

Filed on behalf of: Dabico Airport Solutions Inc.

Entered: May 28, 2025

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

DABICO AIRPORT SOLUTIONS INC.,
Petitioner,

v.

AXA POWER APS,
Patent Owner.

Case IPR2025-00408
Patent 9,771,169

**PETITIONER'S OPPOSITION TO
PO'S REQUEST FOR DISCRETIONARY DENIAL**

TABLE OF CONTENTS

I.	Introduction.....	1
II.	Discretionary denial is not warranted under § 325(d).....	2
A.	Overview of the Prosecution History of the '169 Patent	3
B.	Step 1 of <i>Advanced Bionics</i> is not met.....	5
1.	None of the asserted references were previously presented to the Office.	6
2.	The asserted art is materially different than the art considered by the Examiner, and is not cumulative.	6
3.	The asserted grounds are not substantially the same arguments made during prosecution.	18
C.	Even if <i>Advanced Bionics</i> Step 2 is considered, the Examiner erred in allowing the claims.....	23
D.	Petitioner's arguments are within the broad scope of an Opposition authorized by the Director and the Board.	24
III.	The merits of the Petition do not warrant discretionary denial.	27
A.	Patent Owner does not allege any missing limitation in Grounds 4-5, which cover every independent claim.....	28
B.	Patent Owner's only missing limitation argument for Grounds 1-3 is wrong but irrelevant.	28
C.	Taras does not teach away from combination with Kreymer or Lechmotoren.....	31
D.	Takahashi is analogous art.	35
E.	Patent Owner's motivation to combine arguments do not warrant discretionary denial.	37
IV.	The Indian Interim Injunction does not warrant discretionary denial here.....	38
V.	Conclusion	40

TABLE OF AUTHORITIES**Page(s)****Cases**

<i>Ecto World, LLC v. RAI Strategic Holdings, Inc.</i> , IPR2024-01280, Paper 13 (Stewart May 19, 2025)	25
<i>Advanced Bionics, LLC v. MED-EL Elektromedizinische Geräte GmbH</i> , IPR2019-01469, Paper 6 (Feb. 13, 2020)	5
<i>Apple Inc. v. Fintiv, Inc.</i> , IPR2020-00019, Paper 11 (Mar. 20, 2020)	2
<i>Dome Patent L.P. v. Lee</i> , 799 F.3d 1372 (Fed. Cir. 2015)	32

Rules and Statutes

35 U.S.C. § 314	38
-----------------------	----

Other Authorities

USPTO, “FAQs for Interim Processes for PTAB Workload Management” (last accessed May 26, 2025),	26–27
USPTO, “Interim Processes for PTAB Workload Management” (Mar. 26, 2025)	24, 25, 37

I. INTRODUCTION

There is no basis for discretionary denial here. There is no parallel litigation against the '169 patent, so *Fintiv* does not apply. The prior art asserted here was ***not*** previously presented to the Office during prosecution or in any other context. There are no multiple parallel or serial petitions against the '169 patent.

Patent Owner requests discretionary denial on three bases, all meritless. First, Patent Owner asserts that the art and arguments in the Petition are “substantially the same” and, in fact, “the same” as the art considered by the Examiner, justifying denial under § 325(d). Not so. The Petition's art is substantially different than the art considered by the Examiner; indeed they address the exact reasons for allowance identified by the Examiner. The claims of the '169 patent were allowed based on addition of limitations related to a central controller (claims 1 and 2) and failure detection (claim 16). The Petition presented new art—never before presented to the Office—showing the claimed PCA obvious even with these limitations.

Second, Patent Owner argues that “facial deficiencies in the Petition separately warrant non-institution.” Paper 10 (“Request”) 40. But Patent Owner fails to identify *any* “facial deficiencies,” instead diving deeply into the technical merits of the prior art and the challenged claims. Even doing so, Patent Owner cannot find a single claim limitation that isn't disclosed by the Petition's grounds. At best, Patent Owner disagrees with the Petition and Petitioner's expert about

various details, but such a disagreement arises in every case and does not warrant discretionary denial.

Third, Patent Owner argues that the Board should defer to a preliminary injunction determination in India relating to an Indian patent owned by Patent Owner. But the USPTO should not defer to international court decisions—especially *preliminary* decisions—about international patents. The USPTO does not even defer to preliminary injunction determinations in United States district courts on the same patent challenged in IPR. *Apple Inc. v. Fintiv, Inc.*, IPR2020-00019, Paper 11 at 6 (Mar. 20, 2020) (precedential) (considering “trial date” of U.S. district court litigation). Patent Owner’s extreme request is far afield of USPTO policy.

Patent Owner’s request for discretionary denial should be denied.

II. DISCRETIONARY DENIAL IS NOT WARRANTED UNDER § 325(D).

There is no dispute that the references cited in Grounds 1-5 of the Petition were not previously presented to the Office during prosecution. Nevertheless, Patent Owner argues that they are the “same” as the references applied by the Examiner. Request 30-31. They are not. In fact, the Petition’s art and arguments are substantially different than the art considered by the Examiner in several ways, in particular in relation to the limitations cited by the Examiner to allow the claims.

A. Overview of the Prosecution History of the '169 Patent

The Petition accurately described the prosecution history of the '169 patent. Paper 2, Petition ("Pet.") 7-9. The Examiner repeatedly rejected claims reciting a PCA comprising a plurality of refrigeration systems that each included VFD-powered compressors. Pet. 7. The Examiner only allowed the claims after (1) an Examiner's amendment adding "a power sharing control input" (claim 1) and (2) the Applicant amended two other claims to become independent claims reciting automatic adjustments to cooling (claim 2) and "failure detection" (claim 16). Pet. 8-9.

Claims 1, 2, and 16 of the '169 patent are identical except for the last limitation of each of the claims. The common limitations include using a VFD for "each" refrigeration system. *See* Pet. 8 ("A preconditioned air unit... comprising... a plurality of refrigeration systems, each of which includes at least one compressor... and at least one variable frequency driver for power supply of the at least one compressor."). These common limitations were prosecuted as claim 13. Ex. 1002 at 002; Pet. 7-8.

The Examiner repeatedly rejected claim 13 as obvious. *E.g.*, Ex. 1002 at 279-80. After the Applicant asked the Examiner for recommended amendments to get allowance, the Examiner recommended incorporating features into claim 13 from various dependent claims. Ex. 1002 at 332. The Applicant partially followed

the Examiner's guidance and incorporated claim 13 into dependent claims 23 and 24, making them independent. Ex. 1002 at 591-592. The Applicant, however, kept claim 13 unchanged throughout prosecution.¹ Ex. 1002 at 589.

The Examiner again refused to allow claim 13 as-filed. Instead, the Examiner entered an Examiner's Amendment to claim 13 that incorporated the "power sharing control input." Ex. 1002 at 602-603. Claim 13 issued as claim 1. According to the Examiner, he allowed the claims because "[t]he art of record does not teach, in an obvious combination with the foregoing limitations," the *last limitations of issued claims 1, 2, and 16*. Ex. 1002 at 603-604; *see also id.* at 652-654 (second notice of allowance after IDS filed by Applicant). These limitations include the "power sharing control input" (claim 1); automatically adjusting cooling according to at least one of "the selected type of aircraft, the ambient temperature," or other factors (claim 2); and "failure detection" where "the failing refrigeration system transmits a failure signal to the central controller" (claim 16). Pet. 8-9. At no point did the Examiner find the application of VFDs to PCAs to be non-obvious.

¹ At one point, the Applicant presented an after-final amendment of claim 13 but rescinded that amendment before any action was taken. *See* Ex. 1002 at 316, 349.

B. Step 1 of *Advanced Bionics* is not met.

Under step 1 of *Advanced Bionics*, the Board first decides “whether the same or substantially the same art previously was presented to the Office or whether the same or substantially the same arguments previously were presented to the Office.” *Advanced Bionics, LLC v. MED-EL Elektromedizinische Geräte GmbH*, IPR2019-01469, Paper 6 at 8 (Feb. 13, 2020) (precedential). As part of that analysis, the Board considers the following factors: (a) the similarities and material differences between the asserted art and the prior art involved during examination; (b) the cumulative nature of the asserted art and the prior art evaluated during examination; and (d) the extent of the overlap between the arguments made during examination and the manner in which petitioner relies on the prior art. *Advanced Bionics* at 9-10.

As shown below, the Petition's prior art was never previously presented to the Office. Further, the Petition's prior art and grounds are materially different to the art and arguments considered by the Examiner specifically in relation to the limitations that the Examiner cited as the reasons for allowance. Step 1 of *Advanced Bionics* is not satisfied.

1. None of the asserted references were previously presented to the Office.

There is no dispute: none of the asserted references were previously presented to the Office. Request 29 (“[T]he *specific* prior art references asserted in the Petition (i.e., Kreymer, Taras, Carrier, Lechmotoren, and Takahashi) were not cited during prosecution of the ’169 patent.”).

2. The asserted art is materially different than the art considered by the Examiner, and is not cumulative.

The asserted prior art in the Petition is materially different than the art considered by the Examiner. The Petition relies on new prior art for disclosure of specific limitations that the Examiner cited when allowing the claims, including a “power sharing control input” in a PCA system (claim 1), “automatically adjust[ing] the cooling performed by the [PCA]” according to at least one of several factors including the “ambient temperature,” “selected type of aircraft,” and “humidity” (claim 2), and failure detection (claim 16). The material differences between the Petition’s references and the prosecution art go to the very features the Examiner found novel.

Lechmotoren: *First*, Lechmotoren is substantially different than the art considered during prosecution. The Petition asserts that Lechmotoren discloses and renders obvious limitation 1[e]: “wherein the central controller has a power sharing control input for control of the preconditioned air unit power

consumption.” Pet. 64-66. Specifically, the PCA in Lechmotoren shares power with the aircraft and “only draws as much output from the power supply unit... as is not needed by the aircraft.” Pet. 64 (quoting Lechmotoren 8:10-17). To implement this feature, Lechmotoren’s control system includes a measuring device for measuring the aircraft’s power demands, thereby providing a power sharing control input to Lechmotoren’s controller system. Pet. 65.

The Examiner added the “power sharing control input” to claim 1 (prosecution claim 13) before allowing the claim. Ex. 1002 at 602-603. The Examiner described the reason for allowance as “[t]he art of record does not teach, in an obvious combination with the foregoing limitations, wherein the central controller has a power sharing control input for control of the preconditioned air unit power consumption.” Ex. 1002 at 604.

Even before allowance, the Examiner had acknowledged that the combination of Anderson, Urbain, and UVSD did not teach this limitation. Ex. 1002 at 510. The Examiner had relied on Hutton for this limitation. Ex. 1002 at 510-511. But even there, the Examiner did not point to any “power sharing control input” in Hutton. Ex. 1002 at 511. Instead, the Examiner cited to a “thermal storage unit” that could “offset some of the cooling power needed by the AC system during peak demand, so that energy consumption by the AC unit can be reduced.” Ex. 1002 at 511. Thus, although the Examiner noted Hutton’s

disclosure that the AC unit draws from the same power that is supplied to the “passenger boarding bridge” (Ex.2017 (“Hutton”) ¶7), the Examiner did not cite an explicit disclosure of a power sharing control input in Hutton. Ex. 1002 at 511. In allowing the claims, the Examiner expressly said the prior art (including Hutton) failed to teach the claimed power sharing. Ex. 1002 at 604.

Nevertheless, even if the Examiner found a power sharing control input in Hutton, he eventually found that feature to be missing “in an obvious combination” with the remainder of the features in claim 1. Ex. 1002 at 604. If the Examiner found no motivation to combine Hutton with Anderson, there is no such concern with Lechmotoren because the Petition does not rely on a separate reference for the power sharing control input. Put simply, Lechmotoren by itself teaches what the Examiner’s combination of Hutton and Anderson lacked.

The Petition also cites Lechmotoren for disclosure of limitation 2[e], which was added to claim 2 to obtain allowance: “wherein the central controller automatically adjusts the cooling performed by the preconditioned air unit according to at least one of: the selected type of aircraft, the ambient temperature, the humidity, the cabin temperature, or the outgoing airflow from the preconditioned air unit.” *See* Pet. 66-67. Specifically, Lechmotoren’s control system “allows the air conditioning output to be adapted to different ambient

conditions” including “temperature, humidity, aircraft size, etc.” Pet. 66-67 (quoting Lechmotoren 8:4-10).

The Examiner allowed this claim after the Applicant made prosecution claim 23 (which recited this limitation) an independent claim (Ex. 1002 at 591) and explicitly cited to this limitation as a reason for allowance (Ex. 1002 at 604). Before allowance, the Examiner asserted that Anderson “does not appear to expressly teach” this limitation. Ex. 1002 at 505. The Examiner asserted that Anderson teaches that it seeks to overcome the problem of adapting PCAs for use with different types of aircraft and cited *Urbain*’s purported teaching of “how to control the system so as to accommodate the needs of different aircraft.” Ex. 1002 at 505. But whether the Examiner eventually found this limitation missing in the Anderson/*Urbain* combination, or found no reason to add this teaching from *Urbain* to Anderson, there is no such concern with Lechmotoren because the Petition does not rely on a separate reference for this limitation. Further, the Petition relies on Lechmotoren not only for disclosure of adapting the cooling based on the size of the aircraft, but also based on “different ambient conditions” including temperature and humidity, both of which are options in this claim 2 limitation. Pet. 66-67.

Patent Owner does not show that Lechmotoren is substantially the same as the art considered by the Examiner. Patent Owner alleges that “Petitioner’s

asserted prior art are simply drop-in replacements” for art considered by the Examiner (Request 30) and that the Petition relies on “similar references used for identical purposes” as the prosecution art (Request 32). Not so. As shown above, Lechmotoren is not simply a drop-in replacement for Anderson at least because the Petition relies on Lechmotoren for disclosures of the exact features the Examiner found patentable in independent claims 1 and 2.

Patent Owner mischaracterizes the Petition's reliance on Lechmotoren and the Examiner's reliance on Anderson. In particular, Patent Owner provides an incorrect table comparing the Petition with the prosecution history. Request 30-31. Relating to claim 2, Patent Owner's table (1) omits that the Petition relies on Lechmotoren for the “automatically adjusts” limitation, and (2) incorrectly asserts that the Examiner relied on Anderson for that limitation. Request 30. As shown above, in the last office action before allowance, the Examiner asserted that Anderson did *not* teach this limitation. Patent Owner never addresses this distinction between Lechmotoren and Anderson.

Claim Features	References Cited (Petition)	References Cited (Examiner)	References the Same?
automatically adjusting cooling according to the selected type of aircraft See claim 2. <i>Or according to temp, etc.</i>	Kreymer See Petition at 27 <i>Lechmotoren</i> Petition at 66-67	Anderson See Exhibit 2010 at 2:5-17 <i>Urbain</i> Ex. 1002 at 505	Yes NO

Annotated Excerpt of Patent Owner's Table (Request 30)

Patent Owner's table is also self-contradictory, as it simultaneously asserts that Lechmotoren is "the same" as Anderson while conceding that Lechmotoren is cited for *different limitations* than Anderson—specifically the power sharing control input of claim 1:

Claim Features	References Cited (Petition)	References Cited (Examiner)	References the Same?
a preconditioned air unit having a "plurality of refrigeration systems" with core components (e.g., compressor, condenser, expansion valve) <i>See</i> claims 1-22.	Kreymer and Lechmotoren <i>See</i> Petition at 13-27, 52-66	Anderson <i>See</i> Exhibit 2010 at Fig. 1, 4:25-5:15	Yes
power sharing control input <i>See</i> claim 1	Lechmotoren <i>See</i> Petition at 64-66	Hutton <i>See</i> Exhibit 2017 at 1:60-2:5, 12:15-30	Yes

Annotated Excerpt of Patent Owner's Table (Request 30)

Further, Patent Owner's assertion that Lechmotoren is "the same" as Anderson and Hutton is conclusory and lacks any substantive comparison of those references. For example, Patent Owner does not compare the actual disclosures of Lechmotoren and Hutton in relation to the power sharing control input of claim 1. Patent Owner merely offers the conclusory attorney argument that "Lechmotoren redundantly discloses a PCA with multiple sub-units, like Anderson, and *the*

concept of power sharing, like Hutton.” Request 24. But as shown above, Lechmotoren discloses not just the “concept of power sharing,” but rather discloses a power sharing control input as recited in claim 1.

Patent Owner equates the Examiner's use of Anderson in combination with UVSD and the Petition's use of Lechmotoren in combination with Taras to apply VFDs to a PCA. Request 31. This is wrong for two reasons. First, Taras is not substantially the same as UVSD, as discussed below, because it specifically applies VFDs to the components (including the compressor) of an air refrigeration system. *See* Pet. 16. Second, Patent Owner's focus on the VFDs is misplaced because they are not why the Examiner allowed the claims. As discussed above, the key distinction between Anderson (as applied by the Examiner) and Lechmotoren (as applied by the Petition), respectively, intersects with the Examiner's stated reasons for allowance for independent claims 1 and 2.

Kreymer: *Second*, Kreymer is substantially different than the art considered during prosecution. The Petition asserts that the combination of Kreymer and Taras discloses and renders obvious limitation 2[e], which was added to claim 2 to obtain allowance: “wherein the central controller automatically adjusts the cooling performed by the preconditioned air unit according to at least one of: the selected type of aircraft, the ambient temperature, the humidity, the cabin temperature, or the outgoing airflow from the preconditioned air unit.” *See*

Pet. 27-28. Specifically, the Petition cites Kreymer's teaching of a "mode selector switch" that can be used by an operator to select a type of aircraft "such as narrow body, wide body, or jumbo body." Pet. 27 (quoting Ex.1005 ("Kreymer") 2:52-56). The air conditioning unit is then "operated automatically" based on this selected type of aircraft. Pet. 27-28 (quoting Kreymer 2:52-53).

As discussed above for Lechmotoren, Patent Owner asserts that Kreymer is just a drop-in replacement for Anderson, and "the same" as Anderson. Request 30. But Patent Owner omits that the Examiner found that Anderson does not explicitly disclose limitation 2[e]. *See* Ex. 1002 at 505. Patent Owner fails to address that the Examiner relied on Urbain for this limitation. *See* Request at 31 ("[T]he Examiner asserted that Anderson teaches adapting 'for use with different types of aircraft'" (citing Ex. 1002 at 505). Although Patent Owner asserts that Anderson is "like Kreymer" in this way (*id.*), the opposite is true: this is a significant difference between how the Examiner applied Anderson and how the Petition applies Kreymer, as discussed above.

Taras: The Petition describes Taras as "provid[ing] an example of the use of VFDs in a refrigeration system using 'power electronics... known in the art.'" Pet. 11 (quoting Ex.1006 ("Taras") ¶19). Specifically, Taras discloses separate VFDs to drive a compressor motor, condenser fan, and evaporator fan. Pet. 11-12 (citing Taras ¶31); *see also id.* 16-17. Thus, Taras applies VFDs to the same

refrigeration system that Kreymer uses, and that is recited in the '169 patent claims. Pet. 18.

Patent Owner asserts that Taras is “the same” as the UVSD reference considered during prosecution. Request 30. Specifically, Patent Owner asserts that “[t]he Examiner... alleged that UVSD teaches (like Taras) that a VSD offers significant electrical efficiency savings.” Request 31. But Patent Owner’s table purporting to show that Taras is “simply [a] drop-in replacement[.]” for UVSD omits that the Petition relies on Taras for other features (such as the central controller) for which the Examiner did not rely on UVSD. Request 30-31; *see* Pet. 25-27.

Nevertheless, Patent Owner’s assertion that Taras is the same as UVSD is plainly false on a cursory examination of the two references. UVSD is titled “Understanding Variable Speed Drives” and relates to “understanding... how to match the VFD to the driven load.” Ex. 2019 at 1. And although UVSD describes that VFDs can be applied to “reciprocating,” “rotating,” and “axial” compressors (Ex. 2019 at 1), it does not explicitly disclose VFDs in a refrigeration circuit. Taras does. *See* Taras, Fig. 3 (annotated below).

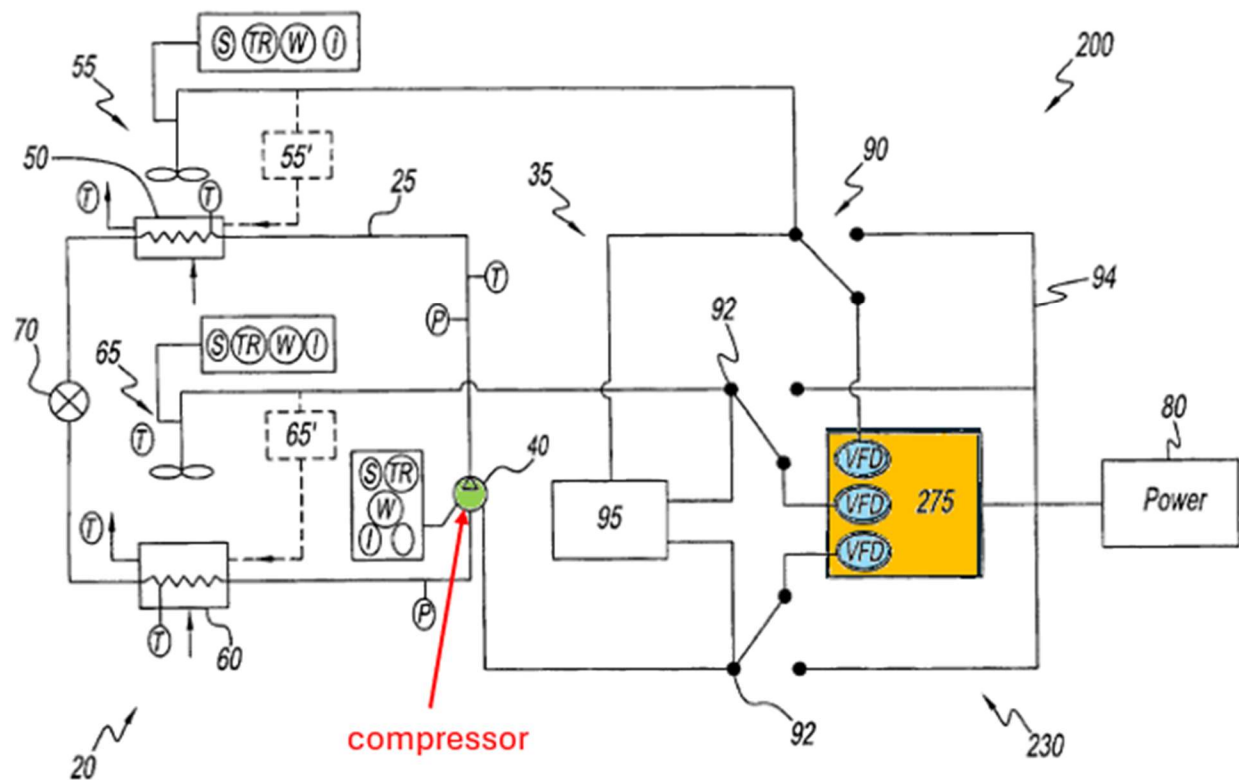


Fig. 3

Taras, Fig. 3 (annotated)

Nevertheless, any alleged similarities between Taras and UVSD are mitigated by the fact that Taras is being combined with Kreymer (Ground 1) and Lechmotoren (Ground 4), which disclose the features the Examiner relied on to allow independent claims 1 and 2.

Takahashi: The Petition describes Takahashi as disclosing a “cooling system having two or more cooling units in which an operation frequency of each cooling unit can be reduced.” Pet. 37 (quoting Ex.1007 (“Takahashi”) 1:7-12). Each cooling unit is a refrigeration system using the well-known thermodynamic

cycle used in Kreymer, Lechmotoren, and Taras. Pet. 38-39. Like Taras, Takahashi's compressor motor is driven by a VFD. Pet. 38 (citing Takahashi 4:29-47). Takahashi's system can detect abnormalities in the individual cooling units, stop the cooling unit that experienced the abnormality, and then run the remaining cooling units at a higher capacity to compensate the loss due to abnormality. Pet. 39.

During prosecution, the Examiner cited Goth as teaching the failure detection and control signal of prosecution claim 24 (issued as independent claim 16). Ex. 1002 at 511-512. But the only portion of Goth that the Examiner cited was claim 20 of that patent (Ex. 1002 at 512), which merely recites "a heat cartridge disposed in a recess of the heat spreader plate." Ex. 2016 13:40-42. Nevertheless, the Examiner asserted that Goth discloses notifying a "main/cage controller of a failure in the local [refrigeration] system... so that the main/cage controller can switch operation to the other refrigeration system." Ex. 1002 at 512. In other words, Goth had an entirely redundant backup refrigeration system that was not active until the first refrigeration system fails. Ex. 1002 at 512; Ex. 2016 3:21-23, 6:60-64.

Takahashi is more relevant to independent claim 16 than Goth because Takahashi varies the frequency of the compressors in the multiple cooling units rather than operating only one refrigeration system at a time. *E.g.*, Takahashi 5:1-

4, 7:46-61. Thus, Takahashi's use of VFDs to counteract failures in a multi-unit cooling system bolsters the obviousness of failure detection in a multi-unit cooling system that employs VFDs (i.e., the combination of Taras and Lechmotoren or Kreymer). Thus, Takahashi in combination with Taras and Lechmotoren or Kreymer directly addresses the reason cited by the Examiner for allowing claim 16.

Carrier: The Petition applies Carrier against dependent claims 9-10 in Ground 3. Pet. 2. These claims recite a conventional component of a variable frequency drive: "a rectifier connected to a mains supply input... for generation of a power DC voltage supply" (claim 9) and "wherein the rectifier is selected from the group consisting of a 12-pulse rectifier, an 18-pulse rectifier, and a 24-pulse rectifier" (claim 10). The Petition cites Carrier as explaining that "the three basic sections of the VFD" include "the rectifier." Pet. 52 (quoting Carrier 3). The Petition also cites Carrier as teaching that a "VFD may have multiple rectifier sections, with 6 rectifiers per section, enabling a VFD to be '12 pulse,' '18 pulse,' or '24 pulse.'" Pet. 52 (quoting Carrier 3). It is unsurprising that multiple prior art references can disclose a conventional structure for a well-known device. *Cf.* Ex. 1002 at 512 ("Bretzius teaches a variable frequency drive with a 12 pulse rectifier."). Nevertheless, the Examiner never found these limitations separately patentable.

Patent Owner argues that the Petition's asserted references are cumulative of the art considered during prosecution, but provides no meaningful explanation or analysis to support this assertion. Instead, Patent Owner resorts to attorney arguments, asserting that the Petition relies on "similar references used for identical purposes." Request 32. As explained above, the references cited in the Petition (Lechmotoren, Kreymer, and Takahashi) were not used for identical purposes, nor are they cumulative. They instead directly address the Examiner's reasons for allowance and supply claim elements that the Examiner expressly stated were not found in the prior art of record. Patent Owner's conclusory assertion is insufficient.

3. The asserted grounds are not substantially the same arguments made during prosecution.

The Petition's grounds are substantially different than the arguments proffered by the Examiner during prosecution, particularly as they relate to the limitations that the Examiner cited as the reasons for allowance. For limitations 1[e], 2[e], and 16[e] (the three limitations that the Examiner cites to as the reasons for allowance), the Examiner initially argued that it would have been obvious to add Hutton, Urbain, and Goth, respectively, to Anderson. As discussed above, however, the Petition relies on its primary references (Lechmotoren and Kreymer) for limitations 1[e] and 2[e], and does not rely on additional combination of

references. This is a new argument that was not considered during prosecution.

Where the Examiner may have found no motivation to combine or missing disclosure in Hutton and Urbain, the Petition presents arguments that these key features are already disclosed in Lechmotoren and/or Kreymer.

For 16[e], as discussed above, the Petition presents Takahashi, which discloses varying the frequencies of remaining compressors in response to a failure of one compressor. Takahashi's disclosure provides additional motivations to combine with the combination of Kreymer/Lechmotoren and Taras because of its compatibility with variable frequency drivers (like Taras) and its use of multiple refrigerant circuits operating at the same time (like Kreymer/Lechmotoren). Petition 40-43. This is substantially different than Goth, which operates only one refrigeration system at a time and does not appear to disclose variable frequency drivers.

Patent Owner presents a table comparing the Examiner's statements with the Petition's arguments. Request 33-36. But Patent Owner's table demonstrates the substantial differences in the arguments. In relation to limitations 1[e] (power sharing control input) and 2[e] (automatically adjusting cooling output based one of several parameters), Patent Owner's table demonstrates that the Examiner relied on a motivation to combine Anderson with Hutton and Urbain, respectively,

whereas the Petition cites to explicit disclosure of the limitations in Kreymer and Lechmotoren. Request 34.

Examiner's Rejection	Petition
"It would have been obvious to one of ordinary skill in the art, at the time of the invention, to modify Anderson, in view of Urbain, in order to provide a unit with the flexibility of servicing different types of aircraft." <i>Id.</i> at 505.	"The combination of Kreymer and Taras discloses and renders obvious this limitation. For example, Kreymer discloses a 'mode selector switch 62' that can be used by an operator to select a type of aircraft..." Petition at 27.

Annotated Excerpt of Patent Owner's Table (Request 34)

Examiner's Rejection	Petition
<p>"Anderson as modified teaches a preconditioned air unit ...but does not teach the central controller has a power sharing control input for control of the preconditioned unit power consumption ...It would have been obvious ... to modify Anderson, in view of Hutton, so that the AC will use less power so such power can [be] shared with other devices..." <i>Id.</i> at 511.</p>	<p>"Lechmotoren discloses and renders obvious this limitation. For example, Lechmotoren discloses <i>power sharing with the aircraft.</i>" Petition at 64.</p>

Annotated Excerpt of Patent Owner's Table (Request 35)

For limitation 16[e], Patent Owner's table omits a key argument in the Petition: "[T]he fault-tolerant architecture of Takahashi's allows a refrigeration system with multiple refrigerant circuits, such as Lechmotoren's, to preserve its cooling output upon failure of one of the refrigerant circuits, *by increasing the operation of the remaining coolers to compensate the loss resulting from the failure.*" Pet. 68-69 (emphasis added); *compare with* Request 35-36 (omitting italicized passage); *see also* Pet. 41 (same assertion for Kreymer combination). Patent Owner omitted the last phrase, which is an entirely new argument not considered by the Examiner. As discussed above, Takahashi operates in a different

manner than the Goth reference considered by the Examiner such that Takahashi provides additional motivation to combine with Taras in combination with Kreymer/Lechmotoren and is more compatible with the VFD system of the resulting combination. *E.g.* Pet. 40-41 (“[A] POSITA would have been motivated to look for prior art solutions for redundancy that employ VFDs rather than a purely on/off approach.”). The Examiner never considered such a combination.

The Petition also does not “simply rehash” the Examiner’s combinations by applying Taras’s VFD to each compressor in a multi-compressor PCA in Kreymer or Lechmotoren. *Cf.* Request 33 (“Petitioners’ argument regarding the motivation to combine Taras’ VFD with Kreymer’s or Lechmotoren’s multi-cooling-unit PCAs... simply rehash the same arguments the Examiner initially made when rejecting the claims during prosecution.”). Taras applies a VFD to components of a refrigeration system, including a compressor, providing additional motivation and compatibility with Lechmotoren/Kreymer. Pet. 16, 19-20, 55-57. The Examiner, conversely, cited UVSD as teaching the benefits of VFDs generally to motivate application to Anderson. Ex. 1002 at 503-504 (“UVSD teaches that the variable frequency drive is the most effective motor controller in the industry, are affordable and reliable, and offer significant electrical energy savings through greatly reduced electrical bills.”). Nevertheless, the Examiner consistently found that applying a VFD to each compressor was obvious, and he never changed that

finding even after allowing the claims. *See, e.g.,* Ex. 1002 at 503-504. The Director should not deny the Petition for agreeing with the Examiner's consistently-held positions merely because the claims were eventually allowed *for other reasons*.

* * *

The Petition presents all-new prior art that explicitly addresses the limitations the Examiner cited when allowing the claims. Patent Owner has not shown that step 1 of *Advanced Bionics* is satisfied, and discretionary denial is not warranted.

C. Even if *Advanced Bionics* Step 2 is considered, the Examiner erred in allowing the claims.

If the Director finds that step 1 of *Advanced Bionics* is satisfied, Patent Owner's request should still be denied because the Examiner erred by allowing the claims. In particular, as disclosed above, Lechmotoren contains specific teachings impacting the patentability of independent claims 1 and 2, including undisputed disclosure of the limitations the Examiner cited as the reasons for allowing those claims. Pet. 64-67; *see supra* Section II.B.2. For example, Lechmotoren discloses that the PCA shares power with the aircraft and includes a measuring device that measures the aircraft's power demands, providing a power sharing control input (limitation 1[e]) to Lechmotoren's controller system. Pet. 64-65. Patent Owner

does not dispute that disclosure. The Examiner erred by allowing claim 1 after an Examiner's amendment adding this limitation to the claim.

Kreymer also contains specific teachings impacting the patentability of the claims, including independent claim 2. Pet. 27-28. The Petition cites Kreymer's teaching of a "mode selector switch" that can be used by an operator to select a "type of aircraft... such as narrow body, wide body, or jumbo body." *See* Pet. 27 (quoting Kreymer 2:52-56). The Examiner erred in finding claim 2 patentable after the Applicant added this limitation to the claim.

Takahashi also contains specific teachings impacting the patentability of the claims, including independent claim 16. The Petition shows that Takahashi performs failure detection in a multi-compressor system, compensating for loss of a unit by using VFDs to increase the cooling in other units. Pet. 37-39, 43-44. The Examiner erred in finding claim 16 patentable after the Applicant added such failure detection to the claim.

D. Petitioner's arguments are within the broad scope of an Opposition authorized by the Director and the Board.

The Board has applied the "Interim Processes for PTAB Workload Management" to this proceeding. USPTO, "Interim Processes for PTAB

Workload Management” at 3 (Mar. 26, 2025) (“Stewart Memo”); Paper 6 at 2.²

Under this process, “the USPTO will permit parties to file separate briefing on requests for discretionary denial of institution.” Stewart Memo at 2. The parties are explicitly “permitted to address *all relevant considerations*.” Stewart Memo at 2 (emphasis added). The Board also explicitly authorized Petitioner to file an opposition to Patent Owner’s request for discretionary denial. Paper 6 at 3.

Patent Owner argues that Petitioner should not be allowed to address step 2 of *Advanced Bionics*. Request 38-40. Not so. Patent Owner’s argument is based on non-precedential decisions that are moot under the Stewart Memo. In particular, Patent Owner’s arguments relate to Board guidance about the proper scope of a pre-institution “reply.” *See, e.g.*, Request 38 (asserting that *Progenity, Inc. v. Natera, Inc.*, IPR2021-00266, Paper 7 at 5 (Apr. 1, 2021) relates to “denying request for pre-institution reply”); *id.* 40 (“Petitioner may not submit new evidence or argument in reply that it could have presented earlier....”) (quoting Consolidated Trial Practice Guide at 73).

But this paper is not a “reply” under the Board’s rules. Under the Director’s guidance and the Paper 6 Order authorizing this brief, this is an “Opposition” to

² Petitioner reserves all rights to challenge the propriety and applicability of the new process.

Patent Owner's "Request." Stewart Memo at 2; Paper 6 at 2. Patent Owner's cited authority, all relating to a reply to a POPR, is therefore inapposite.

The Director's recent precedential decision in *Ecto World, LLC v. RAI Strategic Holdings, Inc.* is consistent with an approach that provides Petitioners an opportunity to address step 2 of *Advanced Bionics*. IPR2024-01280, Paper 13 (Stewart May 19, 2025) (precedential). In that case, the Petition did not address step 2 even though the asserted art was presented to the Examiner in an IDS during prosecution. *Ecto World* at 3. The Director held that step 2 must be explicitly addressed by a petitioner (*id.* at 6) but remanded to the Board to allow further briefing on the issue, including allowing the petitioner to "identify and explain the Office's alleged error in issuing the challenged patent and why that error is material to patentability." *Id.* at 7. This decision "resolve[d]" a dispute between Board panels and clarified Board policy on discretionary denial. *Id.* at 5. Thus, although *Ecto World* was not governed by the new Interim Process for PTAB Workload Management, the Director granted additional briefing to allow Petitioner to address step 2.

Similarly, here, the bifurcated process allowed Patent Owner to file a 14,000-word request for discretionary denial, and Petitioner has been explicitly granted authorization to address "all relevant considerations." Patent Owner's attempt to limit the scope of Petitioner's opposition is meritless. *See also* USPTO,

“FAQs for Interim Processes for PTAB Workload Management” (last accessed May 26, 2025), <https://www.uspto.gov/patents/ptab/faqs/interim-processes-workload-management> at FAQ #24 (“Should a petitioner address discretionary issues in its petition? No.”); *id.* at FAQ #20 (“What types of issues should the parties address in their discretionary considerations briefing? Parties are encouraged to address *any fact or circumstance* they believe bears on whether the Office should or should not institute trial, including reasons not discussed in current Board precedent or the Process Memorandum.”)

Petitioner is not barred from discussing step 2 of *Advanced Bionics*, and all arguments presented are properly within the scope of a responsive brief on discretionary denial.

III. THE MERITS OF THE PETITION DO NOT WARRANT DISCRETIONARY DENIAL.

The merits of the Petition are strong and do not warrant discretionary denial. As discussed above, the Petition asserts significantly stronger prior art than was considered by the Examiner against every independent claim. The Petition is supported by the declaration of Dr. Steven B. Leeb, who is a professor at the Massachusetts Institute of Technology.

In its Request, Patent Owner uses attorney argument to argue against the combinations asserted in the Petition. Patent Owner does not allege any missing limitation in Grounds 4-5 based on *Lechmotoren* and *Taras*, which cover claims 1,

2, and 13-22, including all three independent claims. And Patent Owner's only missing limitation argument for any ground is based on a misreading of the claim and the art. Patent Owner's various motivation-to-combine arguments—none of which have any basis in fact or law—do not justify discretionary denial. And Patent Owner has not submitted any expert testimony to support its attorney argument.

A. Patent Owner does not allege any missing limitation in Grounds 4-5, which cover every independent claim.

Grounds 4 and 5 challenge the validity of independent claims 1, 2, and 16, as well as dependent claims 13-15 and 17-22. Pet. 2. Patent Owner does not allege any missing limitation in these grounds, supporting the strength of the Petition.

B. Patent Owner's only missing limitation argument for Grounds 1-3 is wrong but irrelevant.

Patent Owner alleges that the combination of Kreymer and Taras in Ground 1 does not disclose “wherein the central controller automatically adjusts the cooling performed by the preconditioned air unit according to at least one of: the selected type of aircraft, the ambient temperature, the humidity, the cabin temperature, or the outgoing airflow from the preconditioned air unit.” Request 51-53. Patent Owner's argument hinges on an improper claim construction of the term “cooling,” which according to patent owner “refers to the *temperature* decrease that the PCA imparts on the air” but excludes the “volume and speed of

the air.” Request 51-52. Patent Owner’s only support for this construction is a passage from the specification describing “control[ing] the *cooling capacity* of the... compressor to adjust the temperature of the airflow....” Ex.1001 (“’169 patent”) 4:4-15; *see also* Request 51-52. But the ’169 patent equally refers to using VFDs for *fans* to “individually control and possibly adjust the *cooling capacity* of the respective condenser *fan* by control of the condenser *air flow rate* generated by the condenser fan.” ’169 patent 3:6-12 (emphasis added). Thus, the “cooling performed by the [PCA]” in claim 2 can be adjusted in multiple ways, including by adjusting the air flow rate of a fan in the refrigeration system.

But the Petition also addressed Patent Owner’s construction, noting that Taras adjusts PCA cooling performance based on the required “conditioned space thermal load,” which a POSITA would have understood to include variables such as ambient temperature, humidity, cabin temperature, and the type of aircraft. Pet. 28. Patent Owner does not dispute that Taras adjusts “cooling” even under its narrow construction. Nor does Patent Owner dispute that the “conditioned space thermal load” includes variables such as ambient temperature, humidity, cabin temperature, and the type of aircraft. Pet. 28. And the Petition combined Taras with Kreymer to “adjust the motor speed output from the ‘power electronics’ of a VFD and thus the cooling capacity of the PCA based on the cooling requirements of a parked aircraft.” Pet. 28. Patent Owner only attacks Taras in isolation,

arguing that it does not “*automatically*” adjust parameters in response to the thermal load. Request 52-53. Of course, the Petition relied on the combination of Kreymer and Taras, and specifically cited to Kreymer’s automatic adjustment for this limitation. Pet. 27-28.

Under a proper construction of “cooling,” Patent Owner’s only argument against disclosure of this limitation by Kreymer is a single sentence asserting that “Kreymer does not adjust for the specific aircraft ‘type,’ but only adjusts between several aircraft sizes.” Request 52. But Kreymer explicitly allows for selection of “the *type of aircraft* 9 docked to the passenger boarding bridge 11, such as a narrow body, wide body, or jumbo body,” after which the PCA is “operated automatically after being turned on.” Kreymer 2:52-56 (emphasis added); Pet. 27. Patent Owner’s argument is wrong on its face.

Nevertheless, even if Petitioner’s argument against disclosure of claim 2 in Ground 1 had any merit (it doesn’t), Petitioner does not dispute that every limitation of claim 2 (and every other independent claim) is disclosed in the Lechmotoren Grounds 4-5.

C. Taras does not teach away from combination with Kreymer or Lechmotoren.

Patent Owner asserts that Taras “affirmatively teaches away from using more VFDs than are absolutely necessary.” Request 41. Patent Owner cites to three disclosures that do not amount to a teaching away.

Patent Owner first cites to the background section of Taras, which describes challenges with VFDs that Taras specifically is designed to solve. Request 41-42 (quoting Taras [0002]). Namely, Taras teaches that variable speed drives can be inefficient if the machinery only infrequently needs to deviate from its “normal operating speed.” Taras [0002]. This is unsurprising, of course, because a VFD in such cases is mostly unnecessary, merely converting (for example) a 60 Hz input power signal into a 60 Hz output power signal most of the time. *See* Taras [0019] (“[W]hen compressor 40 is required to operate at its normal speed to meet sensible and latent capacity demands, then the use of VFD 75 incurs efficiency losses and additional power draw.”). But far from leading a POSITA away from using VFDs, Taras teaches a solution to this very problem that uses VFDs more efficiently. *See* Taras [0005] (“It is an object of the present invention to provide a system for [HVAC] and refrigeration applications with an enhanced operational efficiency and improved reliability.”).

Tara's solution involves a bypass device that operates as a switch in two positions. Taras [0008]; Pet. 34-35. In the first position, the bypass device provides connection from the power source to the VFD, causing the motor to run at lower or higher than normal operating speed. Taras [0008]; Pet. 34-35. In the second position, the bypass device connects the power source to the motor, bypassing the VFD when the desire is to run at the normal operating speed. Taras [0008]; Pet. 34-35. Taras applies this solution to a "refrigerant system" having a conventional coolant circuit including a compressor. Taras [0017]; Pet. 16-17. This solution overcomes the exact problem Patent Owner argues teaches away from using VFDs. Taras [0019] ("For use of compressor 40 at the normal operating speed, power bypass device 90 provides the power directly to the compressor motor, thus excluding VFD 75 from an electric circuit and improving operational efficiency and reliability of the refrigerant system."). This is not a teaching away. *E.g., Dome Patent L.P. v. Lee*, 799 F.3d 1372, 1381 (Fed. Cir. 2015) (no teaching away where other prior art references disclosed roadmaps for overcoming the disadvantages).

Patent Owner next asserts that "Taras teaches that one way to minimize VFD use is to provide a single VFD that varies the power frequency to all the motors in the device at once." Request 42. Patent Owner fails to cite a single passage of Taras in support of this characterization. *Id.* Instead, Patent Owner

merely reproduces Figures 1 and 2 and makes attorney argument about how a POSITA would understand those figures. Request 42-43.

Taras's Figures 1 and 2 do not teach away from multiple VFDs in a refrigerant system. In fact, Taras does not describe any intent to “minimize VFD use”—Patent Owner fabricates that teaching with no support from Taras. Figures 1 and 2 are merely “exemplary embodiment[s].” Taras [0016] (Figure 1 is “an exemplary embodiment”); [0024] (Figure 2 is “an alternative exemplary embodiment”).

Further highlighting the futility of Petitioner's teaching away argument, Taras explicitly shows, in Figure 3, a system with multiple VFDs—one for each motor in the refrigeration system. Patent Owner acknowledges this fact and annotates Figure 3, as shown below.³

³ Patent Owner's annotation incorrectly points to switch 92 as “Three VFDs,” but the VFDs are clearly marked to the right of the switch 92. *See* Request 44.

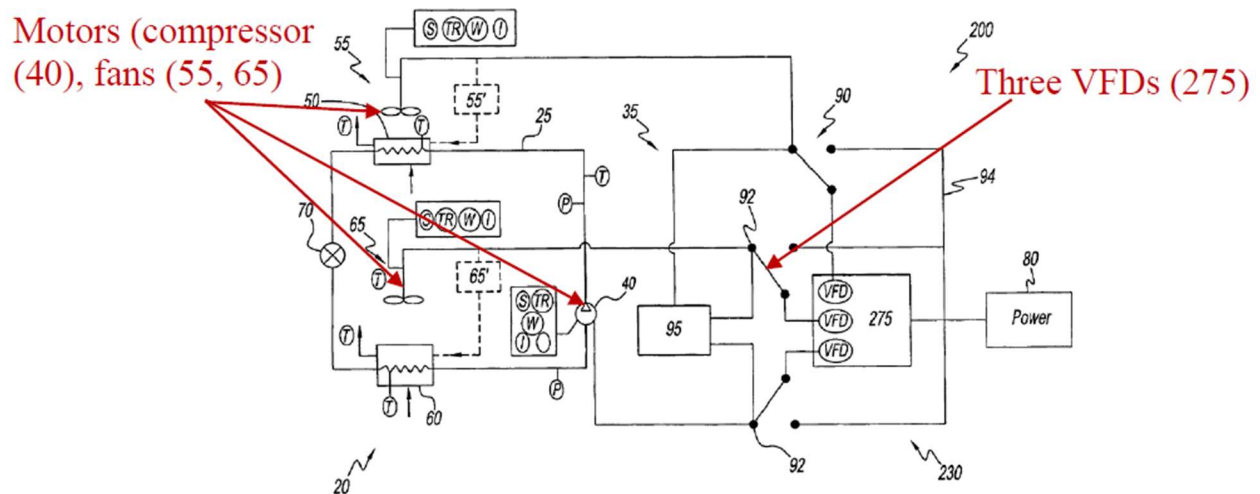


Fig. 3

Annotated Fig. 3 of Taras (Request 44)

Patent Owner argues that there are specific benefits of having “separate VFDs for the fans and the compressor.” Request 44. This argument disproves Patent Owner’s immediately preceding argument that Taras teaches minimizing VFD use. Patent Owner does not even attempt to argue that Figure 3 teaches away from the combination. Request 43-44. Instead, Patent Owner argues that “Taras provides no reason or disclosure to extend” the concept of “separately adjust[ing]” air temperature and air flow. Request 44. That is not teaching away, but rather just a rehash of Patent Owner’s motivation to combine argument.

Patent Owner's teaching away arguments contradict each other and Taras. Rather than teaching away from the combination, Taras motivates the combination. Pet. 17-20.

D. Takahashi is analogous art.

The Petition showed that Takahashi is analogous to Kreymer, Taras, and the '169 patent because it includes refrigeration systems that employ well-known thermodynamic principles, including the use of a cooling unit having a compressor, condenser, evaporator, and expansion device. Pet. 40.

Patent Owner does not address that assertion, but argues that Takahashi is not analogous for two reasons: (1) it allegedly “discloses a very small, compact system for cooling an ‘electrical apparatus such as a computer’” and (2) its “cooling units cool *water* in a tube” instead of “cooling air.” Request 58-59. Neither reason has merit.

First, Takahashi does not disclose a “very small, compact system.” Request 58. Takahashi does not use the words “small” or “compact” and does not appear to mention size at all. The only passage Patent Owner cites to support its assertion merely describes that the invention is a “cooling system for an electronic apparatus such as a computer.” Request 58 (quoting Takahashi 1:7-8). But computers (especially those that justify multi-unit cooling systems like Takahashi) are not necessarily “small” or “compact,” particularly in the 1993 timeframe when Takahashi was filed. And Takahashi illustrates the multiple cooling units outside the electronic apparatus. *See* Pet. 38 (reproducing Fig. 1). The Petition showed each cooling unit is a conventional refrigeration system. Pet. 38. Nevertheless,

Patent Owner has no evidence—only attorney argument—that the size of the system influences whether it is analogous art. The evidence supports that Takahashi is analogous art. Pet. 40.

Second, the Petition showed that Takahashi's liquid cooling is no barrier to combination. Pet. 42-43. As explained by Taras, a POSITA would have known that the technological solutions and benefits for controlling and implementing VFDs in refrigeration systems that refrigerate liquids would also work with refrigeration systems that refrigerate airflows. Pet. 42-43. Specifically, Taras teaches that “the particular components of the system can be changed to accomplish the specific space conditioning objective” using “system components [that] are known by a [POSITA].” Pet. 43 (quoting Taras [0016]. “For instance, fans moving air across the condenser and evaporator could be replaced by pumps circulating liquid... for heat transfer purposes.” Pet. 43 (quoting Taras [0016])).

Takahashi even explicitly discloses that “the present invention is not limited” to liquid cooling “but may be widely applicable to other electronic apparatuses such as an air-cooling type electronic apparatus.” Takahashi 8:11-17. Thus, Takahashi and Taras contradict Patent Owner's argument that Takahashi is not analogous art.

E. Patent Owner's motivation to combine arguments do not warrant discretionary denial.

The Petition provided extensive evidence and argument that a POSITA would have been motivated to combine the asserted references in each ground. *See* Pet. 17-21 (Ground 1), 40-43 (Ground 2), 50-51 (Ground 3), 55-57 (Ground 4), 67-70 (Ground 5).

Patent Owner argues against motivation to combine for Grounds 1-2 and 4-5 based on the technical details of the asserted references and the understanding of a POSITA. Request 45-51 (Ground 1), 53-56 (Ground 4), 60-62 (Ground 2), 62-65 (Ground 5). Patent Owner's arguments have no merit. In particular, Patent Owner repeatedly argues that a POSITA would have understood disadvantages of a VFD, as disclosed by Taras. Request 41-42, 50. Patent Owner omits that, unlike Taras, the '169 patent does *nothing* to overcome any supposed drawbacks of a VFD. To the contrary, the '169 patent discloses that "[t]he output voltage and frequency supplied by the variable frequency driver 46 is controlled by the VFD-controller in a way ***well-known in the art*** of variable frequency drivers." '169 patent 8:23-25 (emphasis added); Pet. 5 (quoting same). Nor does the '169 patent describe any challenge overcome or innovation in applying a VFD to "each" compressor in a multi-compressor system. *Cf.* Request 41-42, 50. To the contrary, the '169 patent repeatedly describes that its systems can have only one compressor connected to a

VFD. '169 patent 1:55-61. And although Patent Owner criticizes the Petition for characterizing the '169 patent as the application of VFDs to PCAs (Request 40), the Petition's characterization accurately reflects the '169 patent including the title: "Preconditioned Air Unit with Variable Frequency Driving."

Nevertheless, such arguments do not warrant discretionary denial. Although the Director has advised that the "strength of the unpatentability challenge" may be considered for discretionary denial, Patent Owner invites the Director to decide the merits of the Petition. Patent Owner's merits arguments are not part of any other basis for discretionary denial (such as *Fintiv*), and the Director should not engage in a deep-dive into the merits of the Petition when ruling on a request for discretionary denial. *See* Stewart Memo at 1 ("[D]ecisions on whether to institute an IPR or PGR will be bifurcated between (i) discretionary considerations and (ii) merits and other non-discretionary statutory considerations.").

The Director should not apply discretionary denial to Patent Owner's meritless motivation to combine arguments.

IV. THE INDIAN INTERIM INJUNCTION DOES NOT WARRANT DISCRETIONARY DENIAL HERE.

Patent Owner asks for the extraordinary relief of deference to a foreign court's "Interim" holding relating to a foreign patent. Request 65-67. The Director should deny this request.

First, the U.S. Patent and Trademark Office should not defer on questions of patentability of U.S. patents to Indian courts. The United States Congress gave the Director the authority to institute *inter partes* review of U.S. patents. 35 U.S.C. § 314. No other U.S. court or agency is adjudicating the '169 patent, and Indian courts have no jurisdiction over U.S. patents. The Director should not defer to foreign courts applying foreign law to foreign patents.

Second, the Indian court's decision is an "Interim Injunction" akin to a preliminary injunction in U.S. courts. It is not a final adjudication of patentability. Ex. 2015 at 45 ("[Q]uestions as to the validity of the patent asserted, are required to be determined *at the trial*."). The Interim Injunction is not the result of a trial and is not a final adjudication as to the patentability of the Indian patent.

Third, Patent Owner concedes that the Petition presents art and arguments that were not considered in the Indian proceeding. Request 67. Patent Owner has no basis for its assertion that the Petition's prior art is "second-tier," "duplicative," or "redundant" compared to what was presented in India (Request 68)—particularly where Patent Owner has no missing limitation argument for grounds against all three independent claims of the '169 patent. The Petition is not a second "bite[] at the apple" (Request 67) and the USPTO should not abdicate its Congressionally-granted jurisdiction over the '169 patent to an Indian court.

V. CONCLUSION

For the reasons set forth above, the Director should deny PO's Request for Discretionary Denial.

Respectfully submitted,

Dated: May 28, 2025

By: /s/ S. Giri Pathmanaban

S. Giri Pathmanaban (Reg. No. 75,986)
gpathmanaban@cgsh.com
CLEARY GOTTlieb STEEN & HAMILTON LLP
1841 Page Mill Road
Palo Alto, California 94304
Telephone: 650.815.4100
Fax: 650.815.4199

Counsel for Petitioner
Dabico Airport Solutions Inc.

CERTIFICATE OF COMPLIANCE WITH 37 C.F.R. § 42.24

I hereby certify that this Petitioner's Opposition to PO's Request for Discretionary Denial complies with the word count limitation of 37 C.F.R. § 42.24(b)(1) because the Opposition contains 8,087 words using Microsoft Word's counting feature, including the figures and excluding the cover page, signature block, and the parts of the Opposition exempted by 37 C.F.R. § 42.24(b)(1).

By: /s/ S. Giri Pathmanaban

S. Giri Pathmanaban (Reg. No. 75,986)
gpathmanaban@cgsh.com
CLEARY GOTTlieb STEEN & HAMILTON LLP
1841 Page Mill Road
Palo Alto, California 94304
Telephone: 650.815.4100
Fax: 650.815.4199

*Counsel for Petitioner
Dabico Airport Solutions Inc.*

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), I certify that on this 28th day of May, 2025, a true and correct copy of the foregoing **Petitioner's Opposition to PO's Request for Discretionary Denial** was served by electronic mail on Petitioner's lead and backup counsel at the following email addresses:

IPR2025-00408@mcandrews-ip.com

Eligio C. Pimentel, Esq, (Reg. No. 42,076)

epimentel@mcandrews-ip.com

Gregory C. Schodde (Reg. No. 36,668)

gschodde@mcandrews-ip.com

Christopher M. Scharff

cscharff@mcandrews-ip.com

McAndrews, Held & Malloy, Ltd.

500 West Madison Street, 34th Floor

Chicago, Illinois 60661

Office: (312) 775-8000

Fax: (312) 775-8100

By: /s/ S. Giri Pathmanaban

S. Giri Pathmanaban (Reg. No. 75,986)

gpathmanaban@cgsh.com

CLEARY GOTTlieb STEEN & HAMILTON LLP

1841 Page Mill Road

Palo Alto, California 94304

Telephone: 650.815.4100

Fax: 650.815.4199

Counsel for Petitioner

Dabico Airport Solutions Inc.