

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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ALLIANCE LAUNDRY SYSTEMS, LLC,  
Petitioner,

v.

PAYRANGE LLC,  
Patent Owner.

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IPR2025-00950  
U.S. Patent No. 10,891,608

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**PETITIONER'S SUR-REPLY IN OPPOSITION TO PATENT OWNER'S  
REQUEST FOR DISCRETIONARY DENIAL**

Pursuant to the Director’s authorization (*see* Ex. 3102), Petitioner submits this Sur-Reply to Patent Owner’s Reply in Support of its Request for Discretionary Denial (Paper 9). Patent Owner’s Reply overstates the impact of the Director’s recent decision in *Amazon Web Services, Inc. v. Croga Innovations, Ltd.*, IPR2025-00884, Paper 9 (Director Sep. 3, 2025) on the facts of this case.

Although the Director acknowledged “concerns of roadmap[p]ing” in *Amazon Web*, it was not the dispositive factor for denial. Instead, the Director focused on the existence of an ongoing *ex parte* reexamination of the challenged patent, in which the Office had issued a final rejection on the challenged claims. IPR2025-00884, Paper 9 at 2–3. The Director found that “[i]t is not an appropriate use of Office resources to review a patent in two separate, concurrent Office proceedings, especially when the reexamination is in an advanced stage.” *Id.* The Director’s focus on the reexamination in *Amazon Web* was consistent with prior decisions finding that “purported road-mapping is [not] a reason to discretionarily deny institution.” *Skechers U.S.A., Inc. v. Nike, Inc.*, IPR2025-00142, Paper 11 at 5 (PTAB Jun. 12, 2025); *see also Ford Motor Co. v. Neo Wireless LLC*, IPR2023-00763, Paper 28 at 4–5 (Vidal Mar. 22, 2024) (discretionary denial not justified in the absence of a “significant relationship” between first and second petitioners).

The concerns with a parallel, advanced reexamination are not present here. There are no parallel Office proceedings related to the ’608 Patent and, contrary to

Patent Owner's assertions, the claims of the '608 Patent have never previously been "adjudicated" as the prior challenges to this patent never reached a final written decision. *See, e.g., Apple Inc. v. Vidal*, 63 F.4th 1, 6 (Fed. Cir. 2023) (noting adjudications occur in the Board's final written decision); DD Reply at 1.

Accordingly, even if "concerns of roadmapping" can be one factor in the holistic assessment, the key consideration in *Amazon Web* is absent here, and Petitioner has shown why, on balance, the facts of this case do not warrant discretionary denial. In particular, the efficiencies gained by the PTAB addressing the '608 Patent at the same time it considers other related patents outweigh any purported concerns of road-mapping. *See generally* Paper 7 at 17–19.

All four patents asserted in the Delaware Litigation have been challenged in PTAB proceedings: the first three were referred to a merits panel and two of those have already been instituted. *See* Ex. 1015 (referring three petitions); Ex. 1023 (instituting PGR of related '920 Patent); Ex. 1024 (instituting PGR of related '423 Patent). Patent Owner's argument that the '608 Patent isn't related to the other three because it has "claims that encompass different subject matter" was recently rejected by the Director in *Embodiment, Inc. v. LifeNet Health*, IPR2025-00248, Paper 13 (Director Jun. 26, 2025). *See* DD Reply at 3. There, the Director denied a request for discretionary denial because "it is an efficient use of Board resources to address the related patent," even where the subject parent and child patents claimed different

subject matter. *Id.* at 3; *compare* U.S. Pat. No. 10,137,223 (claiming “[a] scaffold comprising one or more electrospun fibers comprising collagen”) *with* U.S. Pat. No. 11,318,227 (claiming “[a] method of treating a tissue defect in a subject”). Because “it is an efficient use of Board resources to address [a] related patent,” discretionary denial is not warranted here. *See Padagis US LLC v. Neurelis, Inc.*, IPR2025-00464, Paper 12 at 3–4 (Director Jul. 16, 2025).

Additionally, the Petition’s proper reliance on expert testimony is not “gap-filling,” as a POSA is best suited to interpret the prior art and what it teaches. DD Reply at 3; *see Tesla, Inc. v. Charge Fusion Techs., LLC*, IPR2025-00032, Paper 11 at 39 (PTAB May 19, 2025) (endorsing use of expert testimony).

The key fact in *Amazon Web*—that the challenged patent was subject to a final rejection in a parallel *ex parte* reexamination—is absent here. Consideration of the patentability of the ’608 Patent at the same time the Board is considering the patentability of at least two other related patents would be an efficient use of resources for the parties and the Board, particularly in view of the recent stay of the Delaware Litigation. *See Ex. 1026; see also Alpinestars S.p.A. v. Dainese S.p.A.*, IPR2025-00750, Paper 14 at 2 (Director Aug. 14, 2025) (“[T]he district court proceeding involving the challenged patent has been stayed...counsel[ing] against discretionary denial.”). Petitioner respectfully requests that the Petition be referred to a merits panel.

Respectfully submitted,

Dated: September 15, 2025

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**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing Petitioner's Sur-Reply in Opposition to Patent Owner's Request for Discretionary Denial was served on the date below on Patent Owner at the email addresses below:

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