

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ONEPLUS TECHNOLOGY (SHENZHEN) CO., LTD.

Petitioner

v.

PANTECH CORPORATION

Patent Owner

IPR2025-00783

U.S. PATENT 9,288,824

**PETITIONER’S SUR-REPLY TO PATENT OWNER’S REPLY TO
PETITIONER’S OPPOSITION BRIEF REGARDING DISCRETIONARY
DENIAL OF INSTITUTION**

LIST OF EXHIBITS

Exhibit	Description
EX1001	U.S. Patent No. 9,288,824 to Noh <i>et al.</i>
EX1002	Prosecution History of U.S. Patent No. 9,288,824
EX1003	Declaration of Dr. Robert Akl
EX1004	“3rd Generation Partnership Project; Technical Specification Group Radio Access Network; Evolved Universal Terrestrial Radio Access (E-UTRA) Medium Access Control (MAC) Protocol Specification (Release 8),” 3GPP TS 36.321 V8.3.0 (2008-09)
EX1005	“Corrections Relating to RACH” by Nokia Corporation, Nokia Siemens Networks, 3GPP TSG-RAN2 Meeting #63, R2-084921, Jeju, Korea, 18 August – 22 August, 2008
EX1006	“RA_WINDOW and RA-RNTI Allocation” by Qualcomm Europe, 3GPP TSG-RAN WG2 #61bis, R2-081559, Shenzhen, China, 31 st March – 4 th April, 2008
EX1007	“Coding of RA-RNTI for Message 2” by ZTE, 3GPP TSG-RAN Working Group 2 meeting #59bis, R2-073933, Shanghai, China, 8 th October – 12 th October, 2007
EX1008	“3rd Generation Partnership Project; Technical Specification Group Radio Access Network; Evolved Universal Terrestrial Radio Access (E-UTRA) Medium Access Control (MAC) Protocol Specification (Release 8),” 3GPP TS 36.321 V8.0.0 (2007-12)
EX1009	“Number of HARQ Processes for FDD” by Nokia, Nokia Siemens Networks, 3GPP TSG-RAN WG1 Meeting #50bis, R1-074344, Shanghai, China, October 8 th – 12 th , 2007
EX1010	Declaration of Friedhelm Rodermund
EX1011	U.S. Provisional Application No. 61/018,492
EX1012	Certified English Translation of U.S. Provisional Application No. 61/018,492
EX1013	Korean Patent Application No. 10-2008-0047656
EX1014	Certified English Translation of Korean Patent Application No. 10-2008-0047656
EX1015	“3rd Generation Partnership Project; Technical Specification Group Radio Access Network; Evolved Universal Terrestrial Radio Access (E-UTRA) and Evolved Universal Terrestrial Radio Access Network (E-UTRAN); Overall Description; Stage 2 (Release 8),” 3GPP TS

Exhibit	Description
	36.300 V8.0.0 (2007-03)
EX1016	First Amended Docket Control Order, <i>Pantech Corp. et al. v. OnePlus Tech. (Shenzhen) Co., Ltd.</i> , 5:24-cv-00038-RWS-JBB, Dkt. No. 47 (E.D. Tex. March 12, 2025)
EX1017	Joint Claim Construction and Prehearing Statement, <i>Pantech Corp. et al. v. OnePlus Tech. (Shenzhen) Co., Ltd.</i> , 5:24-cv-00038-RWS-JBB, Dkt. No. 49 (E.D. Tex. March 26, 2025)
EX1018	E. Dahlman <i>et al.</i> , “3G Evolution: HSPA and LTE for Mobile Broadband,” 1st ed. Elsevier, 2007
EX1019	Prosecution History of U.S. Patent No. 8,611,297
EX1020	Correspondence with Patent Owner dated May 23, 2025
EX1021	<i>Pantech Corp. et al. v. OnePlus Tech. (Shenzhen) Co., Ltd.</i> , 5:24-cv-00038-RWS-JBB (E.D. Tex.), Dkt. No. 1, Complaint for Patent Infringement
EX1022	<i>Pantech Corp. et al. v. OnePlus Tech. (Shenzhen) Co., Ltd.</i> , 5:22-cv-00069-RWS (E.D. Tex.), Dkt. No. 6, First Amended Complaint for Patent Infringement
EX1023	<i>Pantech Corp. et al. v. OnePlus Tech. (Shenzhen) Co., Ltd.</i> , 5:22-cv-00069-RWS (E.D. Tex.), Dkt. No. 223, Redacted Amended Joint Final Pretrial Order
EX1024	“Albright Worried Multipatent Trials Ask Too Much Of Jurors,” Law360 (Dec. 18, 2020), at https://www.law360.com/articles/1337976/albrightworriedmultipatent-trials-ask-too-much-of-jurors
EX1025	<i>Sonos Inc. v. D&M Holdings, Inc.</i> , 1:14-cv-01330-WCB (D. Del.), Dkt. No. 418, Discovery Dispute Letter Brief
EX1026	<i>Pantech Corp. et al. v. OnePlus Tech. (Shenzhen) Co., Ltd.</i> , 5:24-cv-00038-RWS-JBB (E.D. Tex.), Plaintiff’s Patent Infringement Contentions
EX1027	USPTO Recordation of Patent Assignment Document, Reel: 052657 Frames: 0066-0090
EX1028	<i>Pantech Corp. v. OnePlus Tech. (Shenzhen) Co., Ltd.</i> , 5:25-cv-00089 (E.D. Tex.), Dkt. No. 1, Complaint for Patent Infringement
EX1029	Docket Navigator Statistics for Judge Schroeder in E.D. Tex
EX1030	<i>Pantech Corp. et al. v. OnePlus Tech. (Shenzhen) Co., Ltd.</i> , 5:24-cv-00038-RWS-JBB (E.D. Tex.), Dkt. No. 12, Joint Motion to Stay

Exhibit	Description
	Proceedings
EX1031	<i>Pantech Corp. et al. v. Oneplus Tech. (Shenzhen) Co., Ltd.</i> , 5:22-cv-00069-RWS (E.D. Tex.), Dkt. No. 259, Verdict Form
EX1032	<i>Pantech Corp. et al. v. Oneplus Tech. (Shenzhen) Co., Ltd.</i> , 5:22-cv-00069-RWS (E.D. Tex.), Dkt. No. 499, Final Judgment
EX1033	<i>Pantech Corp. et al. v. Oneplus Tech. (Shenzhen) Co., Ltd.</i> , 5:22-cv-00069-RWS (E.D. Tex.), Dkt. No. 502-1, Redacted Version of Court's Order (Dkt. No. 498)
EX1034	<i>Pantech Corp. v. OnePlus Tech. (Shenzhen) Co., Ltd.</i> , 5:24-cv-00038-RWS-JBB, (E.D. Tex.), Dkt. No. 85, Order
EX1035	<i>Pantech Corp. v. OnePlus Tech. (Shenzhen) Co., Ltd.</i> , 5:24-cv-00038-RWS-JBB, (E.D. Tex.), Dkt. No. 86, Third Amended Docket Control Order
EX1036	In Patent Nullity Proceedings on European Patent 2,227,923 (DE 60 2008 039323), German Federal Patent Court, 4 Ni 69/22 (EP), Judgment
EX1037	Machine Translation of EX1036

All emphases in quotations are added unless otherwise noted.

Petitioner's Reply does not change that discretionary denial is unwarranted.

First, Patent Owner's newly-submitted Exhibits 2012 and 2013 should be expunged as untimely. Patent Owner possessed these exhibits well before filing its Request for Discretionary Denial ("DD Request") and could—and should—have submitted them then. Instead, after seeing Petitioner's "lack of evidence" arguments (*see* DD Opp. 27-28), Patent Owner now uses its Reply solely to attempt to cure its prior failure of proof by submitting belated exhibits absent true "good cause."

Second, even if considered, Exhibit 2012 at most suggests a portfolio-wide license covering over 1,000 patents, without identifying the '824 Patent specifically. Such portfolio licenses are routine in the wireless phone industry and cannot establish settled expectations as to this particular patent. Patent Owner does not manufacture cell phones, nor has it shown any manufacturer ever commercialized the claimed technology of the '824 Patent or marked products with the '824 Patent to reflect licensed use. *See* DD Opp. 25-32.

Third, even if considered, Exhibit 2013 supports Petitioner's position. This exhibit confirms that since Patent Owner only started asserting the '824 Patent in 2020, *this five-year period does not create strong settled expectations for Patent Owner*, as the Director has consistently recognized. *See, e.g., Cambridge Industries USA Inc., v. Applied Optoelectronics, Inc.* IPR2025-00434 Paper 11 at 2-3 (Director June 26, 2025).

Respectfully submitted,

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CERTIFICATION UNDER 37 C.F.R. § 42.24

This Petitioner's Sur-Reply to Patent Owner's Reply to Petitioner's Opposition Brief Regarding Discretionary Denial of Institution complies with the requirements of 37 C.F.R. § 42.24. As calculated by the word count feature of Microsoft Word, it contains 222 words, excluding the parts exempted by § 42.24.

/Zhiwei Zou/

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Lead Counsel for Petitioner

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing **Petitioner's Sur-Reply to Patent Owner's Reply to Petitioner's Opposition Brief Regarding Discretionary Denial of Institution** was served on August 29, 2025, via email, as agreed to by counsel of record for the Patent Owner, at the following.

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Dated: August 29, 2025

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