

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 IPR2025-00005
U.S. Patent No. 9,457,541

**PATENT OWNER'S REPLY TO
PETITIONER'S SUPPLEMENTAL BRIEF**

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Petitioner fails to distinguish the Director review decision in *Motorola Solutions, Inc. v. Stellar, LLC*, IPR2024-01205, Paper 19 (P.T.A.B. Mar. 28, 2025) in a belated effort to argue that the *Fintiv* factors weigh against denial. Namely, Petitioner’s *third* stipulation iteration – more than an entire month after *Motorola* issued and *after* institution was denied in three of the four related IPR proceedings, fails to move the needle. As such, the Board should deny institution.

Petitioner’s stipulation does not change the result of the *Fintiv* analysis here. It is not dispositive, and PO already acknowledged that Petitioner’s previous *Sotera* stipulation favored institution. Paper 11, 2-3. However, weighing the *Fintiv* factors holistically still favors denying institution. It is undisputed that the trial date is nearly seven months before the projected FWD deadline, *strongly favoring* discretionary denial. POPR, 11-14. As to investment (factor 3), Petitioner misleadingly argues “no *Markman* hearing has been held,” conveniently ignoring it is scheduled for May 14, 2025—*before* the Board’s institution deadline. Paper 12, 1; POPR, 14; EX2005, 4. Also, claim construction briefing is complete, fact discovery is scheduled to be completed on June 4, 2025, and opening expert reports are due June 11, 2025, just weeks after the institution deadline. EX2005, 4.

Moreover, the merits are weak, and rely on previously considered art and arguments. POPR, 32-48 (merits), 18-32 (§325(d)). The Board should deny institution.

Respectfully submitted,

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/Michael D. Specht/

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing **PATENT OWNER'S
REPLY TO PETITIONER'S SUPPLEMENTAL BRIEF** was served
electronically via e-mail on May 5, 2025, in its entirety on the following counsel of
record for Petitioner:

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