

**UNITED STATES PATENT AND TRADEMARK OFFICE**  
**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

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ONEPLUS TECHNOLOGY (SHENZHEN) CO., LTD.,  
Petitioners,

v.

PANTECH CORPORATION,  
Patent Owner

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**Case: IPR2025-00783**

**U.S. Patent No. 9,288,824**

**PATENT OWNER'S REPLY TO PETITIONER'S OPPOSITION BRIEF  
REGARDING DISCRETIONARY DENIAL OF INSTITUTION**

Mail Stop **Patent Board**  
Patent Trial and Appeal Board  
U.S. Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PATENT OWNER’S EXHIBIT LIST**

| <b>Exhibit Number</b> | <b>Description</b>                                                                                                                                                                                               |
|-----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2001                  | Second Amended Docket Control Order, <i>Pantech Corporation and Pantech Wireless, LLC v. OnePlus Technology (Shenzhen) Co., Ltd.</i> , No. 5:24-CV-00038-RWS-JBB (E.D. Tex.) (Dkt. 58) (May 13, 2025)            |
| 2002                  | United States District Courts – National Judicial Caseload Profile                                                                                                                                               |
| 2003                  | Pantech Corporation’s July 9, 2021 Notice Letter to OnePlus Technology Co., Ltd.                                                                                                                                 |
| 2004                  | Third Amended Docket Control Order, <i>Pantech Corporation and Pantech Wireless, LLC v. OnePlus Technology (Shenzhen) Co., Ltd.</i> , No. 5:24-CV-00038-RWS-JBB (E.D. Tex.) (Dkt. 86) (July 17, 2025)            |
| 2005                  | Order Modifying Dates in Docket Control Order, <i>Pantech Corporation and Pantech Wireless, LLC v. OnePlus Technology (Shenzhen) Co., Ltd.</i> , No. 5:24-CV-00038-RWS-JBB (E.D. Tex.) (Dkt. 85) (July 17, 2025) |
| 2006                  | Jury Verdict, <i>Pantech Corp. v. OnePlus Technology (Shenzhen) Co., Ltd.</i> , No. 5:22-cv-00069-RWS (E.D. Tex.) (Dkt. 259) (April 1, 2024)                                                                     |
| 2007                  | Final Judgment, <i>Pantech Corp. v. OnePlus Technology (Shenzhen) Co., Ltd.</i> , No. 5:22-cv-00069-RWS (E.D. Tex.) (Dkt. 499) (Jan. 23, 2025)                                                                   |
| 2008                  | Kiri Gupta & Urska Petrovcic, <i>Evidence of Systematic “Patent Holdout”</i> , 38 Berkeley Tech. L. J. (2023)                                                                                                    |
| 2009                  | Richard A. Epstein & Kayvan B. Noroozi, <i>Why Incentives for “Patent Holdout” Threaten to Dismantle FRAND, and Why It Matters</i> , 32 Berkeley Tech. L.J. 1381 (2017)                                          |

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|------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|      |                                                                                                                                                                                |
| 2010 | Kalyan Dasgupta & David J. Teece, <i>Protecting Innovation in the Mobile Wireless Ecosystem: Understanding &amp; Addressing “Hold-Out”</i> , 38 Berkeley Tech. L.J. 313 (2023) |
| 2011 | Claim Construction Order from <i>Pantech Corp. et al. v. OnePlus Tech. (Shenzhen) Co., Ltd.</i> , No. 5:24-cv-00038-RWS-JBB (E.D. Tex.)                                        |
| 2012 | <i>Pantech Corporation et al. v. OnePlus Technology (Shenzhen) Co., Ltd.</i> , No. 5:22-cv-00069-RWS, Dkt. 468 (E.D. Tex. Nov. 6, 2025)                                        |
| 2013 | June 12, 2020 Letter from Pantech Corporation to OnePlus Technology (Shenzhen) Co., Ltd.                                                                                       |

Patent Owner (“PO”) files this reply pursuant to leave granted by the Director.

**First**, Petitioner’s statement that “like in *Stratasys*, the ’824 Patent has *never* been ‘commercialized, asserted, marked, licensed, or otherwise applied in petitioner’s particular technology space’” is incorrect. Opp. at 28 (emphasis in original). Petitioner knows (as PO pointed out, *see* Paper 7 at 11) that the ’824 Patent has been licensed in its particular technology space—to cell phone manufacturers no less—and it was wrong to state otherwise. *See Pantech Corporation et al. v. OnePlus Technology (Shenzhen) Co., Ltd.*, No. 5:22-cv-00069-RWS, Dkt. 468 at 1 (E.D. Tex. Nov. 6, 2025) (Petitioner itself acknowledging that “Pantech presented a damages theory based on licenses to its entire patent portfolio”) (EX2012).

**Second**, PO was surprised by Petitioner’s statement that the June 12, 2020 notice of the ’824 Patent to Petitioner was “unsupported by any evidence.” Opp. at 27. The salient point that PO had previously wished to emphasize in their Request was their continued good-faith follow up over years of negotiation with Petitioner (hence, the attachment of the 2021 letter (EX2003)) (*see* Paper 7 at 11), but did not anticipate that Petitioner would dispute that it was explicitly notified of the ’824 Patent “by letter dated June 12, 2020.” *Id.* In order to make sure the record is correct and to ensure Petitioner does not continue to misstate this fact, PO files this June 12, 2020 letter as EX2013, demonstrating that PO specifically notified Petitioner of its use of the ’824 Patent in 2020. *See* EX2013 at 1.

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Patent No. 9,288,824

Dated: August 27, 2025

Respectfully submitted,

/James A. Fussell Reg No 54885/  
James A. Fussell (Reg. No. 54,885)

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Patent No. 9,288,824

**CERTIFICATE OF SERVICE**

I hereby certify that on this 27th day of August, 2025, a copy of the attached **PATENT OWNER'S REPLY TO PETITIONER'S OPPOSITION BRIEF REGARDING DISCRETIONARY DENIAL OF INSTITUTION** was served by electronic mail to the attorneys of record, at the following addresses:

Zhiwei (Wayne) Zou  
[Wayne.zou@bayes.law](mailto:Wayne.zou@bayes.law)

With a courtesy copy by electronic mail to:

[OnePlus-Pantech-IPR@bayes.law](mailto:OnePlus-Pantech-IPR@bayes.law)

Respectfully submitted,

Date: August 27, 2025

By: /James A. Fussell Reg No 54885/  
James A. Fussell (Reg. No. 54,885)