UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC
Petitioner

v.

K.MIZRA LLC
Patent Owner

Case No. IPR2025-01437
Patent 9,516,048

PETITIONER'S OPPOSITION TO PATENT OWNER'S REQUEST FOR DISCRETIONARY DENIAL

TABLE OF CONTENTS

Page

I. INTRODUCTION 1

II. DISCRETIONARY DENIAL IS NOT WARRANTED 3

A. There Are No Settled Expectations in Light of the CAFC's Criticism of the PTAB's Rationale for Upholding Similar Claimed Subject Matter 3

B. There Are No Settled Expectations Given that Patent Owner Took Ownership in December 2019 and Delayed Assertion Against Google 7

C. The USPTO's Material Error During Examination Outweighs Any Settled Expectations 9

D. Patent Owner's Prior Efforts to Enforce the Patent Were Inconclusive as to Patentability Such that Expectations Regarding the Patent's Validity Remain Unsettled 11

E. The Challenged Claims Are Unpatentable Under Both Parties' Litigation Constructions—This Is Reason for Institution, Not Denial 12

F. The Parallel Litigation Does Not Warrant Discretionary Denial 15

G. The Petition Clearly Demonstrates Unpatentability of the Challenged Claims 18

III. CONCLUSION 19

APPENDIX A – EXHIBIT LIST

CERTIFICATE OF SERVICE

TABLE OF AUTHORITIES

Cases **Page(s)**

Advanced Bionics, LLC v. Med-El Elektromedizinische Geräte GmbH,
IPR2019-01469, Paper 6 (PTAB Feb. 13, 2020)....10

Anthony, Inc. v. ControlTec, LLC,
IPR2025-00636, Paper 9 (PTAB July 16, 2025)....10, 11

Apple Inc. v. Fintiv Inc.,
IPR2020-00019, Paper 11 (PTAB Mar. 20, 2020)....16

Comcast Cable Commn's, LLC v. Rovi Guides, Inc.,
IPR2019-00231, Paper 14 (PTAB May 20, 2019)....18

DISH Network v. Broadband iTV,
IPR2020-01280, Paper 17 (PTAB Feb. 4, 2021)....16

Embody, Inc. v. LifeNet Health,
IPR2025-00248, Paper 13 (PTAB June 26, 2025)....11

Inergy Tech., Inc. v. Force Mos Tech., Co., Ltd.,
IPR2024-00094, Paper 9 (PTAB May 21, 2024)....17

Intel Corp. v. Proxense LLC,
IPR2025-00327, Paper 12 (PTAB Jun. 26, 2025)....5, 12

Interactive Communications International, Inc. v. Blackhawk Network Inc.,
IPR2024-00465, Paper 39 (PTAB Oct. 1, 2025)....17

Omnivision Technologies, Inc. v. RE Secured Networks, LLC,
IPR2025-01019, Paper 14 (PTAB Oct. 10, 2025)....8

Padagis US LLC v. Neurelis, Inc.,
IPR2025-00464, Paper 12 (PTAB July 16, 2025)....15

Partec Cluster Competence Center GMBH,
IPR2025-00318, Paper 9 (PTAB June 12, 2025)....15

Sand Revolution II, LLC v. Continental Intermodal Group-Trucking LLC,
IPR2019-01393, Paper 24 (PTAB June 16, 2020)....17

Shenzhen Tuozhu Technology Co., Ltd. v. Stratasys, Inc.,
IPR2025-00438, Paper 10 (PTAB July 17, 2025) 12

Tesla, Inc. v. Intellectual Ventures II LLC,
IPR2025-00221, Paper 9 (PTAB June 13, 2025) 12

Treasure Garden, Inc., v. Atleisure, LLC,
IPR2025-01005, Paper 11 (PTAB Oct. 3, 2025)..5

United Fire Prot. Corp. v. Engineered Corrosion Sols., LLC,
IPR2018-00991, Paper 10 (PTAB Nov. 15, 2018)..6

Xencor, Inc. v. Merus N.V.,
IPR2025-00604, Paper 12 (PTAB Jul. 17, 2025) 10

I. INTRODUCTION

Petitioner Google LLC respectfully requests denial of Patent Owner's Request for Discretionary Denial ("PO Request") for at least the following reasons.

This IPR presents an exceptional case of ***unsettled*** expectations following previous IPR challenges of the '048 Patent filed by a different party Hewlett Packard Enterprise ("HPE"), and related U.S. Patent 8,234,705 ("'705 Patent", EX1023) filed by a different party Cisco. A Final Written Decision ("FWD") in the Cisco IPR initially upheld the challenged claims, and the PTAB referenced this FWD in denying institution of the HPE IPR a month later (EX1022). In denying the HPE IPR, the Board noted that: the '048 and '705 Patents are "closely related", the "challenged claims [of the '048 patent] are materially the same as the '705 patent's claims", and the grounds of the two IPRs are based on the "same prior art combination". EX1022, p.3.

However, on appeal from the FWD in the Cisco IPR, the CAFC determined that the PTAB's rationale for upholding the '705 claims—which was the same rationale the PTAB used to deny institution in the HPE IPR challenging the '048 Patent—"was rooted in legal error and a fact finding unsupported by substantial evidence" and vacated the determination that Cisco failed to show unpatentability. EX1017, p.13. ***Thus, even though the previous HPE IPR challenging the '048 Patent was denied institution, it is clear that the IPR should have been instituted***

given that the same faulty rationale the PTAB relied on to deny the HPE IPR was subsequently criticized and overturned by the CAFC in the Cisco IPR appeal. *See, e.g.,* EX1016, pp.35-36 (Final Written Decision in Cisco IPR); EX1022, p.18 (Institution Decision in HPE IPR); EX1017, pp.2-8 (CAFC Decision in Cisco IPR appeal). Patent Owner opted to settle the Cisco IPR rather than resolve unsettled questions of unpatentability. Patent Owner then filed its complaint (EX2019) against Google which precipitated this IPR.

Discretionary denial is unwarranted. First, Patent Owner cannot possibly have settled expectations concerning the validity of the ’048 Patent given that the CAFC decision in the Cisco IPR issued just last year and the IPR terminated earlier this year. Second, there are no settled expectations because Patent Owner took ownership in December 2019 and delayed asserting the ’048 Patent against Google until earlier this year. Third, the USPTO’s material error during examination outweighs any settled expectations. Fourth, Patent Owner’s prior efforts to enforce the patent were inconclusive as to patentability such that expectations regarding the patent’s validity remain unsettled. Fifth, the Challenged Claims are unpatentable under both parties’ litigation constructions which supports institution, not denial. Sixth, any earlier trial date is outweighed by PTO material error and the CAFC remand, and the relatively early stage of the parallel litigation and absence of overlap in light of the Sotera

stipulation weigh against discretionary denial. This IPR constitutes a judicially efficient means to resolve the invalidity of the ’048 Patent.

II. DISCRETIONARY DENIAL IS NOT WARRANTED

The PTAB should deny Patent Owner’s Request for Discretionary Denial.

A. There Are No Settled Expectations in Light of the CAFC’s Criticism of the PTAB’s Rationale for Upholding Similar Claimed Subject Matter

There are no settled expectations concerning the ’048 Patent’s validity following the prior unresolved IPR challenges of the ’048 and ’705 Patents. Although the PTAB upheld the claims in the Cisco ’705 IPR and denied institution in the HPE ’048 IPR, the common rationale for these decisions was subsequently criticized and overturned by the CAFC.

In the FWD of the Cisco IPR, the Board initially upheld the challenged claims of the ’705 Patent due to the petitioner’s purported failure to explain the “alleged benefits or advantages” of the proposed combination:

> Neither Petitioner nor [its expert] explains adequately why a person of ordinary skill in the art would have been motivated to look to Lewis to introduce such significant changes to … Gleichauf’s network when ***Gleichauf alone already provides all the alleged benefits or advantages*** of the proposed combination identified by Petitioner. [Citation omitted.] Thus, based on the complete record, we find that ***the alleged benefits or advantages*** of the proposed combination identified by Petitioner do not

> provide sufficient basis for establishing why a person of ordinary skill in the art would have been motivated to combine Gleichauf and Lewis in the manner proposed by Petitioner. [Emphasis added.]

EX1016, pp.35-36.

Likewise, in the Institution Decision that issued a month later in the HPE '048 IPR, the Board relied on ***the same rationale*** to deny institution, again focusing on the petitioner's purported failure to explain the alleged "benefits or advantages" of the proposed combination of the same prior art:

> [W]e find Petitioner's motivations to combine Lewis with Gleichauf insufficient to support a finding of unpatentability…. Because ***we find that Gleichauf already has the benefits or advantages that the addition of Lewis would allegedly provide***, we conclude that Petitioner fails to show that a skilled artisan would have been motivated to combine Lewis with Gleichauf. [Emphasis added.]

EX1022, pp.18, 22. The HPE panel—which included two of the three administrative patent judges named in the Cisco FWD—quoted the petitioner's explanation from the Cisco FWD that: the '048 and '705 Patents are "closely related", the "challenged claims [of the '048 patent] are materially the same as the '705 patent's claims", and the Grounds are based on the "same prior art combination". EX1022, p.3. The claims of the '048 and '705 Patents recite virtually identical language. EX1001, 20:25-23:22; EX1023, 19:56-22:49.

In the appeal from the Cisco FWD, the CAFC determined that the PTAB's rationale—again, which was the same as the rationale used to support denial of institution in the HPE IPR—"was rooted in legal error and a fact finding unsupported by substantial evidence" because the Board failed to address Cisco's "non-benefits-based motivation to combine arguments":

> [T]he Board erred in failing to address Cisco's ***non-benefits-based motivation to combine arguments*** and the Board's finding that Cisco failed to establish a motivation to combine is unsupported by substantial evidence…. [T]he Board ran afoul of *KSR* and *Intel* by ***ignoring Cisco's non-benefits-based, first and second motivation to combine rationales***….

EX1017, pp.2, 8, 13. *See also* EX1028 (determining a reasonable likelihood of success of the grounds). The CAFC vacated the determination that Cisco failed to show unpatentability and remanded. Patent Owner's decision to settle the Cisco IPR ***earlier this year*** rather than resolve the matter on remand demonstrates that there are unsettled expectations with regard to the validity of the '048 and '705 Patents. EX1018.

Patent Owner asserts that *Treasure Garden, Inc., v. Atleisure, LLC*, IPR2025-01005, Paper 11 (PTAB Oct. 3, 2025), stands for the proposition that "prior [IPR] challenges favor denial." PO Request, pp.9-10. However, in *Treasure Garden*, there

was no subsequent CAFC decision criticizing the same rationale used in the Board's institution decision, as is the case here.

Patent Owner also misplaces reliance on *United Fire*. In *United Fire*, the CAFC ***affirmed*** the Board's decision that the petitioner failed to meet its burden with respect to two grounds and remanded to resolve two non-instituted grounds. *United Fire Prot. Corp. v. Engineered Corrosion Sols., LLC*, IPR2018-00991, Paper 10, pages 8-9 (PTAB Nov. 15, 2018). In *United Fire*, there was no subsequent CAFC decision criticizing the same rationale used in the Board's institution decision, as is the case here. The CAFC in the related Cisco IPR appeal did not affirm but rather vacated the PTAB's decision and criticized the PTAB's rationale for upholding the claims (*see* EX1017). Further, *United Fire* involved evidence that "strongly suggested that Petitioner used this information [from the previous IPR] 'as a roadmap' … by curing deficiencies the Board identified in the [previous] IPR." Here, Petitioner's Grounds rely on different prior art than what was at issue in the Cisco IPR.

Patent Owner's speculation concerning Petitioner's purported "partnerships" with Cisco and HPE has no relevance to the discretionary denial inquiry. First, this IPR challenge was brought due to Patent Owner's piecemeal litigation strategy of serially asserting the '048 Patent against various defendants—not to some alleged partnership between Google and Cisco/HPE implicating the '048 Patent. Second,

Patent Owner does not even assert much less demonstrate with evidence that the subject of any purported “partnership” has anything to do with the subject matter of the ’048 Patent. Third, Patent Owner has alleged infringement of completely unrelated products. EX2019, pp.14-15 (accusing Google’s “Google Chrome Enterprise Premium” and “BeyondCorp Enterprise”); EX1033, pp.3-7 (accusing the “Aruba ClearPass OnGuard products”, “HPE DL20 Gen10”, “HPE DL360 Gen 10”). Fourth, Patent Owner does not assert or provide supporting evidence demonstrating that Google was somehow involved in the Cisco/HPE IPRs. Patent Owner’s assertion that Google should have joined the Cisco/HPE IPRs fails for the same reasons. Patent Owner did not assert the ’048 Patent against Google at the time of the Cisco/HPE IPRs and instead waited until earlier this year to do so which precipitated this IPR.

B. There Are No Settled Expectations Given that Patent Owner Took Ownership in December 2019 and Delayed Assertion Against Google

Patent Owner K.Mizra asserts that settled expectations exist because the ’048 Patent issued on December 6, 2016. However, K.Mizra took ownership of the ’048 Patent in December of 2019 which is less than 6 years ago from the filing of this IPR. EX1025 (Assignment from Network Security Technologies, LLC to K.Mizra LLC). *See also* EX2019, p.2 (conceding K.Mizra took ownership “by assignment”). Patent Owner cannot assert that settled expectations stem from the December 6,

2016 issue date of the '048 Patent given that Patent Owner did not even own the patent until three years later.

Furthermore, after obtaining ownership, Patent Owner K.Mizra asserted the '048 Patent against Cisco in 2020 (*see* EX1030) and against HPE, Forescout, and Fortinet in 2021 (*see* EX1033, EX1026, EX1027). But Patent Owner opted not to sue Google at that time but instead waited until February ***of this year*** (after settlement of the previous action) to assert the '048 Patent against Google (EX2019). Patent Owner asserts that Google's "Google Chrome Enterprise Premium" and "BeyondCorp Enterprise" products infringe the patent. EX2019, pp.14-15. Google's "BeyondCorp Enterprise" has been available since 2021 (*see* EX1031) yet Patent Owner waited until this year to sue Google. Google had settled expectations that Patent Owner would not assert the '048 Patent against Google given Patent Owner's prior assertion against multiple defendants years earlier.

Omnivision is distinguishable (PO Request, p.1). In that case, the Board found that the petitioner's assertion that it did not expect enforcement of the challenged patent was "undermined by Petitioner filing a declaratory judgement action of noninfringement." *Omnivision Technologies, Inc. v. RE Secured Networks, LLC*, IPR2025-01019, Paper 14, p.2 (PTAB Oct. 10, 2025). Here, Petitioner did not file any declaratory judgment action. Rather, Patent Owner waited until earlier this year to assert infringement against Google—this after years of litigation with numerous

other defendants and alleged licensing discussions with Google dating back to June 2022 (PO Request, p.2).

C. The USPTO's Material Error During Examination Outweighs Any Settled Expectations

Review is warranted in view of the USPTO's material error in allowing the claims. The Ground set forth in the Petition is based on prior art (Freund, Ball, Pujare) that was neither considered nor substantively discussed by the Patent Office during prosecution of the '048 Patent. *See* EX1001, p.1 (References Cited). Patent Owner concedes this. PO Request, p.17 ("Here, only Lewis was cited in prosecution."). The Challenged Claims are unpatentable in view of the Ground for the reasons explained in the Petition (*see* Section VII). The Patent Office materially erred by overlooking the relevant disclosures of Freund, Ball, and Pujare that demonstrate unpatentability. Patent Owner makes no assertion that the IPR Ground is cumulative to issues considered during examination. Indeed, the Ground substantially differs given that Freund, Ball, and Pujare were neither considered nor addressed.

Patent Owner dismisses the prior art cited in the Grounds (Freund, Ball, and Pujare) as irrelevant to the material error inquiry given that the PTO never considered such prior art during prosecution. That is, according to Patent Owner, material error is limited to situations where the Office considered a prior art reference and misapprehended disclosures of that considered prior art. Patent Owner

is wrong. Material error is not limited to such narrow circumstances. In this regard, Patent Owner concedes that "the 'material error' inquiry has its roots in the Advanced Bionics' case" where the PTAB stated that "[a]n example of material error may includ[e] misapprehending or ***overlooking specific teachings of the relevant prior art where those teachings impact patentability of the challenged claims.***" *Advanced Bionics, LLC v. Med-El Elektromedizinische Geräte GmbH*, IPR2019-01469, Paper 6, p.8 (PTAB Feb. 13, 2020) (precedential). That is precisely what occurred during prosecution where the Examiner overlooked the teachings of relevant prior art (Freund, Ball, Pujare) that impact patentability of the Challenged Claims. The Board has found material error under the same circumstances. *See, e.g., Anthony, Inc. v. ControlTec, LLC*, IPR2025-00636, Paper 9, p.2 (PTAB July 16, 2025) (referring the Petition to the Board where "Petitioner persuasively explains that the patent examiner erred by overlooking the teachings of Carter"), Paper 8, p.16 (Petitioner's opposition explaining that "Carter was not considered at all during prosecution").

The PTAB has determined that even "strong settled expectations" can be outweighed by PTO material error, and such is the case here. *See, e.g., Xencor, Inc. v. Merus N.V.,* IPR2025-00604, Paper 12, pp.2-3 (PTAB Jul. 17, 2025) (referring petition to the Board where "the challenged patent has been in force for approximately nine years …, creating strong settled expectations for Patent Owner"

but where "Petitioner provides persuasive reasoning, supported by evidence, that discretionary denial … is not appropriate because the Office materially erred during prosecution of the challenged patent."). Any finding of settled expectations is outweighed by the clear material error during examination in overlooking Freund, Ball, and Pujare. As previously explained, the '048 Patent was allowed in the first action and the Examiner did not provide any reasons for allowance. Pet., p.10. This Petition cites prior art that was overlooked by the Examiner which clearly renders obvious the allowable subject matter. *See Anthony*, IPR2025-00636, Paper 9, p.2 ("Petitioner persuasively explains that the patent examiner erred by overlooking the teachings of Carter. ***Although the challenged patents have been in force for approximately eighteen and seventeen years,*** Petitioner appears to show a material error by the Office, and it is an appropriate use of Office resources to review the potential error.") (emphasis added). *See also Embody, Inc. v. LifeNet Health*, IPR2025-00248, Paper 13 (PTAB June 26, 2025).

D. Patent Owner's Prior Efforts to Enforce the Patent Were Inconclusive as to Patentability Such that Expectations Regarding the Patent's Validity Remain Unsettled

Patent Owner asserts that its alleged "long history of enforcement of the '705 Patent" creates settled expectations. PO Request, p.2. Patent Owner is wrong. First, as explained above, this "long history of enforcement" culminated in ***the CAFC remand*** which created unsettled expectations as to the validity of the '048 Patent.

Second, the history of enforcement by Patent Owner is as a non-practicing entity with no efforts to commercialize, and Patent Owner admits this. EX2019, page 2 (Patent Owner's Complaint admitting that "K.Mizra is a patent licensing company … [that] focuses on high-value, high-quality patents and owns patent portfolios originating from a wide array of inventors"). EX2019, page 2. The absence of commercialization by Patent Owner further weighs against denial. *See, e.g., Intel Corp. v. Proxense LLC*, IPR2025-00327, Paper 12, pp.2-3 (PTAB Jun. 26, 2025) (non-commercialization is a factor weighing against a claim of settled expectations). *See also Shenzhen Tuozhu Technology Co., Ltd. v. Stratasys, Inc.*, IPR2025-00438, Paper 10 (PTAB July 17, 2025). Third, Patent Owner's complex and diverse litigations stemming from its piecemeal litigation tactics (*see* EX1030, EX1033, EX1026, EX1027) weigh against denial. *See, e.g., Tesla, Inc. v. Intellectual Ventures II LLC*, IPR2025-00221, Paper 9, p.2 (PTAB June 13, 2025) ("Petitioner's arguments regarding the complex and diverse litigation proceeding tip the balance against discretionary denial.").

E. The Challenged Claims Are Unpatentable Under Both Parties' Litigation Constructions—This Is Reason for Institution, Not Denial

The Petition demonstrates unpatentability under both Petitioner's and Patent Owner's constructions proffered in the Related Litigation. This demonstrates the

strength of the merits and is reason for institution, not denial, as Patent Owner contends.

Patent Owner alleges that "Petitioner fails to take any position on claim construction" and "improperly offers competing constructions." PO Request, p.12. Patent Owner is wrong. The Petition sets forth both Petitioner's and Patent Owner's constructions from the Related Litigation and unequivocally states that the prior art cited in the Petition discloses the terms under both Petitioner's and Patent Owner's proposed constructions. Pet., pp.16-19. That is, whether the claims are construed under Petitioner's or Patent Owner's proposed constructions in the litigation does not matter—***the claims are invalid under both interpretations.***

Patent Owner asserts that "Petitioner is really asking the Board to re-do claim construction that has already been done by the district court." PO Request, p.13. Patent Owner again is wrong. Petitioner is not asking the Board for a re-do—the claims are unpatentable under either parties' litigation constructions. Of course, in the event the Board adopts one or more of Petitioner's constructions, Petitioner has demonstrated that the claims are unpatentable under those constructions as well. The Petition was filed on September 19, 2025, ***prior to the issuance of the Markman Order*** (EX2011) which issued on October 28, 2025. Petitioner addressed both parties' constructions given that at the time the Petition was filed, the District Court had not yet rendered its Markman Order.

Moreover, the Markman Order construed the disputed terms (i.e., "protected network" (EX2011, page 12), "trusted computing base" (*id.*, page 20), "valid digitally signed attestation of cleanliness" (*id.*, page 23), "quarantine" or "quarantining" (*id.*, page 33), "quarantine server" (*id.*, page 38), and "a remediation host configured to provide data usable to remedy the insecure condition" (*id.*, page 43). That the Petition expressly addresses the district court's constructions constitutes further reason to institute.

Patent Owner faults Petitioner for not "setting forth which construction(s) it believes are correct" but again misses the point. The particular construction—whether Petitioner's or Patent Owner's construction from the litigation, or to the extent Patent Owner or the Board raises new construction issues in the IPR—does not matter given that the claims are unpatentable under both constructions proffered by the parties in the Related Litigation and any other construction, as was clearly explained in the Petition.

Patent Owner faults Petitioner for stating that the claims are invalid under "other constructions". PO Request, p.12. But Patent Owner fails to appreciate that the "other constructions" contemplates situations where the Patent Owner raises new claim construction issues and/or the Board raises a claim construction issue on its own. ***These situations are expressly contemplated in the Trial Practice Guide***. *See* Trial Practice Guide, Section II.B.6. ("The petitioner may respond to any such new

claim construction issues raised by the patent owner", "If the Board raises a claim construction issue on its own, both parties will be afforded an opportunity to respond before a final written decision is issued.").

F. The Parallel Litigation Does Not Warrant Discretionary Denial

The parallel litigation does not warrant discretionary denial. As explained above, the USPTO committed material error in issuing the '048 Patent. This outweighs any earlier district court trial date. *See, e.g., Microsoft Corporation v. ParTec AG f/k/a Partec Cluster Competence Center GMBH*, IPR2025-00318, Paper 9, p.3 (PTAB June 12, 2025) ("Although the scheduled district court trial is set to precede the expected final written decision due date …, discretionary denial of institution is not warranted because of Petitioner's showing of material error during patent examination."). *See also Padagis US LLC v. Neurelis, Inc.*, IPR2025-00464, Paper 12, p.3 (PTAB July 16, 2025) ("Ordinarily, a scheduled district court trial date that precedes the date projected for a Board final written decision weighs in favor of exercising discretion to deny the Petition. Here, however, the Petitioner appears to show a material error by the Office, and it is an appropriate use of Office resources to review the potential error.").

Furthermore, the Fintiv factors themselves do not warrant discretionary denial or at the very least are neutral. Factor 1 is neutral given that no party has requested a stay, and the District Court has not indicated whether a stay is likely to be granted.

Concerning Factor 2, the PTAB has long held that a scheduled trial date itself is not dispositive. Because much can change in eleven months, the current trial date does not support denial. *See DISH Network v. Broadband iTV*, IPR2020-01280, Paper 17, p.16 (PTAB Feb. 4, 2021) ("We cannot ignore the fact that the currently scheduled trial date is more than nine months away and much can change during this time").

Concerning Factor 3, the district court is at an early stage with the complaint having been filed in February 2025. Fact discovery is scheduled to close on May 26, 2026, expert discovery is scheduled to close on July 21, 2026, and dispositive motions are due on August 4, 2026—all well after the date the institution decision is projected to issue in March 2026 in this IPR. EX2007. Altogether, there is much work to be done in the district court and most of the work will be well in the future. Accordingly, the district court will not invest significant resources related to the challenged patent prior to the issuance of an institution decision. *See Fintiv*, IPR2020-00019, Paper 11 at 9-12; *DISH Network*, IPR2020-01280, Paper 17 at 18-21. Accordingly, this factor favors institution or, at the very least, is neutral.

Concerning Factor 4, Petitioner has submitted a *Sotera* stipulation (Paper 6). Therefore, this factor favors institution. Patent Owner complains that the *Sotera* stipulation is a "nullity." PO Request, pp.8-9. Patent Owner is wrong. Petitioner's language merely clarifies the circumstances for triggering the stipulation by expressly contemplating situations where the PTAB terminates an IPR proceeding

without issuing a final written decision, e.g., the action taken in *Interactive Communications International, Inc. v. Blackhawk Network Inc.*, IPR2024-00465, Paper 39 (PTAB Oct. 1, 2025). To be clear, the stipulation does not extend to scenarios where the USPTO institutes but later vacates institution of IPR2025-01437, or otherwise terminates the proceeding without issuing an appealable Final Written Decision, as those scenarios would no longer involve an instituted *inter partes* review. Thus, if IPR2025-01437 is not instituted, is instituted but later de-instituted, or otherwise terminates without an appealable Final Written Decision, Petitioner reserves the right to pursue in the Related Litigation any ground that was raised or reasonably could have been raised in IPR2025-01437.

Concerning Factor 5, overlap of parties is neutral as it is "far from an unusual circumstance that a petitioner in inter partes review and a defendant in a parallel district court proceeding are the same." *Sand Revolution*, IPR2019-01393, Paper 24 at 12-13. Concerning Factor 6, the Ground presents a compelling case of unpatentability and the merits of the Petition are strong. The challenges presented in this Petition are particularly compelling given that the Ground is a straightforward obviousness challenge based on express teachings found in the prior art. *See, e.g., Inergy Tech., Inc. v. Force Mos Tech., Co., Ltd.*, IPR2024-00094, Paper 9 (PTAB May 21, 2024) at p. 36 (finding compelling merits where the obviousness ground is "seemingly straightforward" and "Petitioner's motivation for this modification

comes from an express teaching in [the cited reference]”). The Ground asserted herein was not previously considered by either the Office or the district courts, also favoring institution. *See Comcast Cable Commn’s, LLC v. Rovi Guides, Inc.*, IPR2019-00231, Paper 14 at 11 (PTAB May 20, 2019) (obviousness challenges not “previously considered by the Office or any court” weigh in favor of not denying institution).

G. The Petition Clearly Demonstrates Unpatentability of the Challenged Claims

Patent Owner complains that the Petition discusses Lewis (EX1013) but does not name Lewis in the Ground. PO Request, p.16. First, there is no requirement that all prior art documents cited in an IPR petition be expressly named in a ground. Second, the Petition clearly explains that the Challenged Claims are obvious over Freund, Ball, and Pujare, i.e., without any need for Lewis. Pet., p.8. Third, the Petition is also clear that Lewis is merely cited to demonstrate that “a specific embodiment described in the ’048 Patent” was known in view of Lewis’s disclosure relating to “intercepting DNS queries from quarantined clients.” Pet., 43 (quoting EX1013, 11:15-17). Given that the claims of the ’048 Patent do not even expressly recite a “DNS query,” Lewis is not named in the Ground but is nonetheless relevant to the ’048 Patent disclosure. There is nothing unclear or improper about Petitioner’s reliance on Lewis.

Patent Owner asserts that Petitioner's reliance on Pujare is unclear, but Patent Owner again is wrong. As is evident from the Petition, Pujare constitutes evidence that a POSITA would have understood that a "version" is synonymous with, and suggests, a "patch or patch level" as claimed. *See* Pet., p.14. Pujare is cited as evidence that Freund's disclosure of security software "versions" would have been understood as a disclosure of a "patch or patch level" associated with a software component. Pet., pp.33, 59.

III. CONCLUSION

For at least the foregoing reasons, Patent Owner's Request for Discretionary Denial should be denied.

Respectfully submitted,

Date: December 23, 2025

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APPENDIX A – LIST OF EXHIBITS

Exhibit No.	Description
1001	U.S. Patent No. 9,516,048, issued December 6, 2016
1013	U.S. Patent No. 7,533,407 issued May 12, 2009 to Lewis et al. ("Lewis")
1016	Final Written Decision, *Cisco Systems, Inc. et al. v. K.Mizra LLC*, IPR2021-00593, Paper 41 (PTAB Sep. 19, 2022)
1017	Federal Circuit Decision vacating Final Written Decision issued in IPR2021-00593 and remanding to PTAB, *Cisco Systems, Inc. et al. v. K.Mizra LLC*, 2022-2290, 2023-1183 (Fed. Cir. Aug. 16, 2024)
1018	Order Terminating Due to Settlement After Institution of Trial, *Cisco Systems, Inc. et al. v. K.Mizra LLC*, IPR2021-00593, Paper 51 (PTAB Jan. 30, 2025)
1022	Decision Denying Institution of Inter Partes Review, *Hewlett Packard Enterprise Company v. K.Mizra LLC,* IPR2022-00843, Paper 14 (PTAB Oct. 31, 2022)
1023	U.S. Patent No. 8,234,705, issued July 31, 2012
1025	Recorded Patent Assignment recorded at Reel 051499, Frames 0047-0050 on January 13, 2020
1026	Complaint filed July 8, 2021 in *K.Mizra LLC v. Fortinet, Inc.,* Civ. Action No. 2:21-cv-00249 (E.D. Tex.)
1027	Complaint filed July 8, 2021 in *K.Mizra LLC v. Forescout Technologies Inc.,* Civ. Action No. 2:21-cv-00248 (E.D. Tex.)
1028	Institution Decision in *Cisco Systems, Inc. et al. v. K.Mizra LLC*, IPR2021-00593, Paper 9 (PTAB Sep. 24, 2021)
1030	Complaint filed November 6, 2020 in *K.Mizra LLC v. Cisco Systems, Inc.*, Civ. Action No. 6:20-cv-01031 (W.D. Tex.)

Exhibit No.	Description
1031	Google's "BeyondCorp Enterprise" available at https://cloud.google.com/blog/products/identity-security/new-beyondcorp-enterprise-zero-trust-capabilities (downloaded December 22, 2025)
1033	Complaint filed August 9, 2021 in *K.Mizra LLC v. Hewlett Packard Enterprise Company et al.,* Civ. Action No. 2:21-cv-00305 (E.D. Tex.)
2007	Scheduling Order, *K.Mizra LLC v. Google LLC*, 1:25-cv-00236-ADA (W.D. Tex.) (ECF No. 39)
2011	Claim Construction Order and Memorandum in Support Thereof, *K.Mizra LLC v. Google LLC*, 1:25-cv-00236-ADA (W.D. Tex.) (ECF No. 57)
2019	Complaint for Patent Infringement, *K.Mizra LLC v. Google LLC*, 1:25-cv-00236-ADA (W.D. Tex.) (ECF No. 1)

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 23rd day of December, 2025, a true and correct copy of the foregoing **PETITIONER'S OPPOSITION TO PATENT OWNER'S REQUEST FOR DISCRETIONARY DENIAL** is being served upon Patent Owner's counsel via electronic as follows:

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