

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MONOLITHIC POWER SYSTEMS, INC.,

Petitioner,

v.

GREENTHREAD, LLC,

Patent Owner.

Case No: IPR2024-00552

U.S. Patent No. 11,121,222

**PETITIONER'S REPLY TO
PATENT OWNER'S PRELIMINARY RESPONSE**

Pursuant to 37 C.F.R. §§ 42.14 and 42.54, Petitioner Monolithic Power Systems, Inc. (“Petitioner”) respectfully submits Reply to Greenthread’s (“PO”) Preliminary Response (Paper 12).

I. The *General Plastics* factors do not support discretionary denial.

MPS has not previously filed a petition challenging the same claims of the ’222 patent¹, and MPS does not have a “significant relationship” with any entities that have. MPS and the other component manufacturer petitioners are competitors with different accused products sued in different district court proceedings. *See Greenthread, LLC v. Cirrus Logic, Inc.*, No. 1-23-cv-00369 (W.D. Tex. Mar. 31, 2023) (Cirrus Logic CLI1793B1 power management integrated circuit); *Greenthread, LLC v. Texas Instruments, Inc.*, No. 2-23-cv-00157 (E.D. Tex. April 6, 2023) (Texas Instruments BQ25123); *Greenthread, LLC v. ON Semiconductor Corporation et al.*, No. 1-23-cv-00443 (D. Del. Apr. 21, 2023) (ON Semiconductor AR0820AT); *Greenthread, LLC v. OmniVision Technologies, Inc.*, No. 2-23-cv-00212 (E.D. Tex. May 10, 2023) (OmniVision OV24A1Q); *Greenthread, LLC v. Monolithic Power Systems, Inc.*, No. 1-23-cv-00579 (D. Del. May 26, 2023) (MPS MP86905 monolithic half-bridge). MPS did not contribute to any other petitioner’s IPR filings, and no other petitioner contributed to MPS on the Petition here. Under these circumstances, discretionary denial is inappropriate because “[u]nder USPTO

¹ MPS filed a petition against non-overlapping claims in IPR2024-00470.

policy and precedent, *General Plastic* has not been extended to any cases in which the first and second petitioners do not have a significant relationship.” *Videndum Prod. Sols., Inc. v. Rotolight Ltd.*, IPR2023-01218, Paper 12 at 5–6 (PTAB Apr. 19, 2024); *see Ford Motor Co. v. Neo Wireless LLC*, No. IPR2023-00763, 2024 WL 1406441, at *4 (PTAB Mar. 22, 2024) (finding that Board erred in finding a “significant relationship” under *Valve* where petitioners were competitors with different accused products and vacating decision denying institution); *Google Inc. v. Uniloc 2017*, IPR2020-00396, Paper 11 at 10–11 (PTAB Aug. 3, 2020); *Toshiba Am. Info. Sys. v. Wallelex Microelectronics Ltd.*, IPR2018-01538, Paper 11 at 22 (PTAB Mar. 5, 2019).

MPS was sued on different products in a different litigation. PO’s infringement allegations do not establish that MPS has a significant relationship with ON Semiconductor (“onSemi”), OmniVision Technologies (“OV”), Cirrus Logic (“Cirrus”), or Texas Instruments (“TI”). PO wrongly argues (at 18) that this case is like *Valve*—but there the Board found a significant relationship not because petitioners had been accused of infringing the same *patent*, but because they had a licensor-licensee relationship and the same *product* was accused of infringement. *Valve Corp. v. Electronic Scripting Prods., Inc.*, IPR2019-00062, Paper 11 at 9–10 (Apr. 2, 2019). Here, there is no licensing relationship. “[A]ny relationship between [MPS and the other petitioners] is premised on the allegation that they each infringe the same patent, but with different allegedly infringing products and in different

district court proceedings.” Under this Board’s precedent, that is no basis for finding a significant relationship. *Ford Motor*, 2024 WL 1406441, at *4.

Coordinating on district court invalidity contentions is not a basis for discretionary denial. Under the *General Plastics/Valve* analysis, any pretrial coordination between MPS and the other component manufacturers on invalidity contentions in the district court litigations would not establish a significant relationship. *Id.* (holding that jointly filed invalidity contentions did not create a significant relationship); *Qualcomm Inc. v. Monterey Research*, IPR2020-01493, 2021 WL 861760, at *7 (PTAB Mar. 8, 2021); see *Sony Mobile Commc’ns. AB v. Ancora Tech., Inc.*, IPR2021-00663, Paper 17 at 10 (PTAB June 10, 2021) (“A common desire to challenge the validity of the asserted patent without more is insufficient to establish that Petitioner Sony has a significant relationship with the other prior petitioners.”). PO cites no authority to the contrary.

MPS did not copy the prior petitions or coordinate with the other petitioners on the IPRs. There is no support for PO’s claim that MPS “largely copied the IPRs of other members” or “collaborated” with them in any way on the IPRs. POPR at 19. MPS filed its Petition based on its own independent analysis of the art, challenging different sets of claims, and based on grounds developed on its own that differ in significant ways from those put forth in the other component manufacturers’ petitions. Indeed, the majority of the grounds MPS asserted in its Petition are based on entirely new prior art references not present in any of the other petitions. Petition at 45, 80 (explaining that Grounds II and III are based on Onoda

and Nishizawa, neither of which are the basis of any grounds in IPR2023-01242 and IPR2023-01244 (onSemi), IPR2024-00020 and IPR2024-00021 (Cirrus and OV), or IPR2024-00673 and IPR2024-00674 (TI)). PO provides no evidence for its allegation that MPS “picked off the menu” of the prior petitioners’ work as in *Ericsson* (and in any case, *Ericsson* was decided well before the Board’s precedential decision in *Ford Motor*). POPR at 18 (discussing *Ericsson Inc. v. Uniloc 2017, LLC*, IPR2019-01550, Paper 8 at 12 (PTAB Mar. 17, 2020)). MPS did not coordinate with the other petitioners on the timing of their petitions challenging the same patent. The fact that MPS filed its Petition after the others had filed theirs is no surprise, given that PO filed successive lawsuits against numerous different component manufacturers and its lawsuit against MPS was the last filed, months after it had filed complaints against other component manufacturers. Once MPS was sued, it diligently investigated and developed invalidity positions to prepare the Petition independently of the other petitioners and filed before the statutory deadline.

PO also misleadingly suggests that the timing of MPS’s Petition gave it the “advantage derived from having already seen Greenthread’s arguments.” POPR at 13. But PO filed all its preliminary responses under seal outside of MPS’s access, so any alleged benefit gained from successive petitions is wholly illusory. *See* IPR2023-01242 and IPR2023-01244 (onSemi), Paper Nos. 18 (POPRs filed under seal Nov. 14, 2023); IPR2024-00020 and IPR2024-00021 (Cirrus and OV), Paper Nos. 16 (POPRs filed under seal Feb. 7, 2024); IPR2024-00673 and IPR2024-00674 (TI), Paper Nos. 14 (POPRs filed under seal July 1, 2024). Moreover, any such

“advantage” would be the result of PO’s own decisions as to when, and against whom, to file its successive lawsuits rather than any choice by MPS.

II. The Petition is not time-barred under § 315(b).

MPS is one of numerous component suppliers to companies like [REDACTED] and Intel, which integrate those parts into complex electronic systems. PO sued [REDACTED] and Intel in 2022 for infringement of the challenged patent on allegations that had nothing to do with MPS. Accordingly, MPS was never notified of those lawsuits and had no opportunity to participate in—much less control—any prior district court or IPR proceedings. MPS had no involvement in the resulting settlements and is not a party to the patent licenses. And [REDACTED], and Intel have no role in the current proceedings. As the Board has previously found under similar facts, these circumstances do not create privity under any theory.

MPS is a commodity component supplier. MPS sells small, inexpensive components that other companies incorporate into larger integrated electronic systems. The products PO identifies as having been purchased by [REDACTED] and Intel are low-cost, commodity power chips available for sale in the public marketplace. *See* IPR2024-00468, EX1050, EX1052. The MP6924 sells for less than a dollar. *Id.* EX1050. The MP2953B complies with Intel’s standards for voltage regulation, and countless other companies provide similar components that comply with those standards. EX2019; IPR2024-00468, EX1053. PO did not identify the MP6924 or MP2953B in its Infringement Contentions to MPS in the Delaware litigation. *See* EX2016.

MPS was not involved in the prior [REDACTED] / Intel litigation and [REDACTED] / Intel are not involved in the MPS litigation. PO's infringement allegations against [REDACTED], and Intel in the 2022 Texas litigation were not directed to any MPS products. *See* EX2003, EX2005, EX2006, EX2009. MPS did not participate, and could not have participated, in any way in those matters, the related IPRs, or the settlements. Likewise, PO's new allegations against MPS in the 2023 Delaware litigation do not reference any [REDACTED], or Intel products, and those parties have no involvement with the current litigation and related IPRs.

MPS is not in privity with [REDACTED] and Intel. PO raised the same arguments it raises here against a similarly situated supplier in recent IPR proceedings. *Semiconductor Components Indus., LLC, v. Greenthread, LLC*, IPR2023-01242, Paper 35 at 11–22 (PTAB Feb. 21, 2024); Paper 44 (PTAB Apr. 24, 2024) (director denying PO request for review of privity arguments). The Board rejected those arguments in those proceedings and should do so here as well.

MPS's sales to [REDACTED] and Intel do not give rise to privity. The Federal Circuit and the Board have consistently found that the type of supplier-customer relationship here does not create the type of “substantive legal relationship” that establishes privity. *WesternGeco LLC v. ION Geophysical Corp.*, 889 F.3d 1308, 1321–22 (Fed. Cir. 2018); *see Wi-Fi One, LLC v. Broadcom Corp.*, 887 F.3d 1329, 1340–41 (Fed. Cir. 2018); *Samsung Elecs. Co. v. Netlist, Inc.*, IPR2022-00615, Paper 62 at 14–15 (PTAB June 30, 2023). MPS sells commodity chips to [REDACTED] and Intel. This is nothing like PO's cited supplier-customer cases, POPR at 25–26, which

involved indemnification relationships, exclusive supply arrangements, and the petitioners' prior assertions of RPI status in other proceedings. *See Ventex Co., Ltd. v. Columbia Sportswear N. Am., Inc.*, IPR2017-00789, Paper 148 at 12–14 (PTAB Jan. 24, 2019); *Volkswagen Grp. of Am. Inc. v. Argina Tech. Ltd.*, IPR2021-01263, Paper 16 at 5–12 (PTAB Jan. 21, 2022); *Ericsson Inc. v. Regents of Univ. of Minn.*, IPR2017-01197, Paper 56 at 8, 10 (PTAB June 19, 2020).

The Greenthread/RPX license agreements do not give rise to privity. MPS is not a party to the license agreements. PO argues that MPS is a third-party beneficiary, POPR at 33, but the licenses do not reflect an intent to benefit MPS and, nonetheless, cannot create privity. *See Semiconductor Components*, IPR2023-01242, Paper 35 at 16 n.8 (“In contract law, a third-party beneficiary is not a privity.”). PO also argues that the license creates a patent exhaustion defense, but cites no authority or legal principle creating privity from such a defense. POPR at 34. PO’s agency argument also fails because the fact that [REDACTED] and Intel are licensed undercuts any suggestion that MPS is acting as their agent or proxy in this proceeding—[REDACTED] and Intel have no motive to seek to challenge patent validity again and there is no evidence they are attempting to do so. As the Board has previously explained, PO’s case law is not on point. *See Semiconductor Components*, IPR2023-01242, Paper 35 at 20–22. MPS has met its burden of persuasion under § 315(b).

Dated: September 25, 2024

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on September 25, 2024, a true and correct copy of the foregoing **PETITIONER’S REPLY TO PATENT OWNER’S PRELIMINARY RESPONSE** was served by electronic mail on the Patent Owner via its attorneys of record:

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Respectfully submitted,

Date: September 25, 2024

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