

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MICRON TECHNOLOGY INC.,

Petitioner,

v.

SONRAI MEMORY LIMITED,

Patent Owner.

Case IPR2023-00904

Patent 6,920,527

PATENT OWNER’S PRELIMINARY RESPONSE

Mail Stop “PATENT BOARD”
Patent Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

TABLE OF CONTENTS

	Page
I. INTRODUCTION	1
II. THE <i>FINTIV</i> FACTORS WEIGH AGAINST INSTITUTION	2
A. <u>Factor 1</u> : The district court has not granted a stay, nor is there any evidence that a stay will be granted.	3
B. <u>Factor 2</u> : The proximity of the court’s trial date to the Board’s projected statutory deadline for a final written decision.	6
C. <u>Factor 3</u> : The parties and the courts have made a substantial investment in the parallel proceeding.	6
D. <u>Factor 4</u> : There is complete overlap between this IPR and the district court proceedings.....	7
E. <u>Factor 5</u> : Petitioner is a defendant in the district court litigation.	9
F. <u>Factor 6</u> : Other circumstances that impact the Board’s exercise of discretion, including the merits.	9
III. INSTITUTION SHOULD BE DENIED UNDER § 314(a) IN VIEW OF THE <i>GENERAL PLASTIC</i> FACTORS.....	11
A. Factor 1 weighs against institution.	12
B. Factor 2 weighs against institution.	12
C. Factors 3 weighs against institution.....	13
D. Factor 4 weighs against institution.	13
E. Factor 5 weighs against institution.	13
F. Factors 6 and 7 are neutral.....	14
G. Summary of Factors	14
IV. CONCLUSION	15

TABLE OF AUTHORITIES

Cases

<i>Apple Inc. v. Fintiv, Inc.</i> , IPR2020-00019, Paper 11 (PTAB Mar. 20, 2020) (precedential, designated May 5, 2020)	3, 5, 7, 8, 9
<i>Apple Inc. v. Fintiv, Inc.</i> , IPR2020-00019, Paper 15 (PTAB May 13, 2020)	3, 5, 7, 8, 9
<i>General Plastic Indus. Co. v. Canon Kabushiki Kaisha</i> , IPR2016-01357, Paper 19 (Sept. 6, 2017) (precedential)	1, 11, 12, 15
<i>Next Caller Inc. v. TRUSTID, Inc.</i> , IPR2019- 00961, Paper 10 (PTAB Oct. 16, 2019)	8
<i>NHK Spring Co. v. Intri-Plex Techs., Inc.</i> , IPR2018-00752, Paper 8 (PTAB Sept. 12, 2018) (precedential, designated May 7, 2019)	2, 9
<i>OpenSky Indus., LLC v. VLSI Tech. LLC</i> , IPR2021-01064, Paper 102 (PTAB Oct. 4, 2022) (precedential)	10
<i>Samsung Elecs. Co. Ltd. v. Evolved Wireless LLC</i> , IPR2021-00950, Paper 10 (PTAB Nov. 29, 2021)	4

Statutes

35 U.S.C. § 314(a)	1, 2, 11, 15
37 C.F.R. § 42.100	6

PATENT OWNER’S EXHIBIT LIST

Exhibit No.	Description
2001	Plaintiff’s Notice of IPR Petition, <i>Sonrai Memory Limited v. Micron Technology, Inc.</i> , No. 6:22-cv-0085-ADA, Dkt. No. 40 (W.D. Tex. May 22, 2023)
2002	Order Granting Motion for Entry of Scheduling Order, <i>Sonrai Memory Limited v. Micron Technology, Inc.</i> , No. 6:22-cv-0085-ADA, Dkt. No. 40 (W.D. Tex. May 22, 2023)
2003	Docket Sheet, <i>Sonrai Memory Limited v. Micron Technology, Inc.</i> , No. 6:22-cv-0085-ADA (W.D. Tex. Sept. 10, 2023)
2004	Law360 Article: <i>West Texas Judge Says He Can Move Faster Than PTAB</i>
2005	Order Granting Joint Motion for Extension of Time To Extend Venue Discovery and Claim Construction Deadlines, <i>Sonrai Memory Limited v. Micron Technology, Inc.</i> , No. 6:22-cv-0085-ADA, Dkt. No. 51 (W.D. Tex. Aug. 3, 2023)
2006	Text Order Denying Motion to Stay Pending IPR, <i>Solas OLED Ltd. v. Google, Inc.</i> , Case No. 6:19-cv-00515-ADA (W.D. Tex. June 23, 2020)
2007	Order Denying Motion to Stay Pending IPR, <i>Multimedia Content Management LLC v. DISH Network L.L.C.</i> , Case No. 6:18-cv-00207-ADA, Dkt. No. 73 (W.D. Tex. May 30, 2019)
2008	U.S. District Courts—Federal Court Management Statistics—Profiles—During the 12-Month Periods Ending June 30, 2018 Through 2023 available at https://www.uscourts.gov/statistics/table/na/federal-court-management-statistics/2023/06/30-1
2009	Micron Technology, Inc.’s Preliminary Invalidity Contentions, <i>Sonrai Memory Limited v. Micron Technology, Inc.</i> , No. 6:22-cv-0085-ADA (W.D. Tex. June 7, 2023)

Exhibit No.	Description
2010	Preliminary Invalidity Contentions, <i>Sonrai Memory Ltd. v. Kingston Technology Company, Inc. and Kingston Technology Corporation</i> , Case No. 6:21-cv-01284-ADA (Feb. 24, 2022, W.D. Tex.)

I. INTRODUCTION

Patent Owner Sonrai Memory Ltd. (“Patent Owner”) submits this preliminary response to Petitioner Micron Technology Inc.’s (“Petitioner”) Petition for *inter partes* review of U.S. Patent No. 6,920,527 (“the ’527 patent”).

The Board should exercise its discretion to deny the petition under 35 U.S.C. § 314(a) in light of a parallel district court case involving overlapping claims and the same patent, prior art, and parties. By the time the Board reaches an institution decision in this proceeding, the parties and the district court will have already invested significant time and resources in the case which was filed on August 16, 2022 – over a year ago and more than fifteen months before the institution decision is due. Claim construction briefing is ongoing and a Markman hearing is currently scheduled for October 27, 2023. By the date of the institution decision, the parties will have nearly completed fact discovery. A Final Written Decision will not be due until three (3) months *after* trial is set to begin on September 18, 2024. The *Fintiv* factors strongly favor a discretionary denial.

35 U.S.C. § 314(a) also gives the Board discretion to deny instituting “follow on” petitions. *General Plastic Indus. Co. v. Canon Kabushiki Kaisha*, IPR2016-01357, Paper 19 (Sept. 6, 2017) (precedential). There are four petitions that were filed against the ’527 patent before this one – IPR2022-00255 (filed 12/6/2021, instituted 6/8/2022), IPR2022-00437 (filed 1/14/2022, instituted

7/29/2022), IPR2022-00762 (filed 3/25/2022) and IPR2022-00765 (filed 3/25/2022). As discussed below, five *General Plastic* factors weigh against institution and two factors are neutral. Under § 314(a) and the totality of *General Plastic* factors, institution should be denied.

II. THE *FINTIV* FACTORS WEIGH AGAINST INSTITUTION

35 U.S.C. § 314(a) gives the Board discretion to deny institution of the requested *inter partes* review due to the advanced state of parallel district court litigation regarding the same issues. *See NHK Spring Co. v. Intri-Plex Techs., Inc.*, IPR2018-00752, Paper 8 (PTAB Sept. 12, 2018) (precedential, designated May 7, 2019) (“*NHK Spring*”). The Board has set forth six factors for determining whether discretionary denial due to such parallel litigation is appropriate (the “*Fintiv* factors”):

whether the court granted a stay or evidence exists that one may be granted if a proceeding is instituted;

proximity of the court’s trial date to the Board’s projected statutory deadline for a final written decision;

investment in the parallel proceeding by the court and the parties;

overlap between issues raised in the petition and in the parallel proceeding;

whether the petitioner and the defendant in the parallel proceeding are the same party; and

other circumstances that impact the Board’s exercise of discretion, including the merits.

Apple Inc. v. Fintiv, Inc., IPR2020-00019, Paper 11 at 5-6 (PTAB Mar. 20, 2020) (precedential, designated May 5, 2020) (“*Fintiv I*”); *Apple Inc. v. Fintiv, Inc.*, IPR2020-00019, Paper 15 at 7-8 (PTAB May 13, 2020) (decision denying institution of *inter partes* review) (“*Fintiv II*”). “These factors relate to whether efficiency, fairness, and the merits support the exercise of authority to deny institution in view of an earlier trial date in the parallel proceeding.” *Fintiv I* at 6. In evaluating the factors, “the Board takes a holistic view of whether efficiency and integrity of the system are best served by denying or instituting review.” *Id.*

As set forth below, all of the *Fintiv* factors weigh against institution. To avoid duplication of efforts, wasting resources, and potentially inconsistent decisions, the Board should deny institution.

A. Factor 1: The district court has not granted a stay, nor is there any evidence that a stay will be granted.

There is presently one active district court case involving the ’527 patent pending in the Western District of Texas before Judge Albright: *Sonrai Memory Limited v. Micron Technology, Inc.*, No. 6:22-cv-00855-ADA (W.D. Tex.). The district court is aware of Petitioner’s pending IPR petition because Patent Owner filed a Notice of IPR Petition informing the court that defendant/Petitioner filed an IPR petition regarding claims of the ’527 patent. Ex. 2001. Although defendant/Petitioner filed a motion to stay pending completion of IPR review in

August, that motion has not been ruled on and the district court has not stayed the case pending IPR. Nor is there any evidence that the case will be stayed.

To the contrary, the district court has entered a scheduling order and the case is set for trial on September 18, 2024. *See* Ex. 2002, Order Granting Motion for Entry of Scheduling Order, *Sonrai Memory Limited v. Micron Technology, Inc.*, No. 6:22-cv-00855-ADA, Dkt. No. 29 (W.D. Tex. Apr. 26, 2023). The district court case is not at an early stage. The case against Micron was filed more than one year ago on August 16, 2022 – well more than a year before now, and well more than fifteen (15) months before the institution decision is due. *See* Ex. 2003, Civil Docket for Case No. 6:22-cv-00855-ADA at 1. This has been an actively litigated matter with 58 docket entries to date. *See* Ex. 2003, Docket Sheet at 5. A Final Written Decision will not be due until three (3) months *after* trial is scheduled to begin with jury selection on September 18, 2024. *See* Ex. 2002, Scheduling Order at 3.

Although Petitioner has filed a motion to stay, it is unlikely to prevail because Judge Albright does not favor stays pending IPR proceedings. *See* Ex. 2004 (Law360 Article: *West Texas Judge Says He Can Move Faster Than PTAB*) (Judge Albright: “It’s my job to give people the opportunity to have their cases tried in a federal court . . . and I probably can get a patent trial resolved more quickly than the PTAB can.”); *see also Samsung Elecs. Co. Ltd. v. Evolved Wireless LLC*, IPR2021-00950, Paper 10 at 10–11 (PTAB Nov. 29, 2021) (“*Evolved*”) (finding this factor

weighed in favor of denial and denying institution where patent owner showed a stay was unlikely based on the advanced stage of the case and the court's past decisions denying stays).

Regardless, by the deadline for an institution decision (December 11, 2023), discovery will be well underway. *See* Ex. 2002, Scheduling Order at 2. Claim construction will have been completed. *See* Ex. 2005. Thus, it is highly unlikely that Judge Albright would grant a stay at that late juncture in the case. *See, e.g.*, Ex. 2006 (Order denying motion to stay pending IPR where plaintiff had served its preliminary infringement contentions and where claim construction was scheduled to begin before the IPR institution deadline); Ex. 2007 at 5 (Order denying stay pending IPR even though discovery had not yet begun, as the district court had already "invested significant resources and time in construing all the contested claim terms").

As explained by the Board, a stay of the district court litigation pending resolution of the PTAB proceedings "allays concerns about inefficiency and duplication of efforts." *Fintiv I* at 6; *Fintiv II* at 12. But here, the district court has not stayed the pending litigation, nor is there any evidence that a stay will be granted. Allowing this IPR to proceed simultaneously with the district court litigation would be wasteful and inefficient. This factor weighs against institution.

B. Factor 2: The proximity of the court’s trial date to the Board’s projected statutory deadline for a final written decision.

The statutory deadline for a final written decision in this proceeding is December 11, 2024, which can be extended to June 11, 2025, for good cause or in the case of joinder. 37 C.F.R. § 42.100. Jury selection in the district court remains scheduled for September 18, 2024. *See* Ex. 2002.

Even if the Board disregards the scheduled trial date, an analysis of the current median time-to-trial statistics still weighs against institution. *See* Ex. 2008, U.S. District Courts—Federal Court Management Statistics—Profiles—During the 12-Month Periods Ending June 31, 2018 Through 2023. The most recent statistics, for a 12-month period ending June 31, 2023, show a median time-to-trial in the Western District of Texas of 26.4 months. *Id.* at 37. Accordingly, the projected trial date for purposes of *Fintiv* in accordance with Director’s June 21, 2022 Memorandum on Discretionary Denials would be October 29, 2024 – within a month and a half of the scheduled trial date and well before the expected timing of a Final Written Decision if proceedings are instituted.

This factor weighs against institution.

C. Factor 3: The parties and the courts have made a substantial investment in the parallel proceeding.

This factor relates to the “amount and type of work already completed in the parallel litigation by the court and the parties *at the time of the institution decision.*”

Fintiv I at 9 (emphasis added). For example, “if, at the time of the institution decision, the district court has issued substantive orders related to the patent at issue in the petition,” this factor favors denial. *Id.* at 9-10. Claim construction orders entered by the district court likewise “indicate that the court and parties have invested sufficient time in the parallel proceeding to favor denial.” *Id.* at 10.

As discussed above, this has been an actively litigated matter with 58 docket entries to date. *See* Ex. 2003. By the December 11, 2023 deadline for an institution decision, discovery will be well underway. *See* Ex. 2002. Claim construction briefing and argument will have been completed and Judge Albright will likely have issued a claim construction order. *See* Ex. 2005.

Thus, the parties and the district court will have invested significant time and resources in the litigation by the time the Board reaches an institution decision in this matter. This favors discretionary denial. *Fintiv I* at 10; *Fintiv II* at 13-14 (finding that “the level of investment and effort already expended on claim construction and invalidity contentions” favored denial).

D. Factor 4: There is complete overlap between this IPR and the district court proceedings.

This factor looks at “whether all or some of the claims challenged in the petition are also at issue in district court,” and whether the “petition includes the

same or substantially the same claims, grounds, arguments, and evidence” as the parallel district court case. *Fintiv I* at 12-13.

Here, Petitioner has challenged all of the asserted claims of the '527 patent. Petitioner's Invalidity Contentions in the district court case identify the same Tsumodo, Sukegawa, Tomio, and Shigeo references asserted in the Petition as prior art that anticipates and/or renders obvious the asserted claims. *See* Ex. 2009 at 8-9. In fact, Petitioner explicitly incorporated by reference all positions set forth in the IPR petition in the district court invalidity contentions. *Id.* at 3. Thus, there is complete overlap with respect to Petitioner's invalidity arguments and evidence. That the district court case involves additional prior art references not asserted in this IPR is “not relevant to the question of the degree of overlap for this factor.” *Fintiv II* at 15. The fact that the Petition challenges additional claims also does not warrant institution. *See, e.g., Next Caller Inc. v. TRUSTID, Inc.*, IPR2019-00961, Paper 10 at 14 (PTAB Oct. 16, 2019) (denying institution where the district court case involved only a subset of the challenged claims).

The Petitioner's offer of a so-called *Sotera* stipulation does not resolve the question of overlap. First, since the invalidity contentions were served after the Petition, there is no indication of which references cited in its invalidity contentions Petitioner will contend could not have been raised in the Petition and could therefore be asserted in the district court. Second, the invalidity contentions further assert that

Micron will rely on “Prior Flash Memory Devices” and “E-Disk SSDs,” which raise additional overlap concerns. *See* Ex. 2009 at 10-11.

In sum, this IPR and the district court case involve the same claims—which will be construed under the same *Phillips* standard—and substantially the same prior art (and, as discussed below, the same parties), which raises substantial “concerns of inefficiency and the possibility of conflicting decisions.” *Fintiv I* at 12. This factor thus weighs in favor of discretionary denial. *See Fintiv II* at 15; *NHK Spring* at 19–20.

E. Factor 5: Petitioner is a defendant in the district court litigation.

There is no dispute that Petitioner is the defendant in the district court litigation. “Because the petitioner and the defendant in the parallel proceeding are the same party, this factor weighs in favor of discretionary denial.” *Fintiv II* at 15.

F. Factor 6: Other circumstances that impact the Board’s exercise of discretion, including the merits.

The Board may consider other circumstances in the exercise of its discretion, including the merits of the case. *Fintiv I* at 14. However, “a full analysis of the merits is not necessary to evaluate this factor.” *Fintiv II* at 17. And, it is important to note that the compelling merits standard is a higher standard than the standard for institution set by statute. “A challenge can only ‘plainly lead to a conclusion that one or more claims are unpatentable’ if it is highly likely that the petitioner would

prevail with respect to at least one challenged claim.” *OpenSky Indus., LLC v. VLSI Tech. LLC*, IPR2021-01064, Paper 102, 49 (PTAB Oct. 4, 2022) (precedential).

Petitioner’s assertion that it will stipulate to not asserting the prior art in the district court litigation should not preclude full consideration of the *Fintiv* factors where, as here, the Petitioner waited until almost nine months after service of the district court complaint to file its petition and, even if it does file a full *Sotera* stipulation, would not address all of the *Fintiv* concerns because Petitioner is also asserting that numerous products, systems, and/or services are prior art under 35 U.S.C. §§ 102(a), (b), and/or (g) that anticipate and/or render obvious the Asserted Claims. *See* Ex. 2009 at 10-11.

Petitioner has not presented a “particularly strong” case of unpatentability because it is based solely on alleged obviousness and not anticipation. The different references relied upon by Petitioner do not disclose all of the elements of the challenged claims, which is presumably why Petitioner relies on alleged obviousness.

As set forth above the Petition does not present a reasonable likelihood of invalidity under any ground or challenged claim, let alone compelling evidence of unpatentability, and factor 6 weighs against institution. All six *Fintiv* factors strongly favor discretionary denial, and the Petition should be denied.

III. INSTITUTION SHOULD BE DENIED UNDER § 314(a) IN VIEW OF THE *GENERAL PLASTIC* FACTORS.

35 U.S.C. § 314(a) gives the Board discretion to deny instituting “follow on” petitions. *General Plastic Indus. Co. v. Canon Kabushiki Kaisha*, IPR2016-01357, Paper 19 (Sept. 6, 2017) (precedential).

The Board has set forth seven factors for determining whether discretionary denial is appropriate (the “*General Plastic* factors”):

1. whether the same petitioner previously filed a petition directed to the same claims of the same patent;
2. whether at the time of filing of the first petition the petitioner knew of the prior art asserted in the second petition or should have known of it;
3. whether at the time of filing of the second petition the petitioner already received the patent owner’s preliminary response to the first petition or received the Board’s decision on whether to institute review in the first petition;
4. the length of time that elapsed between the time the petitioner learned of the prior art asserted in the second petition and the filing of the second petition;
5. whether the petitioner provides adequate explanation for the time elapsed between the filings of multiple petitions directed to the same claims of the same patent;
6. the finite resources of the Board; and
7. the requirement under 35 U.S.C. § 316(a)(11) to issue a final determination not later than 1 year after the date on which the Director notices institution of review.

General Plastic Indus. Co., IPR2016-01357, Paper 19 at 16.

Here, the *General Plastic* factors weigh against institution or are neutral.

A. Factor 1 weighs against institution.

Factor 1 relates to successive petitions filed by the same petitioner, which is not precisely at issue here because Micron is admittedly not one of the eight previous petitioners – Kioxia Corporation, Kioxia America, Inc., Western Digital Technologies, Inc., Dell Technologies, Inc., Kingston Technology Company, Inc., Kingston Technology Corporation, Samsung Electronics Co., Ltd., and Samsung Electronics America, Inc. – in IPR2022-00255 (filed 12/6/2021, instituted 6/8/2022), IPR2022-00437 (filed 1/14/2022, instituted 7/29/2022), IPR2022-00762 (filed 3/25/2022) and IPR2022-00765 (filed 3/25/2022). And although Micron is a distinct party, there is no reason to assume that it has distinct interests or distinct litigation strategies from the previous petitioners. And, as the same office of the same law firm is representing Micron that represented Kingston Technology Company, Inc. and Kingston Technology Corporation in IPR2022-00437, it is reasonable to assume that Micron benefited from the prior petitions.

B. Factor 2 weighs against institution.

Factor 2 weighs against institution because petitioner relies upon at least one reference – U.S. Patent Application Publication No. 2003/0028733 to Tsunoda et al. (“Tsunoda”) – that was identified in the preliminary invalidity contentions served in

February of 2022 by Kingston in *Sonrai Memory Ltd. v. Kingston Technology Company, Inc. and Kingston Technology Corporation*, Case No. 6:21-cv-01284-ADA (Feb. 24, 2022, W.D. Tex.). *See* Ex. 2010, Preliminary Invalidity Contentions. The same office of the same law firm that represents Micron here represented Kingston in the litigation.

C. Factors 3 weighs against institution.

Factor 3 weighs against institution because petitioner was aware of and able to benefit from the Institution decisions in IPR2022-00255 (instituted June 8, 2022) and IPR2022-00437 (instituted July 29, 2022).

D. Factor 4 weighs against institution.

Factor 4 weighs against institution because petitioner was presumably aware of at least one reference relied upon by petitioner – Tsunoda – that was identified in the preliminary invalidity contentions served in February of 2022 by Kingston in *Sonrai Memory Ltd. v. Kingston Technology Company, Inc. and Kingston Technology Corporation*, Case No. 6:21-cv-01284-ADA (Feb. 24, 2022, W.D. Tex.). *See* Ex. 2010, Kingston’s Preliminary Invalidity Contentions. The same office of the same law firm that represents Micron here represented Kingston in the litigation.

E. Factor 5 weighs against institution.

Factor 5 weighs against institution because petitioner does not provide an

adequate explanation for the time between filings of multiple petitions directed to the same claims of the same patent in view of petitioner's presumed awareness of at least one reference relied upon by petitioner – Tsunoda – that was identified in the preliminary invalidity contentions served in February of 2022 by Kingston in *Sonrai Memory Ltd. v. Kingston Technology Company, Inc. and Kingston Technology Corporation*, Case No. 6:21-cv-01284-ADA (Feb. 24, 2022, W.D. Tex.). *See* Ex. 2010, Kingston's Preliminary Invalidity Contentions. The same office of the same law firm that represents Micron here represented Kingston in the litigation. And Petitioner waited until almost nine months after service of the district court complaint to file its petition.

F. Factors 6 and 7 are neutral.

Because the previous IPRs were terminated before the Board issued a Final Written Decision, and notwithstanding the opportunities for prejudicial road-mapping that are provided by the Board's previous institution decisions, factors 6 and 7 are neutral.

G. Summary of Factors

<i>Factor 1</i>	Weighs against institution
<i>Factor 2</i>	Weighs against institution
<i>Factor 3</i>	Weighs against institution
<i>Factor 4</i>	Weighs against institution
<i>Factor 5</i>	Weighs against institution

<i>Factor 6</i>	Neutral
<i>Factor 7</i>	Neutral

In summary, five *General Plastic* factors weigh against institution and two factors are neutral. Under § 314(a) and the totality of *General Plastic* factors, institution should be denied.

IV. CONCLUSION

All of the *Fintiv* factors and the majority of the *General Plastic* factors favor discretionary denial, and the Petition should be denied for these reasons alone.

Respectfully submitted,

/Brett Cooper/

Brett Cooper, Reg. No. 55,085
Lead counsel for Patent Owner

Date: September 11, 2023

CERTIFICATE OF WORD COUNT (37 C.F.R. § 42.24(d))

The undersigned hereby certifies that the word count in this Patent Owner Preliminary Response is 3,250 words, as counted by the word-processing program Microsoft Word that was used to generate this Patent Owner Preliminary Response, where such word count excludes the table of contents, table of authorities, mandatory notices, certificate of service, appendix of exhibits, claim listing, and this certificate of word count. This Patent Owner Preliminary Response is in compliance with the 14,000-word limit set forth in 37 C.F.R. § 42.24(b)(1).

Date: September 11, 2023

/Brett Cooper/

BC Law Group, P.C.
200 Madison Avenue, 24th Floor
New York, NY 10016
(212) 951-0100

Brett Cooper
Reg. No. 55,085
Attorney for Patent Owner

CERTIFICATE OF SERVICE (37 C.F.R. § 42.6(e))

The undersigned hereby certifies that the above document was served on September 11, 2023, by filing this document , along with it accompanying exhibits, through the Patent Trial and Appeal Case Tracking System as well as delivering a copy via electronic mail upon the following attorneys of record for the Petitioner:

Timothy W. Riffe, Reg. No. 43,881
Kim H. Leung, Reg. No. 64,399
Ayan Roy-Chowdhury, Reg. No. 72,483
Ran Wang, Reg. No. 81,450
Fish & Richardson P.C.
60 South Sixth Street
Minneapolis, MN 55402
T: 202-783-5070
F: 877-769-7945
Email: IPR36144-0035IP1@fr.com

Date: September 11, 2023

/Brett Cooper/

BC Law Group, P.C.
200 Madison Avenue, 24th Floor
New York, NY 10016
(212) 951-0100

Brett Cooper, Reg. No. 55,085
Attorney for Patent Owner