UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SOLUS ADVANCED MATERIALS CO., LTD.,
Petitioner,

v.

SK NEXILIS CO., LTD.,
Patent Owner.

Case IPR2024-01463
Patent 11,591,706

PETITIONER'S REPLY TO PATENT OWNER'S SUPPLEMENTAL BRIEF

The facts here differ significantly and materially from *Motorola*—fundamentally altering the proper *Fintiv* analysis. *Motorola v. Stellar*, IPR2024-01205, Paper 19.

First, in *Motorola*, trial was scheduled ***11 months*** before the projected FWD deadline. By contrast, trial in this case is currently scheduled ***less than 6 months*** ahead of the FWD. PO Sur-Reply, 1. Moreover, based on the median time-to-trial, the FWD would follow trial by ***less than 1 month***—further underscoring that this proceeding would not meaningfully overlap with the district court efforts. *Id.*

Second, in contrast to *Motorola* where "the parties had ... served opening and rebuttal expert reports ... filed claim construction briefs" and "[t]he court also had held a claim construction hearing and construed the disputed claim terms," none of those milestones have occurred in the district court case here. *Motorola*, 3. Expert reports are not due until this summer, and no *Markman* hearing has been held.

Lastly, PO's reliance on invalidity contentions (EX2010) served on August 23, 2024—prior to filing of this IPR petition—does not paint an accurate picture of Petitioner's invalidity theories. Indeed, on February 18, 2025, following teardowns and testing of system art, Petitioner served amended invalidity contentions showing that all challenged claims can be invalidated by testing of system art alone.

Petitioner's *Sotera* stipulation remains highly relevant to discretionary denial analysis, and this case is meaningfully distinguishable from *Motorola*. The invalidity theories in the district court are entirely different from those at issue here.

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CERTIFICATE OF SERVICE

Pursuant to 37 CFR §§ 42.6(e)(4)(i) *et seq.* and 42.105(b), the undersigned certifies that on April 11, 2025, a complete and entire copy of this Petitioner's Reply to Patent Owner's Supplemental Brief was provided by email, to the Patent Owner, by serving the correspondence address of record as follows:

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