

Petitioner's Response to Patent Owner's Discretionary Denial Brief

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

REVVO TECHNOLOGIES, INC.,
Petitioner,

v.

TIRE STICKERS LLC,
Patent Owner.

Case IPR2025-00631
Patent 11,124,027

**PETITIONER'S RESPONSE TO PATENT OWNER'S
DISCRETIONARY DENIAL BRIEF**

Table of Contents

I.	INTRODUCTION	II
II.	ARGUMENT	1
A.	The Petition’s Strong Challenge Based on New Prior Art Weighs Against Discretionary Denial.....	1
B.	<i>Fintiv</i> Weighs Against Discretionary Denial	5
1.	The District Court Case is Already Stayed.....	5
2.	There is No Trial Date, and Trial, If Any, Would Take Place Months After Final Written Decision	7
3.	The District Court Case is Still Early Stage, with Minimal Investment by the Court and the Parties	8
4.	Petitioner’s Stipulation Would Result in Minimal Overlap with the District Court Case.....	13
5.	Parties in the District Court Case.....	16
C.	The Petition’s Early Challenge, and Other Considerations, Also Weigh Against Discretionary Denial	16
III.	CONCLUSION.....	19
	CERTIFICATE OF SERVICE	21

Table of Authorities

	Page(s)
Cases	
<i>10x Genomics, Inc. v. President & Fellows of Harvard Coll.</i> , Case IPR2023-01299, Paper 15, 2024 WL 993828 (PTAB Mar. 7, 2024)	10
<i>Advanced Micro Devices Inc. v. Realtek Semiconductor Corp.</i> , Case IPR2023-00789, Paper 9 (PTAB Oct. 26, 2023)	18
<i>Apple Inc. v. Fintiv, Inc.</i> , Case IPR2020-00019, Paper 11 (PTAB Mar. 20, 2020)	5, 13, 16
<i>BOE Tech. Grp. Co. v. Element Cap. Com. Co. Pte. Ltd.</i> , Case IPR2023-00808, Paper 9, 2023 WL 7715885 (PTAB Nov. 15, 2023)	10
<i>BOE Technology Group Co., Ltd. v. Optronix Scis. LLC</i> , Case IPR2024-01130, Paper 16 (PTAB Jan. 27, 2025)	16
<i>Cerebrum Sensor Techs., Inc. v. Revvo Techs., Inc.</i> , C.A. No. 1:24-cv-00245, D.I. 106 (D. Del. July 3, 2025)	6
<i>Comcast Cable Commc’ns, LLC v. Touchstream Techs., Inc.</i> , Case IPR2024-00323, Paper 13, 2024 WL 3530021 (PTAB July 24, 2024)	10
<i>Glux Visual Effects Tech (Shenzhen) Co. v. Ultravision Techs., LLC</i> , Case IPR2020-01052, Paper 28 (PTAB Nov. 17, 2021)	12
<i>Helios Streaming, LLC v. Vudu, Inc.</i> , No. 1:19-cv-01792-CFC-SRF, 2021 WL 8155604 (D. Del. Aug. 5, 2021)	6
<i>Illumina, Inc. v. Ravgen, Inc.</i> , Case IPR2021-01271, Paper 12 (PTAB Jan. 26, 2022)	10, 11
<i>Kajeet, Inc. v. Gryphon Online Safety, Inc.</i> , C.A. No. 1:19-cv-02370, docket text (D. Del. June 10, 2022)	7, 9

Petitioner’s Response to Patent Owner’s Discretionary Denial Brief

<i>Micron Tech., Inc. v. Yangtze Memory Techs. Co.,</i> Case IPR2025-00190, Paper 21 (PTAB June 25, 2025)	16
<i>Motorola Sols., Inc. v. Stellar, LLC,</i> Case IPR2024-01205, Paper 19 (PTAB Mar. 28, 2025)	15
<i>ResMed Corp. v. Cleveland Medical Devices, Inc.,</i> Case IPR2025-00160, Paper 11 (PTAB June 13, 2025)	13
<i>Samsung Elecs. Co., Ltd v. Collect, LLC,</i> Case IPR2020-00476, Paper 14 (PTAB July 31, 2020)	12
<i>Samsung Elecs. Co. v. Acorn Semi, LLC,</i> Case IPR2020-01282, Paper 20 (PTAB Feb. 10, 2021)	18
<i>SAP Am., Inc. v. Cyandia, Inc.,</i> Case IPR2024-01496, Paper 13 (PTAB Apr. 7, 2025)	9, 15
<i>Shenzhen Root Tech. v. Chiaro Tech. Ltd. d/b/a Elvie,</i> IPR2024-01296, Paper 9 (PTAB Feb. 25, 2025)	16
<i>Shenzhen Tuozhu Tech. Co., Ltd. v. Stratasys, Inc.,</i> Case IPR2025-00321, Paper 10 (PTAB June 18, 2025)	9
<i>Stingray Grp. Inc. v. Edwin A. Hernandez-Mondragon,</i> Case IPR2025-00350, Paper 18 (PTAB June 13, 2025)	9
<i>Twitch Interactive, Inc. v. RazDog Holdings LLC,</i> Case IPR2025-00307, Paper 18 (PTAB May 16, 2025)	19
<i>Western Digital Corp. v. Spex Techs., Inc.,</i> Case IPR2018-00084, Paper 14 (PTAB Apr. 25, 2018)	12
<i>Yealink (USA) Network Tech. Co. v. Barco N.V.,</i> Case IPR2025-00491, Paper 18 (PTAB June 25, 2025)	17

Statutes

35 U.S.C. § 102	14
35 U.S.C. § 103	14
35 U.S.C. § 311(b)	15

Petitioner’s Response to Patent Owner’s Discretionary Denial Brief

35 U.S.C. § 314(a) 19

35 U.S.C. §§ 314(b)(1) & 316(a)(11) 6

Other Authorities

37 C.F.R. § 42.104(b)(3).....12

I. INTRODUCTION

The Petition presents a strong and early challenge to the recently-issued '027 patent based on new prior art that was not considered during prosecution. The related district court case was stayed at an early stage through a joint request *initiated by Patent Owner*. The case remains stayed and there was only minimal investment by the court and the parties in the case prior to the stay. Critically, there is no trial date. Moreover, at this point, any trial would not take place until at least many months after a Final Written Decision would be due in this IPR. Accordingly, as explained in detail below, Patent Owner's request for discretionary denial should be denied.

II. ARGUMENT

A. The Petition's Strong Challenge Based on New Prior Art Weighs Against Discretionary Denial

None of the art relied upon in the grounds of the Petition was before the examiner during prosecution of the '027 patent. As noted in the Petition, none of the references relied upon in the grounds—including specifically the primary references of Wilson and Bielicki—are substantially the same or cumulative of any of the references previously presented and considered by the examiner. (Pet. at 5.)

The strong showing of invalidity based on the grounds presented in the Petition has been further validated by the Patent Office in the pending prosecution of the child application of the '027 patent, in which the examiner has rejected

Petitioner's Response to Patent Owner's Discretionary Denial Brief

pending claims materially similar to those in the '027 patent for anticipation and obviousness over the parent application to the Wilson (EX1009) reference relied on in Grounds 1 and 2 of the Petition.

As set forth in more detail below, now that the Patent Office has been made aware of the subject matter disclosed in Wilson, it has not allowed claims Patent Owner is presently pursuing with materially similar scope to those in the presently challenged '027 patent. Thus, the Patent Office has already tacitly recognized that the challenged claims of the '027 patent have a substantial likelihood of invalidity in view of the disclosures and teachings of Wilson.

The Wilson prior art patent relied on in the Petition issued from a [c]ontinuation-in-part of application No. 09/976/076, filed on October 12, 2001, now Pat. No. 6,860,303 ("Rensel"). (EX1009, cover; *see also* EX1060 (Rensel).) Figures 1-9 are identical between both Rensel and Wilson, and they share much of the same material disclosures with respect to the issues presented in the Petition, with Wilson having additional disclosures due to it being a continuation-in-part of Rensel. (*Compare generally* EX1009 (Wilson) *with* EX1060 (Rensel).)

On September 21, 2021, Patent Owner filed application No. 17/481,267 as a continuation of the presently challenged '027 patent. (*See* EX1061 (09/21/2021 Application Data) at Page 003; EX1062 (05/29/2024 Preliminary Amendment) at Page 001.) After a preliminary amendment to the claims by Patent Owner (EX1062),

Petitioner's Response to Patent Owner's Discretionary Denial Brief

the examiner issued a rejection relying, in part, on the disclosures of Rensel that overlap with the similar disclosures of Wilson relied on in the Petition to anticipate and render obvious certain pending claims of the child application to the '027 patent. (See EX1063 (11/27/2024 Rejection) at Page 016-017, Page 025-026.) In doing so, the examiner acknowledged that Rensel—and by implication the same disclosures of Wilson cited in the Petition against the challenged claims of the '027 patent—discloses:

- **“an assembly for attachment with a vulcanized rubber article”** (*Compare* EX1063 (11/27/2024 Rejection) at Page 016 (Examiner citing Rensel at “Col. 1, lines 20-23 1:20-23 and FIG. 2: patch assembly 60 depicted as attached to tire innerliner 75”) *with* EX1009 (Wilson) at 1:20-28 (same) and FIG. 2 (same); *see also* Pet. at 14-16 (regarding '027 patent, claim element 1[pre] reciting “[a]n assembly for attachment with a vulcanized rubber article comprising” and citing to FIG. 2, 3:35-42, 3:42-44, 4:1-10, 4:26-27));
- **“a layer of flexible material having an outer surface”** (*Compare* EX1063 (11/27/2024 Rejection) at Page 016 (Examiner citing Rensel “FIG. 1 and Col. 3, lines 45-46 and 58+: patch 10 has a first (outer) side 12 and is made of rubber (hence, a flexible material)”) *with* EX1009 (Wilson) at FIG. 1 (same) and 3:36-37 (same) and 3:67-4:9 (same); *see*

Petitioner's Response to Patent Owner's Discretionary Denial Brief

also Pet. at 16-23 (regarding '027 patent, claim element 1[a] reciting “an outer layer of elastomeric material having a visual feature” and citing to FIG. 1, 3:48-55, 4:1-3, 5:66-6:6));

- **“an adhesive layer connected with the layer of flexible material opposite the outer surface . . . wherein the adhesive layer is formed from a material capable of bonding with a surface of the vulcanized rubber article”** (*Compare* EX1063 (11/27/2024 Rejection) at Page 016 (Examiner citing Rensel “Col. 4, lines 10-12 and FIG. 1: dual cure bonding layer 20 affixed to second side 22 of patch 10” and “Col. 4, lines 38-40: vulcanized tire and the patch assembly/tire assembly is allowed to cure for a sufficient time and temperature to form a strong bond between the tire and the patch assembly”) *with* EX1009 (Wilson) at 4:1-3 (same) and FIG. 1 (same) and 4:29-32 (same); *see also* Pet. at 23-29 (regarding '027 patent, claim element 1[b][i] “an adhesive layer adhered to an interface surface of the outer layer” and claim element 1[c] “wherein the adhesive layer is formed from a material capable of chemically bonding with a surface of a vulcanized rubber article” citing to Wilson at 4:1-25, 4:26-32 and FIG. 1)).

Patent Owner did not contest these relevant disclosures of Rensel/Wilson in response to the examiner's rejection. Patent Owner instead made extensive

Petitioner's Response to Patent Owner's Discretionary Denial Brief

amendments to the pending claims that were rejected over the disclosures and teachings of Rensel/Wilson, which remain pending before the examiner. (*See* EX1064 (05/27/2025 Claim Amendments).) Thus, had the Patent Office been made aware of Wilson (or the materially similar disclosures of Rensel) during prosecution, the claims of the '027 patent would not have issued under the same reasons that the Patent Office has rejected the pending claims in the child application of the '027 patent.

Accordingly, the Patent Office should not exercise its discretion to deny the present Petition. Rather, it should proceed to evaluate the patentability of the challenged claims of the '027 patent under the disclosures and teachings of the Wilson prior art patent relied on in Grounds 1 and 2 in the same manner as the examiner has done in rejecting materially similar claims in Patent Owner's pending child application.

B. *Fintiv* Weighs Against Discretionary Denial

1. The District Court Case is Already Stayed

As noted in the Petition and acknowledged by Patent Owner, all deadlines in the related district court case are currently stayed. (Petition at 4; Paper 8 ("DD Br.") at 9-10.) This ongoing stay weighs against discretionary denial. *Apple Inc. v. Fintiv, Inc.*, Case IPR2020-00019, Paper 11 at 6-7 (PTAB Mar. 20, 2020) (precedential). Patent Owner repeatedly asserts that it would seek to lift the stay if the parties' June

Petitioner's Response to Patent Owner's Discretionary Denial Brief

2025 mediation was unsuccessful. (DD Br. at 4, 6, 10, 11.) But even though that mediation proved unsuccessful, Patent Owner has done nothing to unstay the case. In fact, Patent Owner instead stipulated to further extend the stay until September 2025. *See Cerebrum Sensor Techs., Inc. v. Revvo Techs., Inc.*, C.A. No. 1:24-cv-00245, D.I. 106 (D. Del. July 3, 2025) (EX1065). As a result, the stay will remain in place at least until around the time an institution decision is due.¹

And even if Patent Owner reverses course and does eventually seek to lift the stay, Patent Owner offers only speculation that the stay would be lifted because, according to Patent Owner, Petitioner's IPRs "will not come close to resolving all of the parties' disputes." (DD Br. at 10.) But Patent Owner has not provided any evidence that the district court would lift the current stay or deny a further stay pending the outcome of Petitioner's IPRs. In fact, the judge currently assigned to the district court case, Judge Fallon, has repeatedly stayed proceedings pending IPR even after expressly acknowledging that the IPRs would not resolve all of the parties' disputes. *See Helios Streaming, LLC v. Vudu, Inc.*, No. 1:19-cv-01792-CFC-SRF,

¹ Patent Owner filed its Preliminary Response on June 17, 2025. An Institution Decision is therefore due no later than September 17, 2025, and a Final Written Decision would be due no later than September 17, 2026. *See* 35 U.S.C. §§ 314(b)(1) & 316(a)(11).

2021 WL 8155604, at *2-3 (D. Del. Aug. 5, 2021); *Kajeet, Inc. v. Gryphon Online Safety, Inc.*, C.A. No. 1:19-cv-02370, docket text (D. Del. June 10, 2022) (“Plaintiff’s position that the issues will not be simplified because the remaining patent-in-suit is not subject to IPR proceedings has been frequently rejected by courts.”) (EX1066). Patent Owner has provided no reason to expect that Judge Fallon would not do the same here.

2. There is No Trial Date, and Trial, If Any, Would Take Place Months After Final Written Decision

There is no trial date in the district court case. And because that case has already been stayed for over five months and will be stayed for at least another two, any trial would not be scheduled to occur until long after a Final Written Decision issues in this IPR. For example, even if the stay were lifted in September (which is unlikely), if the sequence of events in the court’s initial pre-stay scheduling order were shifted to account for the stay but otherwise maintained, summary judgment and *Daubert* briefing would not even be complete until sometime in January 2027—about four months *after* any Final Written Decision would be due in this IPR.² (See EX2019 at Page 17 (chart of district court deadlines, with replies in support of dispositive/*Daubert* motions set for June 30, 2026).) An actual trial would certainly not take place until at least several months (and more likely at least about a year)

² A Final Written Decision would be due no later than September 17, 2026.

after a Final Written Decision issues. For example, recent case statistics for the District of Delaware show a median time of forty-one months from case filing to jury trial. (*See* EX1067 at Page 001.) Here, forty-one months from the February 2024 start of the district court case would put trial in July 2027—ten months after a Final Written Decision.

And in the unlikely event the district court were to lift the current stay, Patent Owner fails to explain how or why the court would accelerate the scheduled sequence of events. Nor is there any reason to expect it would do so. Patent Owner has not only shown no urgency in moving the district court case forward, it has told the court that it intends to expand the case's scope. (*See* EX2005 at Page 2.) If allowed, that expanded scope would result at a minimum in further delays associated with a do-over of much the preliminary work that has been done so far. The fact that the related district court case has no trial date—and in the event a trial is scheduled, it would not be scheduled to take place until at least several months after a Final Written Decision—weighs against discretionary denial.

3. The District Court Case is Still Early Stage, with Minimal Investment by the Court and the Parties

At the time the district court case was stayed in February 2025, only minimal investment by the Court or the parties in the case had taken place. The most work-intensive stages of the case were far in the future—including substantial completion of document production (six months later in August 2025), dispositive and pretrial

Petitioner's Response to Patent Owner's Discretionary Denial Brief

motions (over 15 months away), expert discovery (set to close over 14 months later in April 2026), and much of fact discovery (set to close more than 10 months later in December 2025). (*See* EX2004 at Page 17.) Furthermore, although the parties exchanged proposed constructions of disputed terms, no claim construction briefs had been filed, a *Markman* hearing was scheduled five months later, and a claim construction decision would not have issued until sometime thereafter. (*Id.* at Pages 8-10.) As discussed above, if the district court case is ever unstayed, a new schedule will need to be set that will have to account for the more than seven months that will have passed during the stay.

The Board has found district court cases at similar or later stages to weigh against discretionary denial. *E.g.*, *Stingray Grp. Inc. v. Edwin A. Hernandez-Mondragon*, Case IPR2025-00350, Paper 18 at 7 (PTAB June 13, 2025) (“[M]uch work remains, and the court has suspended all deadlines.”); *SAP Am., Inc. v. Cyandia, Inc.*, Case IPR2024-01433, Paper 13 at 10-11 (PTAB Apr. 7, 2025) (factor favors institution where claim construction terms and contentions exchanged, no *Markman* hearing held, and expert discovery to close in approximately two months); *Shenzhen Tuozy Tech. Co., Ltd. v. Stratasys, Inc.*, Case IPR2025-00321, Paper 10 at 12 (PTAB June 18, 2025) (factor weighs against discretionary denial where “fact

and expert discovery do not close until next year").³

Patent Owner points to the minimal discovery and document production that has taken place in the district court case, including exchange of initial contentions. (DD Br. at 13-14.) But "most of the investment from the court and the parties in the [parallel district court case] lies ahead." *Illumina, Inc. v. Ravgen, Inc.*, Case IPR2021-01271, Paper 12 at 28-29 (PTAB Jan. 26, 2022). Nearly a year of fact discovery remained when the case was stayed, and final contentions were not due until October and November 2025. (EX2019 at Page 17.) The parties' minimal initial discovery in the district court case does not support discretionary denial. *E.g.*,

³ Patent Owner's cited cases involve parallel litigation at substantially more advanced stages than the district court case here. *See BOE Tech. Grp. Co. v. Element Cap. Com. Co. Pte. Ltd.*, Case IPR2023-00808, Paper 9 at 23, 2023 WL 7715885, at *8 (PTAB Nov. 15, 2023) (claim construction complete and close of fact discovery in two weeks); *Comcast Cable Commc'ns, LLC v. Touchstream Techs., Inc.*, Case IPR2024-00323, Paper 13 at 9-10, 2024 WL 3530021, at *4 (PTAB July 24, 2024) (fact and expert discovery closed and *Markman* hearing held by date of institution); *10x Genomics, Inc. v. President & Fellows of Harvard Coll.*, Case IPR2023-01299, Paper 15 at 18, 2024 WL 993828, at *8 (PTAB Mar. 7, 2024) (claim construction order issued).

Petitioner's Response to Patent Owner's Discretionary Denial Brief

Illumina, Case IPR2021-01271, Paper 12 at 28 (staying case where initial contentions had been exchanged but “final contentions are not due until the summer of 2022 [months later]”).

Patent Owner also points to the initial claim construction efforts the parties made in the district court litigation. (DD Br. at 14-15.) The Board has repeatedly found the investment in parallel proceedings factor to favor institution in situations where, like here, only preliminary claim construction exchanges have taken place but briefing is incomplete, no *Markman* hearing has been held, and no claim construction order has been issued. *See, e.g., Illumina*, Case IPR2021-01271, Paper 12 at 28 (granting institution where “[c]laim construction briefing has begun, but will not be completed until [months later], and a hearing is not scheduled until [still later].”). Furthermore, the number of terms Petitioner proposed for construction is irrelevant, particularly since Petitioner dropped many of those terms in the interest of refining the disputes for the Court. (EX1024, Ex. A.) Regardless of the terms proposed during claim construction, the parties had not even begun to brief any terms, no *Markman* hearing was held, and no claim construction order was issued before the case was stayed. Accordingly, the parties’ and the Court’s investment in

the claim construction process was minimal.⁴

Patent Owner also argues that the stage of the district court case favors denial of institution given that Petitioner filed a motion to dismiss and each party filed a

⁴ Patent Owner also argues that Petitioner has taken an “inconsistent approach to claim construction in the Petition and in the district court litigation.” (DD Br. at 9.) But as explained in the Petition, Petitioner is simply adopting Patent Owner's proposed constructions from the underlying district court litigation for purposes of this proceeding. (Pet. at 8.) Petitioner has therefore fully complied with 37 C.F.R. § 42.104(b)(3). *See, e.g., Western Digital Corp. v. Spex Techs., Inc.*, Case IPR2018-00084, Paper 14 at 11 (PTAB Apr. 25, 2018) (petition based on Patent Owner district court claim constructions satisfied § 42.104(b)(3)); *Samsung Elecs. Co., Ltd v. Collect, LLC*, Case IPR2020-00476, Paper 14 at 12 (PTAB July 31, 2020) (“It is not a requirement of [rule] 104(b)(3) that for every term for which Petitioner has proposed an express construction in related district court litigation, Petitioner must propose the same construction in the Petition.”); *Glux Visual Effects Tech (Shenzhen) Co. v. Ultravision Techs., LLC*, Case IPR2020-01052, Paper 28 at 16-21 (PTAB Nov. 17, 2021) (adopting petitioner's “plain and ordinary meaning” claim construction arguments, which Patent Owner advanced in the related litigation, and construing the claim terms differently from the district court).

Petitioner's Response to Patent Owner's Discretionary Denial Brief

discovery motion in the district court case. (DD Br. at 13.) However, Petitioner's motion to dismiss did not involve substantial investment in the asserted patents by the Court or the parties. Instead, it was merely directed to the insufficiency of Patent Owner's pleadings before the district court. Indeed, Magistrate Judge Fallon *declined* to reach the claim construction merits in her report and recommendation on the motion—and such claim construction did not take place before the case was stayed. (EX2009 at 13.) Similarly, the parties' discovery motions in the district court case were merely related to threshold written discovery issues and did not require the Court to invest in the patents or the underlying factual merits. Accordingly, the parties' limited motions in the district court case do not change the fact that the Court and the parties had only minimally invested in the case before it was stayed. *Apple Inc. v. Fintiv, Inc.*, Case IPR2020-00019, Paper 11 at 10 (PTAB Mar. 20, 2020) (precedential) (“[A]t the time of the institution decision, the district court has not issued orders related to the patent at issue in the petition, this fact weighs against exercising discretion to deny institution.”). This factor therefore weighs against discretionary denial.

4. Petitioner's Stipulation Would Result in Minimal Overlap with the District Court Case

Since the district court case is stayed, there is currently no risk of substantive overlap with the present proceeding. *See ResMed Corp. v. Cleveland Medical Devices, Inc.*, Case IPR2025-00160, Paper 11 at 16 (PTAB June 13, 2025)

Petitioner's Response to Patent Owner's Discretionary Denial Brief

("[B]ecause the [district court] case is stayed, there is no danger of overlap[.]" (quotation marks omitted)). If IPR is instituted, as discussed above, the district court case will likely remain stayed throughout the present IPR. Accordingly, the present IPR could invalidate all challenged claims with no possibility of overlap with the district court case.

Even if any claims survive the present IPR, the possibility of overlapping issues between the present IPR and the district court case is minimal. Petitioner hereby stipulates that if this IPR is instituted, then Petitioner will not pursue in the related pending litigation (i) the specific grounds of invalidity that were raised or grounds that reasonably could have been raised under 35 U.S.C. §§ 102 or 103 on the basis of prior art patents or printed publications in this IPR, and (ii) grounds of invalidity under 35 U.S.C. § 103 on the basis of any other prior art that could not have been raised in the IPR (e.g., system art) in combination with any of those prior art references relied on in the grounds for this IPR with respect to any challenged claim. To avoid any doubt, if the PTAB declines institution or rescinds institution of IPR, then Petitioner reserves the right to pursue any grounds of invalidity, including but not limited to the grounds in (i) and (ii), in the related pending litigation.

As a result of the above stipulation, Patent Owner's arguments about Petitioner re-using the prior art at issue in the Grounds of this IPR in combination

Petitioner's Response to Patent Owner's Discretionary Denial Brief

with system art before the district court are moot. (DD Br. at 16-17.) Patent Owner also generally appears to object to Petitioner's ability to rely on unpublished system art at all before the district court. (DD Br. at 1-2, 17.) But since Petitioner cannot rely on unpublished system art in this IPR, such system art has no bearing on overlap between the proceedings.⁵ 35 U.S.C. § 311(b). Patent Owner suggests that the Wilson patent at issue in this IPR could be related to some unidentified Bridgestone system at issue in the district court case. (DD Br. at 1-2.) But Petitioner is not asserting any Bridgestone system developed under or mimicking the Wilson prior art patent—and even if it were, Wilson is a published patent with no evident correspondence to a particular Bridgestone prior art system. Accordingly, Patent Owner's suggestion of overlap between this IPR and the district court case based on

⁵ Patent Owner's cited cases involve different facts. *Motorola Sols., Inc. v. Stellar, LLC*, Case IPR2024-01205, Paper 19 at 4 (PTAB Mar. 28, 2025) (“Petitioner's invalidity arguments in the district court are more expansive and include combinations of the prior art asserted in these proceedings with unpublished system prior art, which Petitioner's stipulation is not likely to moot.”); *SAP Am., Inc. v. Cyandia, Inc.*, Case IPR2024-01496, Paper 13 at 8-9 (PTAB Apr. 7, 2025) (publication art relied upon in IPR asserted as evidence of system art in parallel district court proceeding).

the Wilson prior art is baseless.

5. Parties in the District Court Case

While the present IPR and the parallel district court proceeding involve the same parties, such a consideration should be found in favor of institution or neutral to the discretionary denial analysis. *See, e.g., BOE Technology Group Co., Ltd. v. Optronix Scis. LLC*, Case IPR2024-01130, Paper 16 at 13-14 (PTAB Jan. 27, 2025) (factor neutral or in favor of institution where parties are the same in IPR and district court litigation); *Shenzhen Root Tech. v. Chiaro Tech. Ltd. d/b/a Elvie*, IPR2024-01296, Paper 9 at 19-20 (PTAB Feb. 25, 2025) (factor neutral where parties are the same in IPR and district court litigation).

C. The Petition's Early Challenge, and Other Considerations, Also Weigh Against Discretionary Denial

In addition to the strength of the Petition's merits and the *Fintiv* factors, other considerations also weigh against discretionary denial, including those listed in the Acting Director's March 26, 2025 Memorandum on Interim Processes for PTAB Workload Management ("Memo").

To start, "settled expectations of the parties, such as the length of time the claims have been in force" (*see* Memo at 2), weigh against discretionary denial. The '027 patent issued recently, in September 2021. This Petition's early challenge to the patent therefore weighs against discretionary denial. *See Micron Tech., Inc. v. Yangtze Memory Techs. Co.*, Case IPR2025-00190, Paper 21 at 3 (PTAB June 25,

Petitioner's Response to Patent Owner's Discretionary Denial Brief

2025) (“The challenged patents were issued recently, from 2021 through 2024. Early challenges favor robust, predictable patent rights and weigh against discretionary denial.”); *Yealink (USA) Network Tech. Co. v. Barco N.V.*, Case IPR2025-00491, Paper 18 at 3 (PTAB June 25, 2025) (“[T]he challenged patent issued recently, in 2020....[which] weigh[s] against discretionary denial.”). Patent Owner’s brief does not even acknowledge “settled expectations” let alone argue that they weigh in favor of discretionary denial.

Moreover, neither the PTAB nor another forum has previously adjudicated the validity or patentability of the challenged patent claims. (*See* Memo at 2.) This IPR is the first and only post-grant challenge to the ’027 patent at the Patent Office. And as noted above, now that the Patent Office has been made aware of the subject matter disclosed and taught in the Wilson prior art relied on in this Petition, it has rejected similar pending claims to those challenged in the ’027 patent in the ongoing prosecution of the child application to the ’027 patent. Thus, with respect to “[t]he strength of the unpatentability challenge” (*see* Memo at 2), the Patent Office has already tacitly acknowledged that the Wilson prior art patent is highly material in demonstrating the strength of the invalidity challenges presented in Grounds 1 and 2 of the Petition.

The Petition also relied properly on expert testimony. (*See* Memo at 2.) Patent Owner makes an undeveloped argument that “Revvo’s extensive reliance on

Petitioner's Response to Patent Owner's Discretionary Denial Brief

expert testimony indicates that its assertions are better resolved in district court” and that “[t]he failure to provide focused expert testimony here weighs against institution.” (DD Br. at 19.) But neither Patent Owner's Discretionary Denial Brief—nor its Preliminary Response, if considered—sufficiently explains its allegations, with Patent Owner's Discretionary Denial Brief providing only a cite to “*See generally* Petition.” (DD Br. at 19.) Neither Patent Owner's Discretionary Denial Brief nor its Preliminary Response identifies any portions of expert testimony that could suggest Petitioner is using that testimony to fill gaps in the prior art or otherwise relying to an improper extent on its expert.

Patent Owner ignores that the Petition presents prior art disclosure for every element of the challenged claims from the cited prior art within the Grounds—there is not a single claim element for which Petitioner relies solely on expert testimony to demonstrate invalidity. *See Advanced Micro Devices Inc. v. Realtek Semiconductor Corp.*, Case IPR2023-00789, Paper 9 at 39 (PTAB Oct. 26, 2023) (rejecting patent owner assertion that petitioner improperly relied on expert testimony to fill a gap in its prior art analysis); *Samsung Elecs. Co. v. Acorn Semi, LLC*, Case IPR2020-01282, Paper 20 at 28-29 (PTAB Feb. 10, 2021) (rejecting patent owner accusation petitioner required expert testimony to fill in gaps). Instead, Patent Owner points only to the number of times the Petition allegedly cites its expert declaration (DD Br. at 19), recycling the same argument that recently failed in

Petitioner's Response to Patent Owner's Discretionary Denial Brief

IPR2025-00307. *See Twitch Interactive, Inc. v. RazDog Holdings LLC*, Case IPR2025-00307, Paper 18 at 3 (PTAB May 16, 2025) (denying request for discretionary denial); *see also Twitch*, Paper 13 at 28 (petitioner opposition brief explaining patent owner faulted petitioner for “cit[ing] its expert’s 269-page declaration at least 260 times in the Petition”).

III. CONCLUSION

Petitioner respectfully requests that the Director not exercise her discretion under 35 U.S.C. § 314(a) to deny institution of this proceeding.

Dated: July 11, 2025

Respectfully submitted,

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CERTIFICATE OF COMPLIANCE WITH WORD COUNT

I hereby certify, pursuant to 37 C.F.R. § 42.24(d), that the attached **PETITIONER'S RESPONSE TO PATENT OWNER'S DISCRETIONARY DENIAL BRIEF** contains 3,884 words according to the word-processing system used to prepare this paper.

Dated: July 11, 2025

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CERTIFICATE OF SERVICE

I hereby certify, pursuant to 37 C.F.R. § 42.6(e), that a complete copy of the attached **PETITIONER'S RESPONSE TO PATENT OWNER'S DISCRETIONARY DENIAL BRIEF** and related documents were served on July 11, 2025, upon the parties via electronic mail:

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