

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

VICOR CORPORATION,

Petitioner,

v.

DELTA ELECTRONICS, INC.,

Patent Owner.

PTAB Case No. IPR2024-00705

U.S. Patent No. 9,819,263

**PATENT OWNER'S PRELIMINARY SUR-REPLY IN RESPONSE TO
PETITIONER'S PRELIMINARY REPLY**

Patent Owner submits its preliminary sur-reply in response to Vicor's reply (Paper 9), which fails to address or cure the Petition's fatal failure to perform a correct analysis of its own product-by-process construction of [1g].

First, Vicor's arguments that the Petition already addressed the structure of the "connection part" under limitations [1c]-[1e] are incorrect. (Paper 9 at 1.) While each of [1c]-[1e] and [1g] do identify the same "connection part," each describes a different aspect of the "connection part." In particular, [1g] describes a particular structural relationship ("mechanical support") between the connection part and "the first electronic component" that is not in [1c]-[1e]. (Paper 6 at 8-10.)¹ [1g] represents more than the mere existence of the connection part—contrary to Vicor's belief otherwise²—and is not swallowed up within other limitations that mention the "connection part" generically ([1c]), its terminal locations ([1d]), and its terminal

¹ Vicor alleges that the POPR did not identify [1g]'s required structure when pointing out the Petition's defects and that "[t]his omission is fatal to PO's argument." (Paper 9 at 1.) There is incorrect, but more importantly, identifying the required elements for [1g] is *not* Delta's burden, but rather Vicor's to establish a reasonable likelihood. 37 C.F.R. § 42.104(b)(3); *see also* 35 U.S.C. § 314 (a) (petition must provide a reasonable likelihood of prevailing).

² "The structure resulting from the process is the 'connection part.'" (Paper 9 at 2.)

connections ([1e]). Addressing some claimed aspects of the “connection part” for some limitations does not automatically address other claimed aspects of the “connection part” for [1g].

The Petition’s analysis under [1c]-[1e] does not identify [1g]’s required structural relationship between connection part and electronic component. (Paper 2 at 21-31, 55-61, 69-77, 88-90.) At best, these allegedly curative portions identify a contact that is positioned to cover a magnetic core, but fail to make any demonstration that the core mechanically supports the contact according to [1g]. (*Id.* at 28, 61, 76-77 (arguing under [1e]).)

Vicor claims that the Petition’s fatal defects relate to “form over substance,” but the required analysis was not in the Petition, under any heading.

Second, Vicor’s reply argues positions that were never established or proven in the Petition. In reply, Vicor argues that identifying the same process of [1g] in the prior art is sufficient because “any process-imparted structure is necessarily present.” (Paper 9 at 2.) However, the Petition made no such argument, and this new argument does not withstand scrutiny anyways. (Paper 2 at 61-62, 80-82, 93.) The two processes do not necessarily result in the same structure, and the Petition did not demonstrate that the same process being applied on prior art modules and on the ’263 Patent’s power converter would result in the same structure.

Delta respectfully requests that the Board deny institution.

Dated: August 27, 2024

Respectfully submitted,

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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), I certify that I caused to be served a true and correct copy of the foregoing: PATENT OWNER'S PRELIMINARY SUR-REPLY IN RESPONSE TO PETITIONER'S PRELIMINARY REPLY by email to the electronic service addresses for Petitioner on the date indicated below:

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