

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

EPIC GAMES, INC.,
Petitioner,

v.

INGENIOSHARE, LLC,
Patent Owner.

Case No. IPR2022-00295
Patent No. 10,492,038

PATENT OWNER'S SUR-REPLY

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

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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.
Exhibit 2009	U.S. Patent Application 2002/0116461 ("Diacakis")

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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 un rebutted.

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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