLY TO PETITIONER'S
REPLY TO PATENT OWNER'S PRELIMINARY RESPONSE**

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505 Games Interactive, Inc. and 505 Games (U.S.), Inc. v. Babbage Holdings LLC,
IPR2014-00954, Paper 17 (PTAB Aug. 22, 2014)..... 1

Agilysys, Inc. v. Ameranth, Inc.,
CBM2014-00014, Paper 11 (PTAB Feb. 11, 2014)..... 2

TABLE OF EXHIBITS

Exhibit	Description
2001	Order Denying Motion to Stay Pending <i>Inter Partes</i> Review, C.A. No. 6-18-cv-00201
2002	Exhibit A9 Kovatch Claim Chart 7076431
2003	Exhibit C Obviousness Claim Chart 7076431 (Corrected)
2004	Reserved
2005	Reserved
2006	Standing Order Re Scheduled Hearings in Civil Cases, 19-cv-00432
2007	Claim Construction Order, 1-20-cv-00351
2008	Claim Construction Order, 6-19-cv-00532
2009	Claim Construction Order, 6-18-cv-00308
2010	U.S. Patent No. 6,157,705 (Perrone)
2011	Defendants' Corrected Invalidity Contentions, 6-19-cv-00432
2012	Excerpt of Case Docket Sheet, 6-19-cv-00278-ADA
2013	Excerpt of Case Docket Sheet, 6-19-cv-00514-ADA
2014	Excerpt of Case Docket Sheet, 6-19-cv-00515-ADA
2015	Markman Hearing Transcript, 6-19-cv-00432-ADA
2016	Claim Construction Order, 6-19-cv-00432-ADA
2017	Order Consolidating Cases, 6-19-cv-00432-ADA

Patent Owner Parus sued Petitioners Samsung, LG, and Google (and non-Petitioners Amazon and Apple) in the District Court for the Western District of Texas for infringement of the challenged patent. Petitioners argue that the subsequent transfer of the dispute between Parus and LG (but not the other Petitioners or Apple) materially affects the applicability of *NHK* and *Fintiv* to this Petition. It does not.

That transfer does not alter that the Western District of Texas Court is conducting a trial between Parus, Petitioners, Amazon, and Apple concerning the validity of the challenged patent (included the references asserted by Petitioners here) in July 2021, **three months before** any final written decision deadline in the requested IPR. In light of this earlier trial date to resolve the same issues as those presented by Petitioners' Petition, all six *Fintiv* factors weigh in favor of denying the present Petition to serve "the efficiency and integrity of the system." This is true regardless of whether there may be another later trial between Parus and LG.

Moreover, that one of the named Petitioners (LG) has elected to not participate in that earlier trial is of no matter because the Petitioners chose to **jointly** file the Petition and thus are treated as a "single party filing the petition, no matter how many companies are listed as petitioners." (*505 Games Interactive, Inc. and 505 Games (U.S.), Inc. v. Babbage Holdings LLC*, IPR2014-00954, Paper 17, 2). Because a trial is proceeding against one or more Petitioners, that earlier trial

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