UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

META PLATFORMS, INC.
Petitioner

v.

WEPLE IP HOLDINGS LLC,
Patent Owner

Case No. IPR2026-00079
Patent No. 12,112,357

PATENT OWNER'S REQUEST FOR DISCRETIONARY DENIAL

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Patent Trial and Appeal Board
U.S. Patent and Trademark Office
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Alexandria, VA 22313-1450

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I. INTRODUCTION

For more than fourteen months, Meta chose to litigate the validity of Weple's patents in district court. It filed successive dispositive motions—obtaining a first dismissal of three asserted patents, and then pressing the same arguments against the remaining three patents in a motion that is still pending before the court. Only after pursuing this prolonged litigation strategy did Meta file the present petition—one of three filed on the last day permitted by statute—and it did so without *Sotera* stipulations. These petitions do not offer a streamlined alternative to litigation. Instead, they would layer duplicative administrative proceedings on top of a district court case filed in 2024 that is already addressing the validity of the subject patents. Inter partes review was not designed to reward this type of serial, multi-fora attack, and the Board should exercise its discretion and deny institution.

II. FACTUAL BACKGROUND

Weple and Meta have been engaged in litigation since August 22, 2024, when Weple filed suit alleging infringement of Patent Nos. 11,734,730 and 11,966,952. Shortly thereafter—and before Meta served an Answer—Weple filed an amended complaint asserting four additional patents that issued after the original complaint was filed: U.S. Patent Nos. 12,112,357 (the "'2357 patent"), 12,118,591 (the "'591 patent"), 12,131,356 (the "'356 patent"), and 12,131,357 (the "'1357 patent").

All six Weple patents asserted against Meta arise from the same patent family

and are straight continuations sharing a common written description. The patents are generally directed to system architectures for digital media management and distribution platforms, including servers that receive media messages and associated data from mobile client applications, store, analyze, and generate media message feeds, and transmit those feeds to client applications.

Following the filing of the amended complaint, the parties negotiated a case schedule setting trial for September 11, 2026. On December 20, 2024, rather than answering the complaint, Meta filed a partial motion to dismiss under 35 U.S.C. § 101. That motion challenged only three of the six asserted patents: the two patents asserted in the original complaint and the '356 patent. Meta did not challenge the remaining three asserted patents at that time. On April 24, 2025, the district court granted Meta's partial motion to dismiss.

Thereafter, on June 30, 2025, Meta filed a second dispositive motion—this time seeking judgment on the pleadings with respect to the remaining three asserted patents—again asserting substantially the same § 101 arguments. Briefing on that motion concluded in August 2025, and the motion remains pending with the case stayed while the Court addresses Meta's second motion.

Despite having pursued multiple validity challenges in the district court over an extended period of time, Meta filed the present inter partes review petitions on the final day permitted under 35 U.S.C. § 315(b)—exactly one year after Weple filed

its amended complaint asserting the challenged patents.

III. ARGUMENT

A. The Board Should Exercise Its Discretion to Deny Institution to Preserve Efficiency and PTAB Resources.

The decision whether to institute an inter partes review lies with the Board's discretion. *Nautilus Hyosung Inc. v. Diebold, Inc.,* IPR2017-00426, Paper 17 at 11 (PTAB June 22, 2017) ("[T]he PTO is permitted, but never compelled, to institute an IPR proceeding"); *HK Spring Co. v. Intri-Plex Techs., Inc.*, IPR2018-00752, Paper 8 at 20 (PTAB Sept. 12, 2018) (precedential).

Congress made clear that post-grant proceedings were not intended to serve as tools for harassment or to enable repeated, serial attacks on patent validity. *Nautilus*, Paper 17 at 11 (citing H.R. Rep. No. 112-98, pt. 1, at 48 (2011)). Rather, they were designed to provide a "quick and cost-effective alternative to litigation," not to supplement protracted district court disputes with numerous parallel administrative proceedings that undermine efficiency and finality. *Id*.

Here, Meta's petitions present precisely the type of inefficiency and redundancy that discretionary denial is intended to prevent. As a result of Meta's litigation choices, the parties litigated the validity in district court for fourteen months before Meta filed the present petitions. During that time, Meta pursued—and obtained—dismissal of three asserted patents under § 101 and then filed a second motion advancing materially identical § 101 arguments against the remaining three

patents. That motion is still under consideration by the district court. Only after engaging in this extended course of validity challenges in federal court did Meta file the instant petitions on the last day permitted by statute.

That Meta's district-court challenges have focused on § 101 does not change the efficiency calculus. Institution would layer three validity proceedings on top of ongoing litigation rather than streamline resolution, defeating the statutory purpose of inter partes review. Rather than serving as an efficient alternative to litigation, the petitions would add a new layer of proceedings after Meta has already chosen to litigate validity extensively in district court. This is the hallmark of inefficient, serial validity challenges that Congress sought to discourage.

B. Discretionary Denial Is Warranted Even Apart from the *Fintiv* Framework.

Although the Board often considers the factors articulated in *Apple Inc. v. Fintiv, Inc.*, IPR2020-00019, Paper 11 (PTAB Mar. 20, 2020), those factors are not controlling, particularly where they "do not fit neatly with the circumstances of the case." *Hulu LLC v. Piranha Media Distrib., LLC*, IPR2024-01252, Paper 27 at 3 (Director Review Apr. 17, 2025) (informative).

The Director has emphasized that parties should address any facts or circumstances bearing on efficiency and the integrity of the patent system, including considerations beyond established Board precedent. *Id.*; Director's March 26, 2025 Memorandum, "Interim Processes for PTAB Workload Management" (updated Oct.

3, 2025). This is consistent with the principles underlying *Fintiv*. *Hulu,* Paper 27 at 3 (explaining that "the *Fintiv* framework emphasizes efficiency concerns, and *Fintiv* encourages the parties to explain the impact of other facts and circumstances that exist in their proceeding on efficiency and integrity of the patent system").

Meta's petitions implicate exactly those broader efficiency concerns. Meta elected to litigate validity in district court first, pursued multiple dispositive motions, and waited until the statutory deadline to seek IPR—after the parties and the court had already expended substantial resources in the 14 months preceding the petitions addressing Meta's invalidity challenges. Instituting review now would not streamline the dispute but would instead multiply proceedings and needlessly strain both PTAB and judicial resources. Institution of three new IPR proceedings based on Meta's serial challenges would defeat the very purpose for which IPR proceedings were created—to provide "quick and cost-effective alternatives to litigation." *Nautilus,* Paper 17 at (citing H.R. Rep. No. 112-98, pt.1, at 48 (2011)).

C. The Absence of *Sotera* Stipulations Confirms that the Petitions Are Not a True Alternative to Litigation.

Compounding these inefficiencies, Meta has declined to offer *Sotera*-style stipulations in the parallel district court proceedings. As a result, institution would not create a true alternative to district court litigation but would instead permit Meta to pursue overlapping validity challenges in multiple fora.

The Board and the Director have repeatedly recognized that the absence of

meaningful stipulations weighs heavily in favor of discretionary denial because it undermines efficiency and risks inconsistent outcomes. Here, Meta's refusal to narrow its district court defenses confirms that the petitions are not intended to replace litigation but to supplement it.

IV. CONCLUSION

For all these reasons, the Board should exercise its discretion and deny institution of Meta's *inter partes* review petitions. Instituting review under the identified circumstances would not advance the purpose of *inter partes* review as a quick and cost-effective alternative to litigation, but instead would reward serial, duplicative challenges and unnecessarily burden the Board. To preserve PTAB resources, avoid inefficiency, and protect the integrity of the patent system, discretionary denial is warranted.

Date: January 8, 2025

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing **PATENT OWNER'S REQUEST FOR DISCRETIONARY DENIAL** was served electronically via e-mail on January 8, 2026, in their entireties on the following counsel of record for Petitioner:

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