

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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ANKER INNOVATIONS LTD.,  
Petitioner,

v.

POWERMAT TECHNOLOGIES LTD.,  
Patent Owner.

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Case IPR2024-00996  
Patent 8,626,461

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**PETITIONER'S BRIEF AUTHORIZED BY  
THE BOARD'S ORDER OF OCTOBER 2, 2025**

The Sur-Reply cited to a limited “excerpt” of a transcript where Anker notified the district court of Powermat’s prosecution disclaimer in the IPR. Sur-reply, 6-7 (citing to pages 5 and 9 of EX2006). Fatally, the Sur-reply ignores the precedent in *Aylus* and *CUPP*, which mandates that Powermat’s prosecution disclaimer should apply immediately in the district court but not in the IPR. *Aylus Networks, Inc. v. Apple Inc.*, 856 F.3d 1353, 1362 (Fed. Cir. 2017) (“[W]e hold that statements made by a patent owner during an IPR proceeding, whether before or after an institution decision, can be considered for claim construction and relied upon to support a finding of prosecution disclaimer.”); *CUPP Computing AS v. Trend Micro Inc.*, 53 F.4th 1376, 1383 (Fed. Cir. 2022) (“We now make precedential the straightforward conclusion [that] ... [t]he Board is not required to accept a patent owner’s arguments as disclaimer when deciding the merits of those arguments.” (cleaned up)). The cited pages 5 and 9 of EX2006 simply show how Powermat’s prosecution disclaimer should apply to the question of noninfringement. EX2006, 5:6-14 (“from what they [Powermat] told the PTAB”), 9:11-10:13 (“at the PTAB in an IPR”).

The Sur-reply demands the Board devalue *Aylus* and then effectively overrule the *CUPP* precedent. The Board need not adopt such error. That Anker highlighted Powermat’s prosecution disclaimer to the district court is not an impetus for the Board to then cement such prosecution disclaimer in this IPR without any motion to amend. *CUPP*, 53 F.4th at 1383-84 (must avoid “[n]ullifying” amendment process).

What is worse, Powermat cites to a 1970 case that forbids exactly what Powermat is attempting here. Sur-reply, 7 (quoting *Sterner Lighting*). Namely, Powermat is twisting the '461 patent “one way to avoid anticipation” in this IPR while twisting it in “another to find infringement” in the district court. *Id.* Indeed, page 18 of transcript proves this point. There, Powermat is demanding a claim scope that is noticeably twisted in another way from that of Patent Owner’s Response in this IPR. Compare EX2006, 18:14-19 (arguing the claim scope encompasses measurements “even if there’s a power loss” at a component on the path to the primary coil), with POR, 53-54 (arguing the claimed measurement excludes devices where there are power “losses in components” on the path to the primary coil; and “plus other losses”). Powermat’s “twisting” would be even more apparent if the Sur-reply’s exhibits included a more fulsome context of the hearing, such as the pertinent hearing slides and the full 162-page transcript. To be clear, Powermat offered to the Board the full “summary judgment hearing transcript” (EX3002, 1), but EX2006 is only a convenient excerpt without the accompanying slides that provided actual context. See EX2006, 24:21-25 (“few things that we need to unpack ...”).

In short, *Aylus* confirms that Powermat is bound by its own prosecution disclaimer for any noninfringement judgment. The *CUPP* precedent confirms that neither Anker nor the Board is so confined in this IPR proceeding. Powermat’s resort to *Sterner Lighting* lacks credibility.

Respectfully submitted,

Dated October 9, 2025

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**CERTIFICATE OF SERVICE**

Pursuant to 37 CFR § 42.6(e)(4), the undersigned certifies that on October 9, 2025, a complete and entire copy of this Petitioner's Brief Authorized by the Board's Order of October 2, 2025, was provided via email, to the Patent Owner by serving the email correspondence addresses of record as follows:

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