

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

REED SEMICONDUCTOR CORP.,
Petitioner,

v.

MONOLITHIC POWER SYSTEMS, INC.,
Patent Owner,

Case No. IPR2024-01158

Patent No. 9,041,377

**PATENT OWNER'S OPPOSITION TO PETITIONER'S MOTION TO
SUBMIT SUPPLEMENTAL INFORMATION**

Petitioner's motion should be rejected because it seeks to submit information it had for 73 days prior to its reply. Petitioner fails to explain this delay, implying that Mr. McAlexander's Sept. 18 deposition was the first opportunity to learn of this alleged contradiction. Not true. Further, Petitioner did not use this information in reply because there is no contradiction. Petitioner's motion thusly fails under 37 C.F.R. § 42.123(b) because it is untimely and is not in the interests-of-justice.

I. Petitioner's supplemental information could have been obtained earlier

Petitioner could have submitted the substance of the supplemental information in reply, and its motion fails under 37 C.F.R. § 42.123(b)'s requirement to show why "the supplemental information reasonably could not have been obtained earlier." *See also* 37 C.F.R § 42.20(c) (moving party bears burden).

Petitioner had the content of the supplemental information 73 days before its Reply. Petitioner's Reply was due Jul. 14. (Paper 7.) On May 2, the same exact figure and language Petitioner's motion emphasizes as allegedly contradictory (the flip flop and control signal PWMHS/PWMHSB) was submitted by Patent Owner to Petitioner via litigation infringement contentions. (*Compare* Paper 37 (citing EX1019 at ¶253) *with* EX2008 at 36-37.) These infringement contentions mirror Petitioner's supplemental information in substance, providing the same exact figures and annotations detailing where claim limitations are met. (*Compare*

EX1019 *with* EX2008.) Petitioner had 73 days to use this information in its Jul. 14 reply, Jul. 1 deposition of Patent Owner's expert in this PTAB trial, or in its own expert's reply declaration. Petitioner chose not to, and cannot submit it now.

Moreover, Petitioner's litigation deposition Patent Owner's expert does not justify this tardy submission. This deposition did not unearth anything new; Petitioner relies on the transcript (EX1020), but this testimony is substantively cumulative of the figures in the May 2 litigation infringement contentions and expert report figures. (Paper 37 at 3 (citing EX1020 at 165:15-185:10).)

Petitioner, moreover, delayed in bringing its motion. The report and deposition are dated Aug. 1 and Sept. 18, respectively. "Delay in seeking relief may justify a denial of relief sought." *Illumina, Inc. v. The Trustees of Columbia Univ.*, IPR2012-00006, Paper 87, 4–5 (PTAB Oct. 2013). This warrants denial.

II. Petitioner's submission is not in the interests-of-justice

Accepting Petitioner's supplemental information is not in the interests-of-justice. It fails under 37 C.F.R. § 42.123(b) because: (1) it is, in effect, a do-over of what Petitioner chose not to do in its Reply; and (2) Mr. McAlexander's report and testimony provides no contradiction to the issues in this proceeding.

Notably, the substance of the supplemental information *is identical* to Patent Owner's infringement contentions. If there were direct contradictions as Petitioner

now claims, these alleged contradictions could have been submitted in reply. The fact that nothing was submitted or otherwise done is telling: there are no contradictions. Allowing Petitioner to complicate the proceeding at the last second with information at its disposal prior to its reply is not in the interest of justice.

Furthermore, Mr. McAlexander's testimony presents no contradiction. The intervening circuitry accused of infringement in the litigation is a buffer, whereas the intervening circuitry in Petitioner's art results in distinctly different states. Mr. McAlexander testified in the litigation that the output of the accused flip-flop is "a buffer; just adds extra voltage to it, extra driver capability." (EX1020 at 187:19-22; *see also id.* at 167:13-23 ("[t]he content of the PWMHS signal is a double inversion to the NOR in the inverter so it is literally a mirror of the signal that is on the input-output node of that flip-flop... So yes, I consider that to be the control signal that's generated by the flip-flop.")); *see also id.* at 168:10-13, 169:20-170:4, 178:7-11, 178:21-179:7. Petitioner's art, in contrast, has circuitry that results in entirely different states. (*See generally* Paper 23 and 31.) There is no contradiction.

Finally, Petitioner has submitted two exhibits having a combined page count of 57 pages, citing only a portion (or doing so in vast citations).

Patent Owner respectfully requests denial of Petitioner's motion and expungement of EX1019, EX1020, and EX2008.

IPR2024-01158, U.S. Pat. No. 9,041,377
Patent Owner's Opposition to Motion to Submit Supplemental Information

Dated: October 15, 2025 Foley & Lardner LLP 11988 El Camino Real, Suite 400 San Diego, CA 92130 (858) 720-5700	Respectfully submitted, By: <u>/Miguel Bombach/</u> Miguel Bombach, Reg. No. 68,636 Back-Up Counsel John P. Schnurer, Reg. No. 52,196 Lead Counsel Back-Up Counsel: John D. Esterhay, Reg. No. 73,512 <i>Attorneys for Patent Owner Monolithic Power Systems, Inc.</i>
--	--

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on October 15, 2025, a true and correct copy of the foregoing PATENT OWNER'S OPPOSITION TO PETITIONER'S MOTION TO SUBMIT SUPPLEMENTAL INFORMATION was served electronically on counsel of record for Petitioner to the email addresses below:

Andrew J. Gray IV (andrew.gray@morganlewis.com)

Andrew V. Devkar (andrew.devkar@morganlewis.com)

Stephen Gillen (stephen.gillen@morganlewis.com)

Calvin M. Brien (calvin.brien@morganlewis.com)

Analiese Parker (analiese.parker@morganlewis.com)

MLB-Reed-IPR-Team@morganlewis.com

Dated: October 15, 2025

/ Miguel Bombach/
Miguel Bombach
Reg. No. 68,636
Counsel for Patent Owner