

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

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

Petitioners,

v.

UNIVERSAL CONNECTIVITY TECHNOLOGIES INC.,

Patent Owner.

Case IPR2024-01481
U.S. Patent No. 7,746,798

**PATENT OWNER'S SUR-REPLY TO PETITIONERS'
REPLY TO PATENT OWNER'S PRELIMINARY
RESPONSE TO THE PETITION**

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TABLE OF EXHIBITS

Exhibit No.	Description
2001	U.S. District Courts—Federal Court Management Statistics—Profiles—During the 12-Month Periods Ending September 30, 2019 Through 2024
2002	Lenovo Group Limited’s Invalidity Contentions, <i>Universal Connectivity Technologies Inc. v. Lenovo Group Limited</i> , No. 2:23-cv-00449-JRG (E.D. Tex. July 24, 2024), pp. 1-14, 42-61, 229-230; C-2; C-8
2003	Dell Technologies Inc. and Dell Inc.’s Invalidity Contentions, <i>Universal Connectivity Technologies Inc. v. Dell Inc.</i> , No. 1:23-cv-01506-RP (W.D. Tex. July 24, 2024), pp. 1-13, 41-60, 227-228; C-2; C-8
2004	HP Inc.’s Invalidity Contentions, <i>Universal Connectivity Technologies Inc. v. HP Inc.</i> , No. 4:24-cv-04097-YGR (N.D. Cal. December 5, 2024), pp. 1-12, 37-53; C-2; C-8; C-9

I. The *Fintiv* Factors Weigh Against Institution

Factor 1: Petitioners' argument that this factor disfavors denial because no stay has been requested in the LGL Case (Paper 16, Reply, 3) is flawed. There is no dispute that the LGL Case has not been stayed, nor is there any evidence that a stay would be granted if a proceeding is instituted. This factor favors denial.

Factor 2: Petitioners' attempt to question that the trial date of the LGL Case based on an alleged growing backlog of cases and associated scheduling uncertainty is unsupported. *Id.*, 3. As explained in the POPR, both the scheduled trial date and the date of trial based on median time-to-trial statistics occur many months before a final written decision would be expected in this forum. In addition, as discussed further for Factor 4, the *Sotera* stipulations do not remove concerns regarding the timing of trial with respect to a final written decision. This factor favors denial.

Factor 3: Petitioners do not dispute the substantial investment in resources already devoted to the LGL Case. Petitioners also cannot dispute that claim construction is ongoing. Opening briefs are due on March 28, 2025, responsive briefs are due on April 11, 2025, and reply

briefs are due on April 18, 2025. *See* Case No. 2:23-cv-00449-JRG at Dkt. No. 27 at 4. Petitioners' *Sotera* stipulations do not eliminate the investments the parties have already made in district court. This factor favors denial.

Factor 4: Petitioners do not dispute the complete overlap in the arguments and evidence presented in the Petition and in district court. Petitioners' contention that their *Sotera* stipulations remove all concerns regarding this overlap is unsupported here. In fact, as shown by the *Sotera* stipulations (*see, e.g.*, Exhibit 1016 at 1 n.1) and the district court invalidity contentions (*see, e.g.*, Exhibit 2004 at 15), Petitioners have expressly reserved the right to challenge invalidity at the district court based on the same references relied upon here in combination with "any system, product, or public knowledge or use that embodies" any of the identified prior art patents or printed publications." Thus, their *Sotera* stipulations notwithstanding, it appears that Petitioners will present the same arguments in district court that they have presented here under the guise of a "system art" combination whose only purpose is to avoid their commitment under the stipulations. This factor favors denial.

Factor 5: Petitioners' argument ignores the Board's express language in *Fintiv II*. In addition, Petitioners provide no support for their contention that this factor is neutralized when less than all parties to the IPR proceeding are also parties to a district court litigation involving the same patent. This factor favors denial.

Factor 6: For the unrebutted reasons discussed in detail in Paper 12, Patent Owner's Preliminary Response, 11-18, the Petition does not present a reasonable likelihood of invalidity under any ground or challenged claim, let alone compelling evidence of unpatentability, and factor 6 weighs against institution.

All six *Fintiv* factors strongly favor discretionary denial, and the Petition should be denied on this basis alone.

Date: March 17, 2025

Respectfully submitted,

/Brett Cooper/

Brett Cooper, Reg. No. 55,085
Lead counsel for Patent Owner

CERTIFICATE OF SERVICE (37 C.F.R. § 42.6(e)(1))

The undersigned hereby certifies that the above document was served on March 17, 2025, by filing this document through the Patent Trial and Appeal Case Tracking System as well as delivering a copy via electronic mail upon the following attorneys of record for the Petitioners:

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