

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MEDIATEK INC.,

Petitioner,

v.

PARKERVISION, INC.,

Patent Owner.

IPR2024-00796

Patent No. 7,483,686

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

Patent Owner’s Preliminary Response (Paper 6) fails to acknowledge, much less address, Petitioner’s *Sotera* stipulation not to pursue in the related litigation the same grounds or any grounds of invalidity that could reasonably have been raised in this IPR. EX1015. The USPTO Director has unambiguously stated—but Patent Owner ignores—that the Board “**will not** discretionarily deny institution in view of parallel district court litigation where a petitioner presents” such a stipulation. *Interim Procedure for Discretionary Denials in AIA Post-Grant Proceedings with Parallel District Court Litigation*, 3 (June 21, 2022) (“*Interim Procedure*”) (emph. added). That policy is dispositive here even without considering the *Fintiv* factors.

Patent Owner’s *Fintiv* arguments still fail even if the Board reaches them, which it need not. Patent Owner concedes the currently-scheduled trial date falls **after** the Final Written Decision, yet fails to cite a single Board decision denying institution under *Fintiv* in such circumstances. Paper 6, 2, 6-7. There will be **no** overlap in invalidity grounds between this IPR and the district court case because Petitioner’s stipulation will go into effect if the Board institutes this IPR in November 2024, months before the close of fact discovery and expert reports in the district court case. EX2005, 4. Moreover, Patent Owner does not rebut the Petition’s evidence of unpatentability. *Interim Procedure* at 5 (Board “will not deny institution based on *Fintiv* if there is compelling evidence of unpatentability”). The Board should accordingly reject Patent Owner’s *Fintiv* arguments and institute review.

Dated: September 12, 2024

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned certifies that true copies of the PETITIONER'S REPLY TO PATENT OWNER'S PRELIMINARY RESPONSE was served electronically on September 12, 2024 in its entirety on the following counsel of record for Patent Owner:

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