

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

DELL INC., DELL TECHNOLOGIES INC., HP INC., and LENOVO
(UNITED STATES) INC.,
Petitioners,

v.

UNIVERSAL CONNECTIVITY TECHNOLOGIES INC.,
Patent Owner.

Case IPR2024-01480
Patent 9,852,103

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

UPDATED EXHIBIT LIST

Exhibit	Description
1001	U.S. Patent No. 9,852,103 (“the ’103 Patent”)
1002	Prosecution history of the ’103 Patent
1003	Declaration of James Webb
1004	Curriculum Vitae of James Webb
1005	U.S. Patent Publ. No. 2007/0201492 to Kobayashi
1006	U.S. Patent No. 8,799,537 (“Zhu”)
1007	Declaration of William Lempesis
1008	U.S. Patent No. 7,558,326 (“Lyle”)
1009	U.S. Patent No. 5,974,464 (“Shin”)
1010	U.S. Publ. No. 2013/0266154 (“McCormack”)
1011	Excerpts from Newton’s Telecom Dictionary, 12 th Ed. (1997)
1012	U.S. Patent No. 4,486,739 (“Frasaszek”)
1013	Exhibit K to UCT’s First Amended Infringement Contentions in <i>Universal Connectivity Technologies Inc. v. Dell Technologies Inc. and Dell Inc.</i> , No. 1:23-CV-01506-RP (W.D. Tex.)
1014	U.S. Patent Publ. No. 2014/0019653 (“Amchislavsky”)
1015	Declaration of Nathaniel E. Frank-White of the Internet Archive
1016	Maxim Application Note 3524, “Efficient Bit-Banged SPI Port for 8051-Compatible Microcontrollers” (June 8, 2015)

Exhibit	Description
1017	Muller and Niesler, “Development of a USB Telephony Interface Device for Speech Recognition Applications,” <i>Southern African Telecommunication Networks and Applications Conference (SATNAC) 2005 Proceedings</i> , Vol. 1 at 487-492 (2005).
1018	Halder et al., “Implementation of MCU Invariant I2C Slave Driver Using Bit Banging,” <i>ICONS 2011: The Sixth International Conference on Systems</i> (2011).
1019	Aly et al., “Scalable ZigBee-Based Smart Authentication and Access Control System Design Using X MOS Programmable Chips,” <i>International Journal of Scientific & Engineering Research</i> , Vol. 2, Issue 9 (September 2011).
1020	U.S. Patent App. Publ. No. 2012/0146989
1021	U.S. Patent App. Publ. No. 2013/0174208 (“Lee”)
1022	U.S. Patent App. Publ. No. 2005/0209808
1023	U.S. Patent No. 8,235,294
1024	U.S. Patent No. 7,652,752
1025	U.S. Patent No. 7,973,566
1026	U.S. Patent No. 8,680,777
1027	U.S. Patent App. Publ. No. 2012/0142032
1028	U.S. Patent No. 7,356,789
1029	U.S. Patent No. 6,496,546
1030	U.S. Patent No. 9,210,010 (“Whitby-Strevens”)
1031	U.S. Patent Prov. App. No. 61/979,483 (“the ’103 Provisional Application”)

Exhibit	Description
1032	DisplayPort Standard, Version 1, Revision 2 (“DisplayPort 1.2”) and October 8, 2010 Errata Version 1
1033	Dell Inc. and Dell Technologies Inc. <i>Sotera</i> Stipulation
1034	HP Inc. <i>Sotera</i> Stipulation
1035	Lenovo (United States) Inc. <i>Sotera</i> Stipulation
1036	Lenovo Group Limited <i>Sotera</i> Stipulation

Petitioners have submitted *Sotera* stipulations (Exs. 1033-1036), utilizing the verbatim language requested by the Board in its March 3, 2025 email authorizing submission of stipulations and this reply. The *Sotera* stipulations prevent raising the same grounds or grounds that reasonably could have been raised in the Petition from being litigated in the District Court cases, if institution is granted. There will thus be no overlap between the grounds raised in this IPR, or any ground that could have been raised, and the corresponding District Court cases, eliminating the inefficiency and fairness concerns underlying the Board’s discretion to deny institution under *Fintiv*. *Sotera Wireless, Inc. v. Masimo Corp.*, IPR2020-01019, Paper 12 at 19 (PTAB Dec. 1, 2020) (precedential, designated Dec. 17, 2020).

While the Director’s June 2022 Guidance was recently rescinded, Petitioners’ *Sotera* stipulations nonetheless resolve the *Fintiv* analysis strongly against discretionary denial. And as explained below, none of the *Fintiv* factors weigh in favor of—and at least factors 4 and 6 weigh heavily against—discretionary denial.

The *Fintiv* analysis “relate[s] to whether efficiency, fairness, and the merits support the exercise of authority to deny institution in view of an earlier trial date in the parallel proceeding.” *Apple Inc. v Fintiv, Inc.*, IPR2020-00019, Paper 11 at 6 (PTAB Mar. 20, 2020) (precedential, designated May 5, 2020). In “evaluating the [*Fintiv*] factors, the Board takes a holistic view of whether efficiency and integrity

of the system are best served by denying or instituting review.” *Id.* By focusing entirely on a district court case involving only one of the three Petitioners, Patent Owner ignores significant overall efficiencies and fairness promoted by granting institution under a “holistic” view considering all of the cases. As the court noted when staying the Dell Case, “[s]hould the PTAB decide to institute IPRs, the issues in this case could be greatly simplified” (Ex. 2003 at 3) and in the HP case the court noted that institution of the IPRs would “change the game” and “generally” result in a stay (4:24-cv-04097-YGR, Dkt. 112 at 4:9-13). A single PTAB proceeding will be far more efficient than multiple district court determinations on invalidity, which will not necessarily be binding on the others. Thus, discretionary denial would not promote *Fintiv*’s ends of efficiency or fairness here, especially when considering all of the parallel cases. Further, Patent Owner’s failure to raise any substantive arguments against unpatentability in its POPR for this IPR demonstrates compelling merits that weigh strongly against discretionary denial. For the reasons stated below, on balance, the *Fintiv* factors weigh heavily against discretionary denial.

Fintiv Factor 1 is neutral or disfavors denial. Neither party in the LGL Case (E.D. Tex.) has, as of yet, requested a stay pending IPRs. *Apple Inc. v. Fintiv, Inc.*, IPR2020-00019, Paper 15, p.12 (PTAB May 13, 2020) (“*Fintiv II*”) (declining to “infer” how the district court “would rule should a stay be requested”). The Dell Case has been stayed “in its entirety pending further order of the Court until Dell’s

IPRs are resolved.” Ex. 2003 at 9. And, as noted above, the HP court indicated that it would reconsider a stay if any petitions were instituted.

Fintiv Factor 2 is neutral or disfavors denial. Petitioners’ *Sotera* stipulations eliminate any potential overlap or conflict between the district court cases and this IPR, mitigating concerns related to trial schedules. Moreover, any potential risk is further mitigated by the growing backlog of cases in E.D. Tex. (e.g., increasing median time-to-trial statistics) and associated scheduling uncertainty. The Dell Case has been stayed in its entirety and, thus, no trial is scheduled. Ex. 2003 at 9. Trial in the HP Case is scheduled for September 21, 2026 (4:24-cv-04097-YGR (N.D. Cal.), Dkt. 93), approximately 5 months ***after*** the anticipated final written decision here.

Fintiv Factor 3 is neutral or disfavors denial. The *Sotera* stipulations will prevent overlap, ensuring that the IPR will be a true alternative to District Court litigation. Moreover, claim construction analysis in the LGL Case remains early, with no substantive briefing and no *Markman* order yet issued. To be clear, Patent Owner ignores, and implicitly acknowledges, that the parties and courts have not made substantial investment in either the Dell Case or the HP Case. The Dell Case was stayed before the parties submitted claim construction briefs. Ex. 2003 at 4-5. At that time, fact discovery had not opened between the parties. 1:23-cv-01506-RP (W.D. Tex.), Dkt. No. 30, ¶ 9. In granting Dell’s motion to stay the case, the court explicitly noted how little investment had been made to that point. Ex. 2003 at 4-5.

The HP *Markman* hearing will not occur any earlier than May 21, 2025, well after the anticipated decisions on institution here and potential stay of the HP case. 4:24-cv-04097-YGR, Dkt. 77 at 10. And party discovery will not begin until after the entry of a *Markman* order. *Id.* at 6.

Fintiv Factor 4 strongly disfavors denial. To eliminate any doubt as to the absence of meaningful overlap between the District Court and this IPR, Petitioners submit *Sotera* stipulations, using the specific language indicated by the Panel in its March 3, 2025 e-mail authorizing Petitioners’ request, with respect to the pending litigations. Ex. 1033-36. Factor 4 strongly disfavors denial, at least because Petitioners’ stipulations guarantee that the grounds relied on in this IPR, or that could have been brought in this IPR, will not be relitigated/otherwise litigated in the District Court proceedings. As the Board held in *Sotera*, such a stipulation “mitigates any concerns of duplicative efforts between the district court and the Board, as well as concerns of potentially conflicting decisions,” and Factor 4 thus “weighs strongly in favor of not exercising discretion to deny institution under 35 U.S.C. § 314(a).” *Sotera*, Paper 12 at 19.

Fintiv Factor 5 is, at worst, neutral. *Fintiv* did not suggest Factor 5 favors denial when the petitioner and the defendant in the parallel proceeding are the same, instead noting that “if a petitioner is unrelated” the Board has weighed that “fact against exercising discretion.” *Fintiv*, 13-14. Further, Patent Owner only discusses

the LGL Case in connection with Factors 1-4, of which neither Dell nor HP is a party. Thus, that Dell and HP are parties to co-pending cases have no bearing on the Factor 5 analysis. At most, those two Petitioners are parties to district court cases that Patent Owner does not even suggest warrant discretionary denial.

Fintiv Factor 6 strongly disfavors denial. The strength of the merits alone outweighs any potential inefficiencies (which, as discussed above, the *Sotera* stipulations eliminate). *Fintiv*, 14-15 (“if the merits of a ground raised in the petition seem particularly strong...institution of a trial may serve...overall system efficiency and integrity”). The evidence in the petition, supported by corroborated expert testimony, if unrebutted in trial, would plainly lead to a conclusion that one or more claims are unpatentable. Further, the high likelihood that Petitioner will prevail is evident from the POPR’s silence on the merits. *See Cisco Systems, Inc. v. Croga Innovations, Ltd.*, IPR2024-01283, Paper 8, at 48 (PTAB Feb. 13, 2025) (“the sixth factor favors not exercising our delegated discretion to deny institution” because “Patent Owner has not identified a single defect in that evidence nor has Patent Owner submitted any argument or evidence rebutting that showing. . . . [and] we have not independently found any defects or issues with Petitioner’s showing.”).

For the reasons stated above, and in view of Petitioners’ *Sotera* stipulations, the *Fintiv* factors on balance weigh heavily against discretionary denial.

Date: March 10, 2025

Respectfully submitted,

/s/ Brian W. Oaks

Brian W. Oaks (Reg. No. 44,981)
Nicholas A. Schuneman (Reg. No. 62,088)
McDERMOTT WILL & EMERY LLP
303 Colorado Street, Suite 2200
Austin, TX 78701
TEL: 512-726-2600
FAX: 512-532-0002
boaks@mwe.com
nschuneman@mwe.com

Tessa Kroll (Reg. No. 79,327)
McDERMOTT WILL & EMERY LLP
444 West Lake Street, Suite 4000
Chicago, IL 60606
TEL: 312-984-6973
tkroll@mwe.com

*Attorneys for Petitioners, Dell, Inc. and
Dell Technologies Inc.*

CERTIFICATE OF SERVICE

In accordance with 37 C.F.R. § 42.6(e), the undersigned certifies that on the 10th day of March, 2025, a complete and entire copy of the foregoing **PETITIONERS' REPLY TO PATENT OWNER'S PRELIMINARY RESPONSE AND NEW EXHIBITS 1033, 1034, 1035, and 1036** were served on Patent Owner via email to counsel of record for the Patent Owner at the following address:

Brett Cooper, Reg. No. 55,085
Robert A. Auchter, Reg. No. 38,069
Seth Lindner, Reg. No. 68,119

UCT_Counsel@bc-lawgroup.com

Date: March 10, 2025

Respectfully submitted,

/s/ Brian W. Oaks

Brian W. Oaks (Reg. No. 44,981)

McDERMOTT WILL & EMERY LLP
303 Colorado Street, Suite 2200
Austin, TX 78701
TEL: 512-726-2600
FAX: 512-532-0002
boaks@mwe.com

*Attorneys for Petitioners, Dell, Inc. and
Dell Technologies Inc.*