IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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AMAZON.COM, INC., AMAZON.COM SERVICES LLC,
Petitioner,

v.

NOKIA TECHNOLOGIES OY,
Patent Owner.

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Case No. IPR2024-00627

U.S. Patent No. 11,805,267

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STATEMENT REGARDING MULTIPLE PETITIONS

Petitioner submits this Paper in support of their Petitions of U.S. Patent No. 11,805,267 (the '267 patent). Pursuant to the November 2019 Consolidated Trial Practice Guide, Petitioner provides this Paper to (1) rank the Petitions for the Board's consideration, and (2) identify the differences between the Petitions and the reasons justifying multiple petitions.

I. Ranking of Petitions

Petitioner requests consideration of the Petitions in the following order:

Rank	Petition	Prior Art	Claims Challenged
1	IPR2024-00627	U.S. Patent App. Pub. No. 2005/0281334 ("Walker"), U.S. Patent App. Pub. No. 2011/0007799 ("Karczewicz-I") and U.S. Patent App. Pub. No. 2009/0257499 ("Karczewicz-II")	19-36
2	IPR2024-00626	Walker, Karczewicz-I, and Karczewicz-II	1-18

II. Material Differences and Additional Factors that Support Permitting Multiple Petitions

A. Two Petitions are Necessary Given the Large Number of Claims

The Consolidated Trial Practice Guide (Nov. 20, 2019) (page 59) recognizes petitioners may be justified in bringing multiple petitions against a single patent "when the patent owner has asserted a large number of claims." Here, two petitions are necessary because of the large number of challenged claims (36). Since Patent

Owner has not yet identified the claims it intends to assert in district court, all of the challenged claims therefore remain material to the parties' dispute.

The Board has repeatedly found "that about twenty claims constitutes the 'large number' that the CTPG suggests may justify multiple petitions." *Platform Sci., Inc. v. Omnitracs, LLC*, IPR2020-01518, Paper 14 at 17-18 (Apr. 15, 2021). Multiple petitions have been considered reasonable when claims were numerous, lengthy, and complex in subject matter. *Samsung Elecs. Co. v. Hardin*, IPR2022-01335, Paper 13 at 22 (Feb. 8, 2023) (recognizing large number of claims and finding three petitions reasonable); *ASSA ABLOY AB v. CPC Patent Technologies Pty Ltd.*, IPR2022-01089, Paper 21 at 3-5 (Jan. 3, 2023) (recognizing voluminous claims and finding two petitions reasonable). Besides volume of the claims, the Board also considers factors such as "[the claims'] detail and specificity and the nature of the subject matter[.]" *3Shape A/S and 3Shape Inc. v. Align Technology, Inc.*, IPR 2020-01644, Paper 9 at 3-4 (May 11, 2021) (finding two petitions reasonable and noting that "[w]e agree with Petitioner that the number of claims, their detail and specificity and the nature of the subject matter support multiple petitions in this case."); *see also Dolby Labs., Inc., v. Intertrust Techs. Corp.*, IPR2020-01105, Paper 14 at 21 (Jan. 5, 2021) (finding two petitions reasonable "[g]iven the length of the remaining eighteen claims in the [challenged] patent, [and] the complexity of the involved subject matter[.]").

Similar considerations apply here. As explained below, multiple petitions are warranted because the ’267 patent has 36 claims spanning more than 5 columns of patent text, reciting complex subject matter.

Due to claim dependencies, the first and second petition each challenges 18 non-overlapping claims. Challenging all 36 claims in one petition would materially reduce the petitions’ thoroughness and unduly burden the Board with overly terse analysis that would be more difficult to analyze. Filing two petitions, on the other hand, allows for clearer and more detailed analysis for this volume of claims.

Institution of both Petitions would not be an inefficient use of resources because (i) the challenged claims share some common limitations and similar subject matter; and (ii) the petitions are based on the same prior art. Two petitions are necessary as discussed below to address non-overlapping limitations related to encoding/decoding with different disclosures from the same prior art.

B. Material Differences Between the Petitions and the Complex Subject Matter Involved Support Filing of Two Petitions

This is not a situation where multiple petitions attack the same claims, leveraging the extra space to assert additional prior art references or permutations of references. *See 3Shape A/S and 3Shape Inc. v. Align Technology, Inc.*, IPR 2020-01644, Paper 9 at 3 (finding two petitions reasonable where there was no overlap in the claims challenged by the petitions). *First*, substantive differences exist between the claims: claims 19-36 (challenged in the first petition) are directed

to decoding blocks of pixels, while claims 1-18 (challenged in the second petition) are directed to encoding blocks of pixels. In particular, independent claims 19, 25, and 31 uniquely recite "[reconstructing/reconstruct] the block of pixels based on the combined prediction"—a limitation specific to decoding, while independent claims 1, 7, and 13 uniquely recite "[encoding/encode] residual data in a bitstream, wherein the residual data is determined based upon a difference between the combined prediction and the block of pixels"—a limitation specific to encoding.

Second, although the two petitions are based on the same art, different disclosures from the prior art references are relied upon in the two petitions. For example, for encoding, Walker (in Ground 1 of Petition 2) teaches weighted bi-directional prediction based on various standards, and it discloses binary operations that meet the encoding limitations. *See, e.g.*, Ex-1004, ¶¶46-70. For decoding, Walker (in Ground 1 of Petition 1) teaches "a universal formula" that is used to decode weighted prediction frames encoded in various implementations, and it discloses a different set of binary operations that meet the decoding limitations. *See, e.g.*, *id.*, ¶¶72-109. Two petitions are therefore warranted given that they rely on these substantially different portions of Walker for the analyses of encoding and decoding claims respectively. In addition, the prior art references for Ground 2 similarly disclose different figures, descriptions, and corresponding operations directed to encoding and decoding. For example, for Ground 2 of Petition 1,

Karczewicz-I's Figure 4 illustrates the architecture and operations for video decoding (*see, e.g.*, Ex-1005, Fig. 4, ¶¶83-86); for Ground 2 of Petition 2, its Figure 2 illustrates the architecture and operations for video encoding (*see, e.g.*, *id.*, Fig. 2, ¶¶51-54). Likewise for Karczewicz-II, the reference discloses different figures, descriptions, and corresponding operations directed to encoding and decoding. *Compare* Ex-1006, Fig. 2, ¶¶54-58 (encoding) *with* Fig. 3, ¶¶63-65. These differences underscore the necesssity of a comprehensive explanation to unpack the the different figures, descriptions, and operations of the prior art.

Furthermore, and notably, multiple petitions are warranted due to the complex nature of the claims. The '267 claims recite granular details of mathematical operations performed during motion prediction, with dependent claims directed at a range of scenarios. As explained above, the prior art satisfies these limitations with detailed teachings regarding the number of bits used for particular mathematical operations for different scenarios, as required by the claims. Hence, two petitions are needed to thoroughly explain how the prior art teachings, including the different disclosures related to encoding and decoding from the prior art references, meet the claim language.

Respectfully submitted,

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Date: March 15, 2024

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on March 15, 2024, a true and correct copy of the MULTIPLE PETITION STATEMENT was served on the Patent Owner at the following addresses of record as listed on Patent Center, via Priority Mail Express®, and was also sent via electronic mail to the attorneys of record for Plaintiff in the concurrent litigation matters as listed below:

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