

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ANALOG DEVICES, INC.,
Petitioner,

v.

NUMBER 14 B.V.,
Patent Owner.

IPR2025-00551
U.S. Patent 7,812,665

**PETITIONER’S SUR-REPLY IN OPPOSITION TO PATENT OWNER’S
DISCRETIONARY DENIAL BRIEF**

Exhibits

Exhibit	Description
Ex. 1001	U.S. Patent No. 7,812,665 B2 to Eschauzier <i>et al.</i> (“the ’665 patent”)
Ex. 1002	Certified File History of the ’665 patent (“File History”)
Ex. 1003	Declaration of Dr. Ion Opris
Ex. 1004	Curriculum Vitae of Dr. Ion Opris
Ex. 1005	F. Krummenacher <i>et al.</i> , <i>A High-Performance Autozeroed CMOS Opamp with 50pV Offset</i> , 1997 IEEE International Solid-state Circuits Conference, 1997 (“ <i>Krum</i> ”)
Ex. 1006	U.S. Patent No. 6,130,632 to Opris (“ <i>OprisPat</i> ”)
Ex. 1007	U.S. Patent No. 7,642,846 to Yan (“ <i>Yan</i> ”)
Ex. 1008	U.S. Patent No. 6,486,806 to Munoz <i>et al.</i> (“ <i>Munoz</i> ”)
Ex. 1009	U.S. Patent No. 7,265,611 to Wang (“ <i>Wang</i> ”)
Ex. 1010	U.S. Patent No. 5,789,974 to Ferguson <i>et al.</i> (“ <i>Ferguson</i> ”)
Ex. 1011	Reserved
Ex. 1012	Reserved
Ex. 1013	M. Pastre <i>et al.</i> , <i>High-precision DAC Based on a Self-Calibrated Sub-Binary Radix Converter</i> , ISCAS 2004 (“ <i>Pastre</i> ”)
Ex. 1014	U.S. Patent No. 4,336,526 to Weir (“ <i>Weir</i> ”)
Ex. 1015	Reserved
Ex. 1016	Reserved
Ex. 1017	Reserved
Ex. 1018	“Optimal Resistor Ratio in the DAC with Low Precision Resistors – Statistical Approach,” Dragović-Ivanović <i>et al.</i> , Elektrotehnicki fakultet, University of Montenegro, 81000 Podgorica, Montenegro,

Exhibit	Description
	Yugoslavia (“ <i>Drago</i> ”)
Ex. 1019	U.S. Patent No. 4,465,996 (“ <i>Boyacigiller</i> ”)
Ex. 1020	<i>Number 14 B.V., v. Analog Devices, Inc.</i> , 5:24-cv-02435, Dkt. No. 145 (May 14, 2025)
Ex. 1021	<i>Number 14 B.V., v. Analog Devices, Inc.</i> , 5:24-cv-02435, Dkt. No. 76 (October 23, 2024)
Ex. 1022	Reserved
Ex. 1023	<i>Number 14 B.V., v. Analog Devices, Inc.</i> , 5:24-cv-02435, Dkt. No. 161 (May 23, 2025)
Ex. 1024	Northern District of California, Motion For Stay Pending IPR (Post Institution) - DocketNavigator
Ex. 1025	Pendency - Time to Trial

Patent Owner extends *iRhythm Techs., Inc. v. Welch Allyn, Inc.*, IPR2025-00363, Paper 6 (June 6, 2025) and *Dabico Airport Solutions Inc. v. AXA Power ApS*, IPR2025-00408, Paper 12 (June 18, 2025) far beyond their actual holdings and ignores the plain language of the agreement between Petitioner and Patent Owner. The strong economic interests here warrant declining to exercise discretion to deny institution.

Neither *iRhythm* nor *Dabico* involved a license such as exists between the parties in this case. Here, there is simply no mechanism to unilaterally withdraw from the license short of challenging the validity of the patents for which a royalty should not be owed. *See* Ex. 2001 at 7. The license is clear: “It is understood that any particular licence [sic] mentioned under Article 2.1 will terminate upon expiration, nullification or revocation of the particular Amplifier Design Patent under which the particular license was granted.” *Id.* at 8. While other language refers to challenges by third parties, that language does not require that the challenge be brought by a third party. The parties have agreed that nullification (e.g., cancellation) is the mechanism to determine the termination, thereby acquiescing to the jurisdiction of the PTO for exactly this type of proceeding. This was the intent of the license, as confirmed by the parties expressly carving out the ability to terminate the license in the event of revocation of a patent claim.

In *iRhythm*, there was no license between the parties. In *Dabico*, there was

no license between the parties. The settled expectations of the parties in those two proceedings did not expressly contemplate “nullification or revocation” challenges to the validity of the licensed patents as the sole mechanism to unilaterally terminate any obligation under the agreement. Rather, the settled, and actually memorialized expectations here are clear: termination of an ongoing economic obligation will result only if 1) the parties mutually agree or 2) the patent right ceases to exist (be that through the passage of time or nullification/revocation). *Id.*

Patent Owner further alleges that somehow the inventors of the patents are involved in the challenge. However, the inventors do not work at Maxim. Maxim is not and never has been an owner of the patent in this proceeding. In fact, unlike *Tessell, Inc. v. Nutianix, Inc.*, IPR2025-00322, Paper 14, 2–3 (June 12, 2025), Maxim did not apply for, nor was it issued, a patent. Rather, the inventors, Mr. Rudy Eschauzier and Mr. Nico van Rijn applied for the patent, and immediately assigned the application to their company, Number 14 BV. Ex. 1002, 32-34 (Application Data Sheet, listing the inventors and assignee of this application); *see also* Ex. 2001 at 2 (indicating the same individuals, Messrs. van Rijn and Eschauzier, were the counterparties to the License Agreement). Contrary to Patent Owner’s intimations, Petitioner is not akin to the Patent Owner in the *Tessell* case because it undertook no exercises akin to a patent owner or applicant.

As a result, the compelling economic interests, coupled with the reality of

litigating in the Northern District of California (which are unaddressed in Patent Owner's paper), confirm that this is not a case where discretion should be used to deny the Petition and institution of *inter partes* review and cancellation of Claims 21 and 22 is proper.

Dated: June 26, 2025

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on June 26, 2025, a true and correct copy of the foregoing was caused to be served via email on the following counsel of record for Patent Owner:

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