UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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EPIC GAMES, INC.,
Petitioner,

v.

INGENIOSHARE, LLC,
Patent Owner.

_____

Case No. IPR2022-00291
Patent No. 10,708,727

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PATENT OWNER'S SUR-REPLY

_____

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

TABLE OF CONTENTS

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. INTRODUCTION

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. Petitioner's Attacks On Dr. Rouskas Are Baseless

First, Petitioner cross-examined (deposed) Dr. Rouskas for two days. Exhibit 1043. 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.

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