

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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GOOGLE LLC  
Petitioner

v.

K.MIZRA LLC  
Patent Owner

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Case No. IPR2025-01436  
Patent 8,234,705

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

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Petitioner Google LLC submits this reply to Patent Owner’s Preliminary Response (“POPR”) pursuant to the Board authorization (EX3001) to address mischaracterizations of the Petition’s Grounds, and oversight of Director Squires’s guidance.

**I. PO’s Argument Regarding Element [1.5] Hinges on an Unaccepted District Court Construction**

Patent Owner (“PO”) interprets Element [1.5] (*see* POPR, 8-13) only under an unaccepted District Court (DC) construction of the phrase “includes at least one of an ... and an ....”. EX2011, 23-28. *The claims are unpatentable under any construction.* Pet., 18-20, 31-34. PO complains that Freund is “directed to computers that are out-of-compliance.” POPR, 9-13. PO overlooks Freund’s “‘anti-virus challenge’ option” involving attestation of client compliance (i.e., cleanliness) for client access to the Internet via Freund’s router. Pet., 29-34. PO admits that “a sufficiently updated software and/or scan may act as a cleanliness assertion.” POPR, 12; Pet., 32. This is precisely what Freund discloses. Pet., 31-33.

**II. Petitioner Clearly Explained Its Reliance on Pujare and Lewis**

Freund is a solid base reference for receiving a response as an attestation of cleanliness (i.e., compliance). EX1005, ¶¶[0077]-[0078]. Pet., 29-34. PO wrongly asserts that Petitioner’s reliance on Pujare is unclear (POPR, 15-16). Pujare is evidence that a “version” of Freund is synonymous with, and suggests, a “patch or patch level” as claimed. Pet., 14, 34, 63. PO overlooks that citations to “EX1009”

are to Pujare (*see, e.g.*, Pet., 34, 63).

PO also disputes Petitioner’s reliance on Lewis, despite acknowledging Lewis’s disclosure of an “alternative technique to the technique disclosed by Freund.” POPR, 16. “Lewis discloses an alternate method of DNS redirection”. Pet., 14. *See also* Pet., 15. Freund itself discloses and suggests Element [1.9], with Lewis being “one example” of DNS redirection “should it be argued that the claim is somehow limited to the non-limiting exemplary embodiments” of the ’705 Patent. Pet., 41-42.

### **III. The Petition Demonstrates Unpatentability Under Alternative Litigation Constructions Pursuant to Director Squires’s Guidance**

PO complains it “should [not] be required to guess how Petitioner believes the claim is invalid” (POPR, 18). No guesswork is required. The Petition details unpatentability under *both* Petitioner’s and PO’s constructions. Pet., 16-20. Pursuant to recent PTAB guidance, this is reason for institution.

The Petition addresses alternate constructions because the DC had not yet rendered its Markman Order when the Petition was filed. *See* EX2011, 12, 20, 23, 28, 33, 38, 42. Director Squires explained that “if a party advances a narrow construction ... and the district court declines to adopt the narrow construction, the party would have sufficient reason for advancing the broader, court-adopted construction...” *Revvo Tech., Inc., v. Cerebrum Sensor Tech., Inc.*, IPR2025-00632, Paper 20 at 5 (Nov. 3, 2025) (quoting *Sun Pharm. Indus. v. Nivagen Pharm.*,

IPR2025-00893, Paper 18 at 3 (Sept. 19, 2025).

**IV. Petitioner’s Ground is Based on Express Prior Art Teachings, Without Hindsight**

The POPR at 20-22 disregards numerous improvements to Freund’s TCB that a simple hardware substitution pursuant to the combination with Ball would have achieved: (1) the combination would allow for “Freund’s client-side host to verify its trustworthiness” and “securely storing cryptographic keys, hash functions, and identity information” (Pet., 26-27); (2) “Ball’s TPM would have provided enhanced hardware-based security” and “enhanced trust in the security configuration” (*id.*, 26-27); and (3) “[a] TPM would have provided enhanced hardware-based security features” (*id.*, 27). PO’s complaint about Lewis in combination with Freund (POPR, 23-24) fails. PO does not address Petitioner’s reliance on Freund as disclosing Element [1.9], or recognize that Lewis’s DNS query is simply substituted for Freund’s DNS query and includes details that align to an exemplary embodiment of the ’705 specification.

All Challenged Claims must fall with claim 1 upon proper institution of Trial.

Date: January 20, 2026

Respectfully submitted,

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APPENDIX A – LIST OF EXHIBITS

<b>Exhibit No.</b>	<b>Description</b>
1005	U.S. Patent Publication No. 2003/0055962, published March 20, 2003 to G. Freund et al. (“Freund”)
1009	U.S. Patent Application Publication No. 2002/0083183, published June 27, 2002 to S. Pujare <i>et al.</i> (“Pujare”)
2011	Claim Construction Order and Memorandum in Support Thereof, <i>K.Mizra LLC v. Google LLC</i> , 1:25-cv-00236-ADA (W.D. Tex.) (ECF No. 57)
3001	Email dated Jan. 14, 2026 authorizing preliminary reply

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 20th day of January, 2026, a true and correct copy of the foregoing **PETITIONER'S REPLY TO PATENT OWNER'S PRELIMINARY RESPONSE** is being served upon Patent Owner's counsel via electronic as follows:

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