

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ARM LTD, MEDIATEK INC.,

Petitioners,

v.

DAEDALUS PRIME LLC,

Patent Owner.

Case No.: IPR2025-00207

U.S. Patent No. 8,984,228

PATENT OWNER'S AUTHORIZED RESPONSE TO
PETITIONER'S DIRECTOR REVIEW REQUEST

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I. INTRODUCTION

Authorization for this Response was provided by email, dated June 13, 2025. Ex. 3100. The Acting Director's decision denying institution of this proceeding correctly determined that the totality of the arguments and evidence warranted that outcome. Accordingly, ARM's Request for Director Review should be denied.

II. ARGUMENT

A. Standard of Review

Requests for Director Review are governed by 37 C.F.R. § 42.75. Such Requests are limited to decisions presenting (a) an abuse of discretion, (b) important issues of law or policy, (c) erroneous findings of material fact, or (d) erroneous conclusions of law. USPTO, *Director Review Process*, WWW.USPTO.GOV, <https://www.uspto.gov/patents/ptab/decisions/director-review-process> (last visited June 18, 2025). Importantly, "The Director Review process provides a mechanism to . . . avoid unnecessary trials for patent owners." *Id.*

B. ARM's Request Should be Denied

ARM argues that the Acting Director's decision granting discretionary denial should be vacated because the Patent Owner has settled its underlying litigation against MediaTek (one of the co-petitioners). ARM Req. at 1. At the same time, ARM acknowledges that it has no underlying stake in the outcome of a

determination concerning the validity of the '228 patent because “the Arm Petitioner is/was not a party to the litigation,” and “[t]here is no pending litigation.” *Id.* Consequently, ARM’s own request reveals the underlying decision granting discretionary denial does not warrant review by the Director. Further, even if such a review were conducted, the decision granting discretionary denial was well supported by the record in this proceeding and should not be disturbed.

C. The Acting Director Correctly Determined that the Totality of the Evidence and Arguments Warrants Discretionary Denial

ARM’s Request focuses on the absence of an underlying litigation.

According to ARM, because the suit against co-petitioner MediaTek has settled, this proceeding should now be instituted. *Id.* But although ARM complains that it has “separate interests that were not vindicated by the dismissed district court proceedings,” *id.*, ARM fails to articulate what those separate interests are.¹ For example, ARM does not state that it is the subject of any assertion efforts by Patent Owner concerning the '228 patent. Nor does ARM allege that any of its customers are potentially at risk of same. Indeed, ARM provides nothing other than its unsubstantiated statement that it has any interests whatsoever in the validity of the '228 patent.

¹ ARM’s lack of any stated “separate interests” was also noted in Patent Owner’s Request for Discretionary Denial of Institution. Paper No. 7 at 8.

As indicated above, one of the objectives of Director Review is to shield patent owners from unnecessary trials. There is perhaps nothing more unnecessary than a validity contest brought by a party with no verified interest in the validity of a subject patent. Such a proceeding is not only a costly and time consuming exercise for a patent owner, but also a waste of precious Board resources. More than ever, the Board's time is at a premium. *See*, USPTO, Interim Processes for PTAB Workload Management (Memorandum), (March 26, 2025) (In deciding whether or not to institute IPR trials, "The Director will also consider the ability of the PTAB to comply with pendency goals for *ex parte* appeals, its statutory deadlines for AJA proceedings, and other workload needs.") (available at <https://www.uspto.gov/sites/default/files/documents/InterimProcesses-PTABWorkloadMgmt-20250326.pdf>) (last visited June 18, 2025). Accordingly, in cases such as the present one, where reconsideration of a decision granting discretionary denial by a party that cannot articulate any alleged "separate interests" in the validity of a patent is sought, the Director should not revisit that decision.

Further, while the Acting Director's earlier Decision did not go into detail, it noted that "the determination to exercise discretion to deny institution is based on a holistic assessment of all of the evidence and arguments presented." Paper No. 10 at 2. Among that evidence and argument was Patent Owner's assessment of the

cumulative nature of the prior art references cited in the petition.

Like Sinharoy, cited in the petition, Arimilli, US PG PUB 2004/0139283 (Ex. 1006), which was cited and relied upon by the examiner during prosecution, disclosed a multicore processor that includes a cache hierarchy made up of a layer of separate bifurcated instruction and data caches and a layer of shared cache. *See* Ex. 2005 at [0040], Ex. 1006 at 2, 16. Indeed, Arimilli was specifically cited for teaching a single caching agent that includes a plurality of distributed portions, each associated with one of the plurality of cores. Ex. 1002 at 53. And, like Sinharoy, Arimilli indicates that each of the disclosed caches includes a separate controller. Ex. 2005 at [0040]. Sinharoy is cumulative to Arimilli because they provide the same teachings. In Sinharoy, the L2 caches include “a single centralized controller,” Ex. 1006 at 18, and each region of the L3 cache includes “a single centralized controller.” *Id.* at 19. Thus, the same cache architecture that is described by Sinharoy was already considered during prosecution of the ’228 patent, and, contrary to Petitioners’ assertions, no “compelling merits” are presented. ARM Req. at 2. Indeed, ARM’s Request does not even address these arguments that were considered as part of the Acting Director’s earlier “holistic assessment.”

III. CONCLUSION

Nothing in ARM's Request for Director Review warrants vacatur of the earlier decision to deny institution. ARM fails to articulate any unresolved "special interests" concerning the '228 patent and fails to rebut the earlier presented arguments concerning the cumulative nature of the prior art references cited in the petition. As such, there is no reason for the Director to undertake review of her earlier decision and, even if such a review were done, that earlier decision should be affirmed.

Respectfully submitted,

Dated: June 20, 2025

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing

PATENT OWNER'S AUTHORIZED RESPONSE TO
PETITIONER'S DIRECTOR REVIEW REQUEST

was served on June 20, 2025, by filing this document through the PTAB P-TACTS System as well as by delivering a copy via email directed to the attorneys of record for the Petitioner at the following addresses:

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The parties have agreed to electronic service in this proceeding.

Dated: June 20, 2025

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