

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

META PLATFORMS, INC.,
Petitioner,

v.

ANGEL TECHNOLOGIES LLC,
Patent Owner.

Case IPR2023-00059
U.S. Patent 10,417,275

**PATENT OWNER'S PRELIMINARY RESPONSE
UNDER 37 C.F.R. § 42.107**

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

Submitted Electronically via the Patent Review Processing System

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<i>KSR Int’l Co. v. Teleflex Inc.</i> , 550 U.S. 398 (2007).....	32, 33
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