

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

META PLATFORMS, INC.,
Petitioner,

v.

RESONANT SYSTEMS, INC.,
Patent Owner.

Case No. IPR2025-00823
U.S. Patent No. 8,860,337

PATENT OWNER'S REQUEST FOR
DISCRETIONARY DENIAL OF INSTITUTION

Meta’s petition is the third substantially identical petition for *Inter Partes* Review that has been filed challenging the ’337 patent. As Meta itself states, “Meta’s petition is in substance identical to that of Apple’s petition in IPR2024-00807 (the ‘Apple IPR’).” (Petition at 1.) Nintendo’s petition in IPR2025-00680 (the “Nintendo IPR”) is likewise “in substance identical” to the Apple IPR. (IPR2025-00680, Paper 1 at 1.)

The Apple IPR remains pending. Oral argument was held on July 17, 2025 (IPR2024-00807, Paper 30), and a final written decision is due by October 29, 2025.

Meta has filed a motion for joinder with the Apple IPR. (Paper 3.) However, this motion was filed on April 23, 2025, more than six months after the Apple IPR was instituted on October 15, 2024. (IPR2024-00807, Paper 10.) Under the rules governing joinder, the deadline for Meta to move for joinder was “no later than *one month* after the institution date of any inter partes review for which joinder is requested.” 37 C.F.R. § 42.122(b) (emphasis added). Compounding its delay in moving for joinder, Meta also failed to follow the guidance in the 2019 Consolidated Trial Practice Guide, which states that “[a] party who files a motion for joinder should arrange a conference call with the panel, petitioner, and patent owner of the first proceeding within five business days of filing the motion.” Guide at 76.

Patent Owner Resonant has not responded to Meta's motion for joinder, and it does not take a position on joinder now. However, Resonant does believe that Meta's petition should be denied institution to the extent that joinder with the Apple IPR at this stage is impractical or otherwise not granted. If instituted as a separate IPR, not joined to either the Apple IPR or the Nintendo IPR, Meta's IPR would be the second—or potentially the third—IPR proceeding pursuing substantially identical grounds against the '337 patent. A final written decision is due in the Apple IPR by October 29, 2025, almost a month before the November 25, 2025 deadline for an institution decision in Meta's IPR. Conducting a second or third IPR on substantially identical grounds is not an efficient use of the Board's resources and would be contrary to the workload management goals that motivated the Director's March 26, 2025 memorandum.

Further support for denying institution of Meta's IPR as a separate IPR is the schedule in Resonant's co-pending district court litigation asserting the '337 patent against Meta. Trial in that district court litigation is scheduled to begin November 2, 2026, almost a month before the November 25, 2026 deadline for a final written decision in Meta's IPR. (Ex. 2001 at 5.) In addition, the '337 patent issued on October 14, 2014, more than a decade before Meta's

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petition was filed. Accordingly, Resonant has settled expectations in the '337 patent that further support discretionary denial of institution.

For the foregoing reasons, Resonant respectfully requests that the Director exercise discretion under 35 U.S.C. §§ 314(a) and/or 325(d) and deny institution of Meta's IPR petition.

Dated: July 23, 2025

/Neil A. Rubin/

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PATENT OWNER'S EXHIBIT LIST

No.	Description
Ex. 2001	<i>Resonant Systems v. Meta Platforms, Inc.</i> , 7:25-cv-00035 (W.D. Texas), First Scheduling Order

CERTIFICATE OF WORD COUNT

I certify that there are 503 words in this paper, excluding the portions exempted under 37 C.F.R. § 42.24(a)(1), according to the word count tool in Microsoft Word.

/Neil A. Rubin/
Neil A. Rubin (Reg. No. 67,030)

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CERTIFICATE OF SERVICE

I hereby certify that “Patent Owner’s Request for Discretionary Denial of Institution” was served on July 23, 2025 by email sent to:

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