

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CHARTER COMMUNICATIONS, INC.,

Petitioner,

v.

IARNACH TECHNOLOGIES LTD.,
Patent Owner.

IPR2025-00473
U.S. Patent No. 9,674,035

**PETITIONER'S SUPPLEMENTAL
REPLY ON DISCRETIONARY DENIAL**

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<i>Kubota North America Corp. v. Vermeer Manufacturing Co.</i> , IPR2025-00171 Paper 15 (PTAB June 10, 2025)	2
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PETITIONER’S EXHIBIT LIST

Ex. 1001	U.S. Patent No. 9,674,035
Ex. 1002	Declaration of Stuart Lipoff
Ex. 1003	Prosecution History of U.S. Patent No. 9,674,035
Ex. 1004	U.S. Provisional Appl. No. 61/468,504 (“Provisional”)
Ex. 1005	U.S. Patent Publication No. 2011/0072119A1 (“Bronstein”)
Ex. 1006	U.S. Patent No. 8,160,448 (“Tsuge”)
Ex. 1007	U.S. Patent No. 7,848,234 (“McKinnon”)
Ex. 1008	U.S. Patent Appl. 2008/0253771 (“Noel”)
Ex. 1009	KR Patent No. 10-0414671 (“Go”)
Ex. 1010	U.S. Patent No. 8,416,816 (“Bourgart”)
Ex. 1011	U.S. Patent No. 7,519,690 (“Barrow”)
Ex. 1012	J. Koshy and R. Pandey, "Remote incremental linking for energy-efficient reprogramming of sensor networks," <i>Proceedings of the Second European Workshop on Wireless Sensor Networks, 2005.</i> , Istanbul, Turkey, 2005, pp. 354-365, DOI: 10.1109/EWSN.2005.1462027, ISBN:0-7803-8801-1 (“Koshy”)
Ex. 1013	Data-Over-Cable Service Interface Specifications (DOCSIS), SP-OSSI-I01-970403
Ex. 1014	DOCSIS® Provisioning of EPON Specifications, DPoE Architecture Specification, DPoE-SP-ARCHv1.0-I01-110225
Ex. 1015	DOCSIS® Provisioning of EPON Specifications, DPoE Operations and Support System Interface Specification, DPoE-SP-OSSIV1.0-I01-110225

Ex. 1016	Complaint, <i>IARNACH TECHNOLOGIES, INC. v. CHARTER COMMUNICATIONS, INC., et al</i> , Case No. 2:24-cv-00230 (E.D. Tex.)
Ex. 1017	Docket Control Order, <i>IARNACH TECHNOLOGIES, INC. v. CHARTER COMMUNICATIONS, INC., et al.</i> , Case No. 2:24-cv-00230 (E.D. Tex.)
Ex. 1018	Certified English Translation of KR Patent No. 10-0414671 (“Go”)
Ex. 1019	Declaration of Todd Hillmer
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Ex. 1021	Joint Stipulation of Partial Dismissal Without Prejudice, <i>IARNACH TECHNOLOGIES, INC. v. CHARTER COMMUNICATIONS, INC., et al</i> , Case No. 2:24-cv-00230 (E.D. Tex.)
Ex. 1022	Charter’s Answer to Second Amended Complaint, Affirmative Defenses and Counterclaim, <i>IARNACH TECHNOLOGIES, INC. v. CHARTER COMMUNICATIONS, INC., et al</i> , Case No. 2:24-cv-00230 (E.D. Tex.)
Ex. 1023	Plaintiff’s Answer to Charter’s Counterclaim to Plaintiff’s Second Amended Complaint, <i>IARNACH TECHNOLOGIES, INC. v. CHARTER COMMUNICATIONS, INC., et al</i> , Case No. 2:24-cv-00230 (E.D. Tex.)

In accordance with the Director’s March 26, 2025 “Interim Processes for PTAB Workload Management” Memorandum (“Memorandum”), Paper No. 6, and authorization from the Director on June 17, 2023, Petitioner Charter Communications, Inc. (“Petitioner” or “Charter”) provides the following supplemental response to the Preliminary Response on Discretionary Denial (“Response”) of Iarnach Technologies Ltd. (“Patent Owner” or “Iarnach”) to further address the Board’s potential *Fintiv* analysis in light of recent developments in the parties underlying litigation.

With respect to Factor 1 (potential for a stay) and Factor 4 (issue overlap), and as noted in Petitioner’s Initial Reply (Paper 9), Patent Owner has agreed to dismiss its infringement allegations with respect to U.S. Patent 8,942,378 (the “’378 Patent”), mooted any relevance that patent and petition might have had on these factors. *See* Ex. 1021, Joint Stipulation of Partial Dismissal Without Prejudice dated June 16, 2025. As previously noted, this leaves only the ’035 Patent (at issue here) and U.S. Patent 9,287,982, for which review was instituted in IPR2024-01287.

With respect to Factor 1 (potential for a stay), Factor 2 (trial timing), Factor 3 (litigation investment) and Factor 4 (other factors), the parties have now jointly moved to stay the proceedings for a few months by filing a “JOINT SEALED MOTION TO STAY CASE PENDING RESOLUTION OF LICENSE DEFENSE.” *Iarnach Technologies Ltd. v. Charter Communications, Inc. et al*,

2-24-cv-00230 (EDTX), Dkt. 135.¹ In short, Charter has pleaded that “[t]hrough its membership in CableLabs, Charter either has or has a right to a license to any patents that purport to cover one or more portions of the DPoE specification, including the” ’035 Patent. *Id.* Dkt. 116 at 25-67 (Ex. 1022). In response Iarnach indicated it lacked information to fully respond to these allegations. *Id.* Dkt. 124 at 5-11 (Ex. 1023). The requested discovery will allow Iarnach to confirm that Charter holds a license to the asserted patents, leading to dismissal of the district court case in its entirety.

If granted, a stay of the underlying litigation would further weigh against discretionary denial. *Kubota North America Corp. v. Vermeer Manufacturing Co.*, IPR2025-00171 Paper 15 (PTAB June 10, 2025) (stay of litigation weighs against denial). For example, a stay of a few months would delay the scheduled August claim construction hearing until well after an institution decision here (Factor 4). *Samsung Elecs. v. Netlist, Inc.*, IPR2022-00063, Paper 13 at 8 (PTAB May 5, 2022) (instituting where no “claim construction” had occurred). Trial would undoubtedly be delayed at least a few months and likely longer before it could be rescheduled on the Court’s docket (Factor 3). Lastly, if Charter is licensed, the District Court will not address invalidity at all, weighing against discretionary denial under Factor 6.

For these additional reasons, discretionary denial is inappropriate.

¹ A public version of the motion to stay will be filed on Monday, June 23 and Petitioner will seek permission to file a copy as an Exhibit here once it is available.

Dated: June 19, 2025

Respectfully submitted,

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CERTIFICATE OF COMPLIANCE

I hereby certify that this petition complies with the type-volume limitations of 37 C.F.R. §42.24 because it is 2 pages in length (as determined by the Microsoft Word word-processing system used to prepare the petition) as authorized by the Board.

Dated: June 19, 2025

/s/ Raymond R. Ricordati III, Reg #62,856
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CERTIFICATE OF SERVICE

The undersigned certifies that, pursuant to 37 C.F.R. §§ 42.6(e), a true and correct copy of the forgoing PETITIONER’S SUPPLEMENTAL REPLY ON DISCRETIONARY DENIAL was served via email to lead and backup counsel of record for Patent Owner as follows:

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