

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. IPR2024-00706

U.S. Patent No. 10,877,534

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

Patent Owner submits sur-reply in response to Petitioner's reply (Paper 11).

II. INDEPENDENT CLAIMS HAVE SUBSTANTIALLY OVERLAPPING CLAIM SCOPES

The '534 Patent includes four independent claims: 1, 10, 13, and 17. IPR2024-00706 (the "706 Petition") challenges independent claims 1 and 10 and IPR2024-00715 (the "715 Petition") challenges independent claims 13 and 17. Reply, 1. Petitioner divided the four independent claims across two Petitions to create the illusion that it did not have enough space to address each set of challenged claims in a single petition. However, claims 1 and 13 as well as claims 10 and 17 share substantially overlapping claim scope, as explained below, and Petitioner presented substantially the same art in both Petitions.

Claims 1, 10, 13, and 17 all identically recite the following limitations: "[a] power supply apparatus," "a bearing plate," "insulation material formed on two opposite surfaces of the bearing plate," and one or more pins "electrically connected to the bearing plate." (*Compare* 706 Petition, Paper 8, 8-9 *with* 715 Petition, Paper 8, 8-9.) Claims 1 and 10 differ from claims 13 and 17 because the latter pair requires pins covering "two lateral sides" of either "the bearing plate" (claim 13) or "the cuboid body" (claim 17). (Paper 11 at 1.) However, even assuming the Petitioner had a need to separately address the "two lateral sides" limitation, it strains credulity that they could not have done so in a single petition. After all, despite the Petitioner's contentions that fewer references allegedly disclose the "two lateral sides"

limitation, the 715 Petition relies on the same permutations of the four references as the 706 Petition. Specifically, the primary and secondary references of Grounds 1-4 of the 715 Petition are respectively identical to Grounds 1, 4, 5, and 7 of the 706 Petition. (*Compare* 706 Petition, Paper 3, 1-2 *with* 715 Petition Paper 3, 1-2.)

Petitioner's justification is a priority dispute, but only this represents a tertiary ground. Grounds 5 and 6 of the 715 Petition rely solely on Vinciarelli-664 and hinge on a weak priority argument. Claims 13-19 are fully supported by at least Figs. 25 and 26 of the '534 Patent and Figs. 34 and 39 of the parent Chinese Pat. App. No. CN201410442972. As such, claims 13-19 are entitled to the September 2, 2014 priority date and Vinciarelli-664 should be disqualified as prior art.

It is Petitioner's responsibility to follow Board guidance and regulations and streamline its briefing accordingly. Petitioner ignores the efficiencies they would have experienced during drafting, particularly since the claims have substantial overlapping scopes and that the two Petitions rely on the same four references.

III. CONCLUSION

For the foregoing reasons, Petitioner could have and should have challenged all claims of the '534 Patent in a single petition. Therefore, institution of at least one of the two Petitions should be denied.

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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Dated: August 27, 2024

Respectfully submitted,

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