UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE PATENT TRIAL AND APPEAL BOARD EPIC GAMES, INC., Petitioner, v. INGENIOSHARE, LLC, Patent Owner. Case No. IPR2022-00202 Patent No. 10,142,810

PATENT OWNER'S SUR-REPLY

Mail Stop PATENT BOARD, PTAB Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

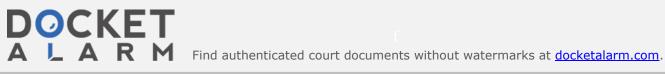


TABLE OF CONTENTS

			Page
I.	INTE	RODUCTION	1
	A.	No Rebuttal Testimony	1
	B.	Petitioner's Attacks Of Dr. Rouskas Are Baseless	1
II.	GROUND I		
	A.	[1.0] Diacakis Does Not Teach A NBP	3
	В.	[1.1] Diacakis Does Not Teach "A Prior Registration Process"	9
	C.	[1.3] The Diacakis Indicator Is Not For Messages	10
	D.	Petitioner's Reply Fails To Address [1.4]	11
	E.	Petitioner's Reply Fails To Address [1.6]	11
	F.	[1.8] Diacakis's P&A System Does Not Teach Or Support Sending Messages Between Users	11
	G.	[1.9] Diacakis Teaches That Contact Information Is Provided	12
	Н.	Petitioner's Reply Fails To Address [3.0], [7.0], and [10.0]	16
III.	GROUND II		
	A.	No Motivation To Combine	17
	B.	[1.0] The Combination Does Not Teach A NBP	20
	C.	[1.3] The Users Are Not Represented By A Single	



		Identifier For All Communications	20
	D.	[1.9] The Combination Teaches That Contact Information Is Provided	22
IV	CON	JCI USION	25



PATENT OWNER'S EXHIBIT LIST

Exhibit 2001	Complaint
Exhibit 2002	Epic Games Inc.'s Preliminary Invalidity Contentions
Exhibit 2003	Order Setting Markman Hearing
Exhibit 2004	Epic Games Inc.'s Opening Claim Construction Brief
Exhibit 2005	Declaration of Dr. George N. Rouskas, Ph.D.
Exhibit 2006	Decision Denying Institution, IPR2022-00297 (PTAB May 26, 2022)
Exhibit 2007	Judge Chang, IPR2022-00294, Paper No. 13 (PTAB June 7, 2022) (dissent)
Exhibit 2008	CV of Dr. George N. Rouskas, Ph.D.



I. <u>INTRODUCTION</u>

A. No Rebuttal Testimony

Petitioner's Reply does not include any rebuttal testimony from an expert even though it could have. Practice Guide at 73. As a result, Petitioner's Reply is based on attorney argument and the original Petition Declaration. More importantly, Dr. Rouskas's POR Declaration and his deposition testimony stand unrebutted.

B. <u>Petitioner's Attacks On Dr. Rouskas Are Baseless</u>

First, Petitioner cross-examined (deposed) Dr. Rouskas for two days. Exhibit 1042. Dr. Rouskas testified at length regarding his opinions to the point that Petitioner's counsel interrupted Dr. Rouskas because Petitioner believed that Dr. Rouskas's testimony was *too* detailed. *Id.* at 265-66. Tellingly, Petitioner does not cite to *any* cross-examination question that Dr. Rouskas was *not* able to answer. Dr. Rouskas testified that the opinions expressed in his Declaration (Exhibit 2001) are his own and that he spent "anywhere between 80 and 100 hours" preparing his Declaration. *Id.* at 24-25.

Second, Petitioner's reliance on *Hulu* and *Juniper Networks* is inapplicable.

Petitioner failed to provide a single example of how Dr. Rouskas's testimony is

"cursory or unsupported". That the POR relies upon and incorporates Dr.

Rouskas's testimony is the norm in IPR practice. Doing otherwise risks exclusion.



DOCKET

Explore Litigation Insights



Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time** alerts and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.

