

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Arm Ltd, MediaTek Inc.,

Petitioners

v.

Daedalus Prime LLC,

Patent Owner

Patent No. 8,984,228
Case No. IPR2025-00207

PETITIONER ARM LTD'S ISSUE PRECLUSION REPLY BRIEF

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LIST OF EXHIBITS

<u>Exhibit</u>	<u>Description</u>
Ex-1001	U.S. Patent No. 8,984,228 to Liu et al. (“the ’228 patent”).
Ex-1002	Patent Center Prosecution History of U.S. Patent No. 8,984,228.
Ex-1003	Declaration of Dr. Marwan Hassoun.
Ex-1004	Curriculum Vitae of Dr. Marwan Hassoun.
Ex-1005	U.S. Patent No. 7,805,575 to Agarwal et al. (“ <i>Agarwal</i> ”).
Ex-1006	B. Sinharoy et al., “IBM POWER7 Multicore Server Processor,” IBM Journal of Research and Development, vol. 5, no. 3, pp. 1:1-1:29 (2011) (“ <i>Sinharoy</i> ”).
Ex-1007	U.S. Patent Appl. Pub. No. 2011/0219188 to Blumrich et al. (“ <i>Blumrich</i> ”).
Ex-1008	U.S. Patent Appl. Publ. No. 2008/0126750 to Sistla (“ <i>Sistla</i> ”).
Ex-1009	<i>Multicore Processors and Systems</i> (S.W. Keckler et al. eds., 2009) (“ <i>Keckler</i> ”).
Ex-1010	U.S. Patent Appl. Pub. No. 2006/0041715 to Chrysos et al. (“ <i>Chrysos</i> ”).
Ex-1011	G. Blake et al., “A Survey of Multicore Processors,” IEEE Signal Processing Magazine, vol. 26, no. 6, pp. 26-37 (Nov. 2009) (“ <i>Blake</i> ”).
Ex-1012	V. Getov et al., “Codesign for Systems and Applications: Charting the Path to Exascale Computing,” Computer, vol. 44, no. 11, pp. 19-21 (Nov. 2011).
Ex-1013	T. Zhou, “Deriving Voltage Tolerance Specification for Processor Circuit Design,” 2011 IEEE 20th Conference on Electrical Performance of Electronic Packaging and Systems, pp. 17-20 (Oct. 2011).

<u>Exhibit</u>	<u>Description</u>
Ex-1014	Library of Congress Record: IBM Journal of Research and Development.
Ex-1015	MARC Record: IBM Journal of Research and Development.
Ex-1016	IBM Journal of Research and Development, vol. 5, no. 3 (2011).
Ex-1017	M.R. Marty, <i>Cache Coherence Techniques for Multicore Processors</i> , Ph.D. Dissertation, University of Wisconsin – Madison (2008) (“ <i>Marty</i> ”).
Ex-1018	Docket Control Order
Ex-1019	Infringement Contentions Cover
Ex-1020	IPR2023-01344 Paper 10 05/28/2024 Patent Owner’s Response
Ex-1021	IPR2023-01344 Paper 20 10/22/2024 Patent Owner’s Sur-reply
Ex-1022	Median Time To Trial
Ex-1023	Declaration of Kelley Hayes Greenfield
Ex-1024	Daedalus LPR 4-2 Terms

The “issue” disputed presently, and that was litigated in IPR2023-01344, is whether Sinharoy discloses the claim language of “the caching agent a single caching agent ... including a plurality of distributed portions each associated with a corresponding one of the plurality of cores” (the “associated with” clause) which is substantially identical in the ‘228 and ‘895 claims. The Board determined that Sinharoy disclosed the “associated with” clause. *See* IPR2023-01344, FWD, Paper 31 at 27-28 (Jan. 24, 2025). This factual determination was necessarily part of the Board’s decision to find the ‘895 claims invalid over Sinharoy.

To try to avoid this intractable problem from IPR2023-01344, PO crafts a new argument, or theory, about “address-homed” or core-associated. PO Estoppel Brief, Paper 35 at 1 (July 6, 2026). But “address-homed” or core-associated is not in any claims (‘228 or ‘895) and is only a new *argument* or *theory* for the disputed issue of whether Sinharoy discloses the claim language. New arguments or theories are not an exclusion to issue preclusion. PO seeks to make the “identity of the issues” mean “identity of the arguments that a PO makes” between litigations. PO’s position would eliminate issue preclusion because a losing party could elect to pursue new theories during its second bite at the apple. Federal Circuit (and other jurisdictions’) law rejects PO’s position. PO does not cite any case stating a party’s *arguments* control the “issues” that are “actually litigated.”

PO litigated, and lost, the factual determination of Sinharoy’s application to

the claim language. PO does not now present any legally cognizable reason to avoid issue preclusion. The Board should invalidate all challenged claims.

I. PO's New Arguments Or Theories Cannot Avoid Issue Preclusion.

Courts uniformly reject PO's position that new arguments or legal theories about a disputed issue are sufficient to avoid issue preclusion.

Collateral estoppel cannot be defeated, however, by offering evidence in the second proceeding that could have been adduced in the first proceeding but was not; absent materially changed circumstances, the ruling in the initial case is preclusive. ... That is true even if a different legal theory is advanced in the second action. ...

Intellectual Ventures I LLC v. Capital One Fin. Corp., 937 F.3d 1359, 1377 (Fed. Cir. 2019) (citations omitted). Additional arguments cannot overcome preclusion:

In issue preclusion, it is the prior *judgment* that matters, not the court's opinion explicating the judgment. "Even in the absence of *any* opinion a judgment bars relitigation of an issue necessary to the judgment." *American Iron & Steel Inst. v. EPA*, 280 App. D.C. 373, 886 F.2d 390, 397 (D.C. Cir. 1989) (emphasis in original)... Furthermore, once an *issue* is raised and determined, it is the entire *issue* that is precluded, **not just the particular arguments** raised in support of it in the first case. *See Securities Indus. Ass'n v. Board of Governors*, 283 App. D.C. 376, 900 F.2d 360, 364 (D.C. Cir. 1990) (plaintiff may not raise new argument in second proceeding even though it was never made in first proceeding; so long as argument could have been made, it is precluded); Restatement (Second) of Judgments § 27 cmt. c at 253 (if previously

litigated “issue was one of law, new arguments may not be presented to obtain a different determination of that issue”). Preclusion cannot be avoided simply by offering evidence in the second proceeding that could have been admitted, but was not, in the first.

Yamaha Corp. of America v. U.S., 961 F.2d 245, 254-55 (D.C. Cir. 1992) (citations omitted) (bolded emphasis added). The “judgment” (e.g., that Sinharoy discloses the claim elements) is what matters. *Stephen Slesinger, Inc. v. Disney Enters., Inc.*, 702 F.3d 640, 645 (Fed. Cir. 2012) (“it is the court's ultimate ‘*judgment*’ that matters,’ not the language used to discuss the court's rulings.”) (citations omitted).

PO cites two cases – neither of which states that PO avoids issue preclusion on similar claim language between IPRs with new arguments or legal theories.

SkyHawke analyzes different legal standards. *SkyHawke Techs., LLC v. DECA Int'l Corp.*, 828 F.3d 1373, 1376 (2016) (“Because the Board applies the broadest reasonable construction ... while the district courts apply a different standard ... the issue of claim construction ... has not been actually litigated.”); *See B&B Hardware, Inc. v. Hargis Indus.*, 575 U.S. 138, 154 (2015) (“[I]ssues are not identical if the second action involves application of a different legal standard ...”).

PO does not assert that IPR2023-01344 involved different legal standards. Thus, PO’s *SkyHawke* citation does not help PO. PO’s other case (*VirnetX Inc. v. Apple Inc.*, 909 F.3d 1375 (Fed. Cir. 2018)) also does not state that new arguments are “issues” actually litigated. *Id.* Thus, *VirnetX* does not help PO either.

II. The “Associated With” Clause Was Litigated In IPR2023-01344.

PO does not dispute that the ‘228 and ‘895 patents have substantially identical claim language for the “associated with” clause. EX-1003, ¶¶47-48. The “associated with” clause was litigated in IPR2023-01344. The Petitioner offered arguments and expert testimony with the PO and its expert disputing the clause. IPR2023-01344, Pet., Paper 2 at 18-19 (Aug. 23, 2023); Ex. 1007 at 31-33; EX-2002 at ¶35 (“I do not agree with this characterization” [that Sinharoy discloses “distributed portions each associated with one of the cores”]); POR, Paper 10 at 16-18 (May 28, 2024); PO Sur-Reply, Paper 20, at 1, 3, 7-9 (Oct. 22, 2024). The Board analyzed the “associated with” element and concluded Sinharoy disclosed it. IPR2023-01344, FWD, Paper 31 at 27-28 (Jan. 24, 2025).

Moreover, the “associated with” argument was also asserted against Tang prior art in IPR2023-01344. *E.g.*, POR, Paper 10 at 30, PO Sur-Reply, Paper 20 at 15. PO’s arguments in IPR2023-01344 show the “associated with” clause was in the claims and PO disputed that the prior art disclosed the clause. PO lost that dispute and cannot re-challenge in the present IPR. If PO asserts that it argued “associated with” only against Tang, PO could have argued the “associated with” against Sinharoy and either issue preclusion attaches or PO waived that argument.

But petitioner certainly could have presented the arguments raised here to the Second Circuit Whether petitioner actually argued that position is

irrelevant, however, since preclusion because of a prior adjudication results from the resolution of a question *in issue*, not from the litigation of specific *arguments* directed to the issue. ... Restatement (Second) of Judgments § 27 comment c (“If the issue [previously litigated] was one of law, new arguments may not be presented to obtain a different determination of that issue.”).

Securities Industries Ass'n v. Board of Governors of Federal Reserve System, 900 F.2d 360, 364-365 (D.C. Cir. 1990).

Simmons's mere assertion of a different ground for invalidity of the settlement in this action (misrepresentation) than that litigated in the district court (incapacity and duress/undue influence) does not bar application of issue preclusion because “[i]t is reasonable to require [a party] to bring forward all evidence in support of [its argument] in the initial proceeding.” Restatement of the Law (Second) Judgments § 27, comment c, illustration 4 (a verdict rejecting A's claim [**6] that B was negligent for speeding barred A from asserting B's negligence on any theory, not just speeding).

Simmons v. SBA, 475 F.3d 1372, 1374 (Fed. Cir. 2007) (emphasis added).

PO fails to cite, much less address, any significant Federal Circuit law. For example, *Soverain Software* explained that in the earlier *Ohio Willow Wood* case the “issues” for collateral estoppel are controlled by the claim language:

Soverain argues that issue preclusion should not apply because claim 39 was not previously found obvious and does not present identical issues. Complete identity of claims is not required to satisfy the identity-

of-issues requirement for claim preclusion. *Ohio Willow Wood*, 735 F.3d at 1342 ... “If the differences between the unadjudicated patent claims and adjudicated patent claims do not materially alter the question of invalidity, collateral estoppel applies.” *Ohio Willow Wood*, 735 F.3d at 1342.

Soverain Software LLC v. Victoria's Secret Direct Brand Mgmt., LLC, 778 F.3d 1311, 1319 (2015). “The fact that Soverain had arguments which it did not make...” did not prevent issue preclusion. *Id.* at 1319.

Presenting new evidence (such as PO’s current “address-homed” theory) does not negate issue preclusion.

[C]ollateral estoppel applies “even if new evidence exists.” *Black v. OPM*, 641 Fed. Appx. 1007, 1009 (Fed. Cir. 2016). A losing party does not get a second bite at the apple simply because they can find a new and arguably more persuasive witness to present their evidence; this is precisely the type of rematch that collateral estoppel is intended to foreclose to serve the interests of repose and finality. *See Astoria*, 501 U.S. at 107 (“[A] losing litigant deserves no rematch after a defeat fairly suffered, in adversarial proceedings, on an issue identical in substance to the one he subsequently seeks to raise.”); *Allen v. McCurry*, 449 U.S. 90, 94 [] (1980) (“[C]ollateral estoppel relieve[s] parties of the cost and vexation of multiple lawsuits, conserve[s] judicial resources, and, by preventing inconsistent decisions, encourage[s] reliance on adjudication.”).

SynQor, Inc. v. Vicor Corp., 988 F.3d 1341, 1354-1355 (Fed. Cir. 2021). “[T]he determination of a question directly involved in one action is conclusive as to that question in a second suit.” *B & B Hardware*, 575 U.S. at 147; *see also id.* at 157

(citing the Restatement (Second) of Judgments § 27 cmt. c, at 252-53, that an “issue” must be understood broadly enough “to prevent repetitious litigation of what is *essentially* the same dispute” (emphasis added)).

The Board recognizes that new “issues” are not created by a losing party raising new arguments. *E.g., Amazon.com, Inc. v. M2m Sols. LLC*, No. IPR2019-01204, 2021 WL 203148, at *22 (P.T.A.B. Jan. 20, 2021). In *M2M Sols.*, “Patent Owner also asserts it raises new arguments that the ‘1892 FWD does not address so that there is ‘no identity of issues.’” *Id.* at 22. The Board properly focused the “issue” to be applying the prior art to the claim language, not on new arguments.

[T]he question is “whether the ... *claims* present materially different issues that alter the question of patentability, making them patentably distinct from” the claims adjudicated in the ‘1892 IPR. ... Petitioner shows that the nonvolatile memory limitation is not patentably distinct in both sets of claims ... and it raises the exact same *issue of whether Kloba teaches the limitation....* That issue was actually litigated and necessary to the Board's determination in the ‘1892 FWD
Id. at *23 (emphasis added); *id.* at *25 (“the ‘1892 IPR “presents” the ‘identical issue’ of whether Kloba satisfies the exact same nonvolatile memory language”).

III. Alternatively, PO Waived Its New Arguments On “Associated With.”

An alternative ground for rejecting PO’s argument is that PO waived this argument by not raising in IPR2023-01344 and because the current POR did not make PO’s new “associated with” argument against Sinharoy. *See* POR, 35-37.

Date: July 13, 2026

Respectfully submitted,

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CERTIFICATION OF PAGE COUNT

Pursuant to the Board's oral Order during the IPR trial hearing, Petitioners certify that the page count of Petitioner Arm Ltd's Issue Preclusion Reply Brief (exclusive of any table of contents, table of authorities, mandatory notices under § 42.8, certificates of service and word count, and list of exhibits or claim listing) is 7 pages.

Dated: July 13, 2026

By: /s/Kevin Anderson
Kevin Anderson, Lead Counsel
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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. §§ 42.6(e) and 42.105(a), the undersigned certifies that on a copy of the foregoing Petitioner Arm Ltd's Issue Preclusion Brief were served by electronic means to counsel of record in the present IPR.

Date: July 6, 2026

By: /s/ Kevin Anderson
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