

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

VICOR CORPORATION,
Petitioner,

v.

DELTA ELECTRONICS, Inc.,
Patent Owner.

Case IPR2024-00705
Patent 9,819,263

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

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PETITIONER’S UPDATED EXHIBIT LIST

VICOR-1001	U.S. Patent No. 9,819,263 to Jian-Hong Zeng, et al. (“the ’263 Patent”)
VICOR-1002	The Prosecution History of the ’263 Patent (“the Prosecution History”)
VICOR-1003	Declaration and Curriculum Vitae of Dr. R. Jacob Baker, Ph.D., P.E.
VICOR-1004	Complaint, <i>Delta Electronics, Inc. v. Vicor Corporation</i> 6-23-cv-00726, W.D. Tex., filed October 23, 2023
VICOR-1005	United States Patent No. 10,264,664 to Vinciarelli et al. (“Vinciarelli-664”).
VICOR-1006	United States Patent No. 8,427,269 to Vinciarelli et al. (“Vinciarelli-269”).
VICOR-1007	United States Patent No. 7,361,844 to Vinciarelli et al. (“Vinciarelli-844”).
VICOR-1008	United States Patent Application Publication No. 2009/0175014 to Zeng et al. (“Zeng-014”).
VICOR-1009	United States Patent Application Publication No. 2014/0355218 to Vinciarelli et al. (“Vinciarelli-218”).
VICOR-1010	United States Patent No. 8,966,747 to Vinciarelli et al. (“Vinciarelli-747”)
VICOR-1011	Exhibit A to Patent Owner’s Infringement Contentions served on February 26, 2024 (“Infringement Contentions”)
VICOR-1012	U.S. Patent No. 6,934,166 to Vinciarelli et al. (“Vinciarelli-166”)
VICOR-1013	“Design Guide & Applications Manual for VI-200 and VI-J00 Family DC-DC Converters and Configurable

Power Supplies,” Rev. 3.5, Vicor Corporation (2013)
 (“Design Guide”)

VICOR-1014

Transcript of Board Call held August 6, 2024

I. The Petition Identifies Structure Resulting from The Product by Process Limitation

Limitation [1g] recites “wherein the first connection part is fabricated by mechanical support of the first electronic component.” Petitioner contends that this is a “product-by-process” limitation, defining *how* the previously recited (and structurally defined) “connection part” is manufactured, and, as such, the process may be ignored. *See* Petition, 4-5. The Petition clearly identifies the relevant “connection part” structure in the prior art when discussing limitations [1c]-[1e], which actually recite the claimed structure of the “connection part.”

Limitation [1g] recites no structure beyond the “connection part” and the process imparts no structure in addition to that already recited in the claim, but PO nonetheless suggests the process imparts structure that must be considered. POPR, 11. However, PO fails to clearly identify the structure it contends is required or seek a claim construction identifying this alleged additional structure. POPR, 6. This omission is fatal to PO’s argument.

To the extent that PO intended to read in the limitations “fixed” and “supported” into the connection part (POPR, 11), the Petition demonstrates that the prior art structures identified in connection with limitations [1c]-[1e] and [1g] are connection parts that are fixed and supported. Petition, 21-31, 35-37, 55-63, 69-77, 80-81, 89-90, 93-95.

Before discussing [1g], the Petition maps the “connection part” onto the

contacts in Vinciarelli-664, which are the same as those accused of infringement, and Zeng-014's contacts, which are identical those those disclosed in Fig. 24 of the '263 Patent. Petition, 21-31 (Ground 1A/1B), 55-61 (Ground 1C), 69-77 (Ground 2); 88-90 (Ground 3)). *Id.* In addition, although not required, the Petition fully describes the (evidently "fixed" and "supported") structures of the connection part in connection with limitation [1g] as well. Petition, 35-37, 61-63, 80-81, 93-95.

Given the extensive discussion of the structure of the "connection part," it is curious that PO would assert in its POPR that "Petitioner was required to still show that the structure resulting from [1g]'s alleged process existed in the prior art" and that "Petitioner's grounds are devoid of any structural analysis for [1g]." POPR, 10. The structure resulting from the process is the "connection part," which is discussed at length in the Petition. (The Petition also explains that Zeng-014 creates its connection part using the same process as disclosed in the '263 Patent, *see, e.g.*, Petition, 58, so any process-imparted structure is necessarily present).

Even assuming a hypothetical rule—placing form over substance—requiring a petition to repeat the analysis under a heading labeled "limitation [1g]," the Petition provides that structural analysis. *See* Petition, 35-37 (identifying contacts of the modules in the Vinciarelli-664), 61-63 (identifying contacts in Zeng-014), 80-81 (same), and 93 (same).

II. Conclusion

For the foregoing reasons, the Petition should be instituted.

Respectfully submitted,

Dated: August 20, 2024

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CERTIFICATE OF SERVICE

Pursuant to 37 CFR §§ 42.6(e)(1) and 42.6(e)(4)(iii), the undersigned certifies that on August 20, 2024, a complete and entire copy of this Petitioner's Reply to Patent Owner's Response and accompanying exhibits were provided by email to the Patent Owner by serving the email correspondence addresses of record as follows:

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