

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LENOVO (UNITED STATES) INC. and
MOTOROLA MOBILITY LLC,
Petitioners,

v.

COLLISION COMMUNICATIONS, INC.,
Patent Owner.

Case No. IPR2025-00927
U.S. Patent No. 7,593,492

**PATENT OWNER'S REQUEST FOR DISCRETIONARY DENIAL OF
INSTITUTION**

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Exhibit	Description
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2101	Docket Control Order (Dkt 44) (August 5, 2024) from Case No. 2:23-cv-00594
2102	First Amended Docket Control Order (Dkt 73) (April 23, 2025) from Case No. 2:23-cv-00594
2103	Docket Navigator Motion to Stay Pending Inter Partes Review
2104	March 31, 2025 Federal District Court Case Management Statistics
2105	<i>Collision Communications, Inc. v. Lenovo Group Limited</i> , No. 23-cv-00594 (E.D. Tex.) Docket
2106	Guidance on USPTO’s Recission of ‘Interim Procedure for Discretionary Denials in AIA Post-Grant Proceedings with Parallel District Court Litigation’” (the “Guidance Memo”)
2107	Order Focusing Patent Claim and Prior Art to Reduce Costs (Dkt 78) (May 28, 2025) from Case No. 2:23-cv-00594

I. Introduction

Discretionary denial of institution of the Petition is appropriate here under the totality of the circumstances because, for example: (1) under *Fintiv*, the trial in the parallel district court litigation involving Patent Owner, the Petitioners, and the challenged '492 Patent will conclude ten months before a final written decision in the requested IPR; (2) there are settled expectations in the challenged '492 Patent, which has been in force for over 15 years; and (3) the '492 Petition was already the subject of a previous petition denied by the Board, and Petitioners should be treated as *de facto* serial petitioners.

Fintiv: Over one year and a half ago, Patent Owner Collision filed a complaint in the U.S. District Court for the Eastern District of Texas against Petitioners' parent company Lenovo Group Ltd. (who Petitioners admit is a real party-in-interest in this Petition), alleging that products manufactured by Petitioners Lenovo (United States) and Motorola infringe a number of patents, including the challenged '492 Patent. As established in detail below, the *Fintiv* factors weigh heavily in favor of discretionarily denying the Petition, including the following facts establishing that a final written decision in this requested IPR is highly unlikely to issue before the trial in that parallel district court litigation:

- The District Court has scheduled the trial in the parallel litigation for January 5, 2026, which is roughly ten months before the estimated FWD deadline for the requested IPR.
- The District Court and presiding Judge Gilstrap's relevant time-to-trial statistics establish that there is no reasonable likelihood that the district court will reschedule the trial until after the FWD.
- There is no reasonable likelihood that the district court will stay the parallel litigation if PTAB were to institute this Petition because, over the past 11 years, Judge Gilstrap has denied motions to stay pending an IPR at a rate over 83%.

Indeed, the PTAB has already discretionarily denied a prior petition from Petitioners under *Fintiv* based on this same exact parallel district court litigation and scheduled trial date. PTAB discretionarily denied Petitioners' prior petition (challenging another Collision patent asserted in the same parallel district court litigation) because the January 5, 2026, trial date (the same trial and trial date at issue here) would precede that FWD deadline by nearly five months. *Lenovo et al. v. Collision*, IPR2025-00301, Paper No. 11 at 13, 16-17 (PTAB May 28, 2025). Here, because Petitioners waited so long to file this Petition, that same pending trial date precedes this FWD deadline by **double** that amount.

Settled Expectations: In addition to the *Fintiv* analysis and factors, settled expectations in the challenged patent provide another independent reason to discretionarily deny the Petition. The challenged '492 Patent has been in force for over 15 years, significantly longer than other patents for which the Director already has found settled expectations that make institution an inappropriate use of Board resources.

Serial Petition: Petitioners previously filed IPR petitions against all of the Collision patents asserted in the parallel district court litigation except for the '472 Patent challenged here. None of those other petitions were instituted.

For the '492 Patent, Petitioners waited for the PTAB's institution decision on a Petition filed against the '492 Patent by Samsung, a defendant in another pending Collision patent infringement lawsuit in the Eastern District of Texas. Only after the PTAB denied that Samsung '492 Patent petition on the merits on February 7, 2025, did Petitioners—with the PTAB's institution denial and analysis in hand—prepare and file this Petition two months later.

The serial nature of this Petition provides yet another reason it should be discretionarily denied.

II. Background

A. The Challenged '492 Patent and the Real Parties-In-Interest

The Patent Office issued the challenged '492 Patent on September 22, 2009, over 15 years ago. The '492 Patent is titled “Combinational Hybrid Turbo-MUD,” and its inventions concern and improve wireless telecommunications technology. The '492 Patent issued to BAE Systems Information and Electronic Systems Integration Inc., a major player in the development of wireless telecommunications technology.

Each of this Petition’s identified real parties-in-interest is heavily involved in the manufacture or sale of wireless telecommunications devices and would or should be well aware of BAE and its wireless technology business and patent portfolio. For example, the Petition identifies the real parties-in-interest here as Lenovo Group Ltd. (“Lenovo”) and its subsidiaries Lenovo (United States) and Motorola Mobility LLC. (Pet. at 86). Lenovo (United States) and Motorola manufacture wireless telecommunications technology for Lenovo, including smartphones, tablets, smartwatches, and personal computers. (*E.g.*, IPR2025-00303, Paper 3, at 68).

B. The Relevant Petition and District Court Deadlines

Patent Owner Collision¹'s Complaint in the Eastern District of Texas alleges that Lenovo and the products manufactured by its subsidiaries Lenovo (United States) and Motorola infringe a number of patents, including the challenged '492 Patent.

Although Collision filed its Complaint on December 12, 2023, nearly nineteen months ago, Lenovo and the named Petitioners waited until April 25, 2025, to file this Petition. As a result of this delay, if this Petition were instituted, the deadline for the final written decision would not be until November 23, 2026.

But the parallel district court action will already be long over by then. Indeed, the parties and the District Court have already expended a great deal of time and resources on this dispute, and they will expend even more before any institution decision on the merits. For example, as of the filing of this request for discretionary denial:

- The parties will have already engaged in nearly eleven months of intensive discovery;
- The June 3, 2025, deadline for substantially completing all document production will have passed;

¹ Patent Owner and plaintiff Collision acquired the challenged patent on April 25, 2011.

- The parties will have completed all *Markman* exchanges, all *Markman* discovery, and all *Markman* briefing, and the District Court and the parties will have held the *Markman* hearing; and
- The parties will have prepared and served their Infringement and Invalidity Contentions.

(EX2101 ; EX2102).

In addition, as of the time of the scheduled November 23, 2025, decision on institution, the parties will have:

- Completed all fact discovery;
- Completed and served all expert reports, including all reports addressing Lenovo's invalidity defenses;
- Completed all expert depositions and discovery;
- Filed and fully briefed all dispositive motions;
- Filed and fully briefed all expert and Daubert motions;
- Prepared and served all pretrial disclosures and objections and rebuttals thereto; and
- Prepared and filed all motions *in limine*.

(EX2102).

Moreover, just one day after the institution decision deadline, the parties will have prepared and filed the “Joint Pretrial Order, Joint Proposed Jury Instructions, Joint Proposed Verdict Form, Responses to Motions in Limine, Updated Exhibit Lists, Updated Witness Lists, and Updated Deposition Designations.” (EX2102).

And by the November 23, 2026, deadline for the final written decision, the parties will have already completed the parallel district court litigation, including:

- the pre-trial conference;
- preparing and filing all final invalidity theories, final prior art references/combinations, and final equitable defenses; and
- the January 2026 trial.

(EX2102).

C. Prior Related IPR Petitions

This is not the first petition Lenovo and the Petitioners have filed against Collision’s patents asserted in the parallel district court litigation. In the district court litigation, Collision is asserting that Lenovo and the Petitioners’ products infringe a total of six patents, including the ’492 Patent challenged in the present Petition.

All six of those patents (including the ’492 Patent) were the subject of previous IPR petitions filed by Samsung, defendant in a corresponding Collision

patent infringement lawsuit also currently pending in the Eastern District of Texas. (See IPR2024-02147, -01248, -01249, 01250, -01500, and IPR2025-00011).

Petitioners filed five joinder petitions and motions to join each of Samsung's petitions except the Samsung petition against the '492 Patent. (See IPR2025-00284, -00285, -00301, -00302, and -00303). Patent Owner prepared and filed full preliminary responses to each of these petitions.

The PTAB denied all six of Samsung's petitions against the Collision patents, including the one against the '492 Patent challenged here. (See IPR2024-01247, Paper No. 14; -01248 Paper No. 11; -01249 Paper No. 12; -01250 Paper No. 11; -01500 Paper No. 14; and IPR2025-00011 Paper No. 12). The PTAB also denied two of Petitioners' joinder petitions, IPR2025-285 and -301. (IPR2025-00285 Paper No. 9; IPR2025-00301 Paper No. 11). The PTAB discretionarily denied Petitioners' -301 Petition under *Fintiv*, finding that the January 5, 2026, trial date (the same trial date at issue here) would precede the FWD deadline by nearly five months.² (IPR2025-00301, Paper No. 11 at 13, 16-17 (PTAB May 28, 2025)). Here, that trial date precedes the FWD by double that amount.

² The Board similarly found that the (incorrect) February or March 2026 trial date argued by Petitioners would still significantly predate the FWD date. *Lenovo*, IPR2025-00301, Paper No. 11 at 13.

PTAB did not reach a decision on Petitioners’ remaining joinder petition because Petitioners moved to terminate those (fully briefed) pending petitions after the PTAB denied each of Samsung’s corresponding petitions. (IPR2025-00284 Paper No. 10, 11; -00302 Paper No. 11, 12; -00303 Paper No. 11, 13).

The only one of Samsung’s petitions against the Collision patents that Petitioners did not seek to join was Samsung’s petition against the ’492 Patent. Instead, Petitioners waited until PTAB denied that Samsung ’492 Patent petition on the merits on February 7, 2025, and then—with the PTAB’s institution denial and analysis in hand—Petitioners prepared and filed this Petition two months later. (IPR2024-01247, Paper No. 14).

III. The Director And The Board Should Discretionarily Deny Institution

A. The *Fintiv* Factors Weigh Heavily For Discretionarily Denying The Petition

Based on the foregoing, instituting the requested IPR here would duplicate and waste resources, and the Petition should be denied in light of the parallel district court litigation. *Apple Inc. v. Fintiv, Inc.*, IPR2020-00019, Paper 11 at 2 (PTAB Mar. 20, 2020) (precedential) (“[the advanced state of the district court proceeding is an additional factor that weighs in favor of denying the Petition under § 314(a).”); (citing *NHK Spring Co. v. Intrix-Plex Techs., Inc.*, IPR2018-

00752, Paper 8 at 20 (PTAB Sept. 12, 2018) (precedential, designated May 7, 2019)).

Pursuant to 35 U.S.C. § 314(a), PTAB has discretion to deny a petition based on parallel district court proceedings related to the same patent.³ In *Fintiv*, the PTAB enumerated six non-dispositive factors to determine whether efficiency, fairness, and the merits support exercising discretion to deny a petition based on a related proceeding:

Factor 1: Whether the court granted a stay or evidence exists that one may be granted if a proceeding is instituted;

Factor 2: Proximity of the court’s trial date to the Board’s projected statutory deadline for a final written decision;

Factor 3: Investment in the parallel proceeding by the court and the parties;

Factor 4: Overlap between issues raised in the petition and in the parallel proceeding;

Factor 5: Whether the petitioner and the defendant in the parallel proceeding are the same party; and

Factor 6: Other circumstances that impact the Board’s exercise of discretion, including the merits.

Apple Inc. v. Fintiv, Inc., IPR2020-00019, Paper 11 at 5-6.

³ See Consolidated Trial Practice Guide 58 (Nov. 2019), <https://www.uspto.gov/TrialPracticeGuide> Consolidated.

A holistic assessment of these *Fintiv* factors in view of the parallel district court litigation heavily weighs for discretionarily denying the Petition.

1. Factor 1: There Is No Evidence That The District Court Will Stay The Parallel District Court Litigation If The Petition Were Instituted

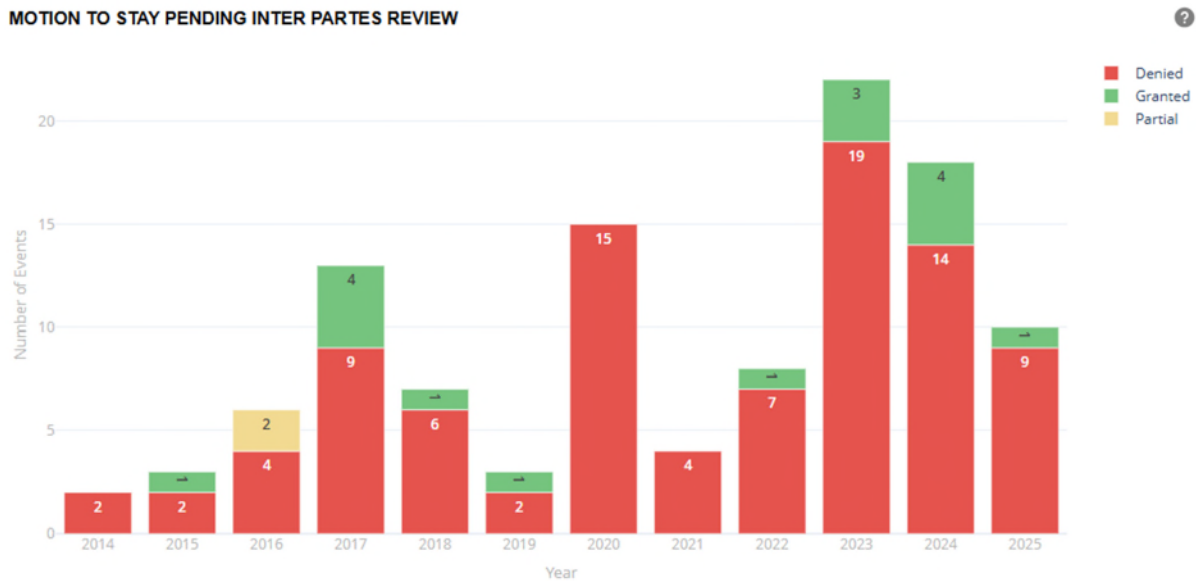
This factor weighs heavily against institution because it is highly unlikely that the District Court will stay the parallel district court litigation if the PTAB were to institute this Petition.

The district court has not stayed the litigation pending this Petition, Lenovo and Petitioners have not sought a stay in the district court pending this Petition, and Petitioners have not represented that would move for a stay if this Petition were instituted. And any such stay motion is highly likely to be futile.

As discussed above, because Petitioners waited so long to file this Petition, at the deadline for the institution decision, the parties will have already done most of the work in the parallel district court litigation (including all fact discovery, all expert reports discovery, all claim construction, and all dispositive motions) and the trial would be imminent (less than two months away). (EX2101; EX2102). A stay would not reduce or avoid any of this completed work and thus would serve no purpose.

Moreover, even under normal circumstances, the District Court is highly unlikely to grant a stay pending an IPR. Over the past eleven years, the presiding

district court judge has denied over 83% of motions to stay pending *inter partes* review:



(EX2103).

Thus, there is no stay, the district Court is highly unlikely to grant a stay pending the IPR, and this factor (combined with the earlier trial date) weighs heavily against institution.

2. Factor 2: The Trial Will Be Completed Long Before The Projected FWD Deadline

Factor 2 weighs heavily against institution because the district court litigation will be completed before the projected final written decision date—the trial in the parallel district court litigation is scheduled for January 2026, **over ten months before** the November 23, 2026, final written decision deadline.

And it is unlikely that the District Court will reschedule the trial so that the FWD deadline would precede the trial. According to the most recent statistics, the time-to-trial for the Eastern District of Texas is 25.9 months—consistent with the approximately 23-month schedule set by the District Court. EX2104 (March 31, 2025 Federal District Court Case Management Statistics); EX2105 (Docket in *Collision Communications, Inc. v. Lenovo Group Ltd.*, No. 23-cv-00594 (E.D. Tex.) showing complaint filing date of Dec. 12, 2023). Indeed, for the trial to occur after the FWD deadline, the time-to-trial here would need to be nearly 36 months, 10 months longer than the average.

Because any final written decision would likely issue substantially later than the district court trial, this factor weighs heavily in favor of discretionary denial. *See Samsung Electronics Co. Ltd. v. Sionyx, LLC*, IR2024-01431, Paper 21 at 13-14 (PTAB Apr. 10, 2025); *Comcast Cable Communications, LLC v. Touchstream Technologies, Inc.*, IPR2024-00324, Paper 13 at 10 (PTAB July 24, 2024) (“Patent Owner’s representation of median time-to-trial of twenty-one months is consistent with the most recent available data from the judiciary. . . . We find that the related district court litigation’s trial date and the district court’s median time-to-trial favor denial.”) (discretionary denial granted upon rehearing); *Fintiv*, IPR2020-00019, Paper 11 at 9.

3. Factor 3: The Parties And District Court Will Have Investigated Significant Time And Resources In The Parallel District Court Litigation By The Time Of The Institution Decision

Under *Fintiv* Factor 3, the Board considers “the amount and type of work already completed in the parallel litigation by the court and the parties at the time of the institution decision.” *Fintiv*, IPR2020-00019, Paper 11 at 9. This factor weighs heavily against institution because the District Court and the parties have already completed substantial substantive work in the parallel litigation, and they will have completed even more by the institution deadline. For example, as of the institution decision deadline, the parties and the District Court will have:

- completed all *Markman* exchanges, all *Markman* discovery, and all *Markman* briefing, and the District Court and the parties will have held the *Markman* hearing;
- prepared and served their Infringement and Invalidity Contentions;
- completed all fact discovery;
- completed and served all expert reports, including all reports addressing Lenovo’s invalidity defenses;
- completed all expert depositions and discovery;
- filed and fully briefed all dispositive motions;
- filed and fully briefed all expert and Daubert motions;

- prepared and served all pretrial disclosures and objections and rebuttals thereto; and
- Prepared and filed all motions *in limine*.

(EX2101; EX2102).

Moreover, the parties will need to have done even more work as of the institution deadline because just one day after the institution decision deadline, the parties must have prepared and filed the “Joint Pretrial Order, Joint Proposed Jury Instructions, Joint Proposed Verdict Form, Responses to Motions in Limine, Updated Exhibit Lists, Updated Witness Lists, and Updated Deposition Designations.” (EX2102).

Therefore, because the District Court and the parties have invested and will continue to invest significant time and resources in the parallel district court litigation, Factor 3 weighs heavily in favor of denying institution.

4. Factor 4: There is Significant Overlap Between the Issues Raised in the Petition and the Parallel District Court Litigation

a. There Is Substantial Overlap Between Claims and Claim Limitations

There is substantial overlap between the claims at issue in the parallel district court litigation and the claims challenged in the Petition.

Since Lenovo and the named Petitioners filed the Petition, the parties filed a “Joint Motion For Entry Of Order Focusing Patent Claims And Prior Art To Reduce Costs,” which the District Court subsequently granted. (*See, e.g.*, EX2107). Pursuant to this order, the parties narrowed the number of ’492 Patent claims at issue in the district court litigation to claims 1, 2, 5, 10, and 16. These overlapping claims include all the independent claims challenged in Ground 1, plus additional challenged dependent claims. As a result, the great majority of claim limitations at issue in the Petition’s Ground 1 are also at issue in the parallel litigation. Thus, although there are now a handful of Ground 1 dependent claim limitations that are no longer at issue in the district court as a result of the parties agreement to narrow the claims “to reduce costs,” there is still significant overlap and it is “inefficient to proceed because the district court [will] resolve validity of enough overlapping claims to resolve key issues in the petition.” *Fintiv*, IPR2020-00019, Paper 11 at 12-13.

Petitioners do not argue otherwise, not could they reasonably do so—after agreeing that the parties should narrow the claims at issue “to reduce costs,” they cannot now reasonably use that same narrowing to argue that the parties and the PTAB should incur the significant additional costs of a late, redundant, and unnecessary IPR proceeding. Institution will not “reduce costs” or preserve judicial resources; it will waste them by allowing Petitioners to challenge the same

claims first in the district court and then again before the PTAB. The Board can save resources by discretionarily denying this petition and allowing the district court to adjudicate the validity of these claims over ten months **before** the PTAB.

That the Petition's Ground 2 challenges two claims (17 and 18) not now at issue in the district court litigation should not change this conclusion.

Instructively, the PTAB has held it is inefficient to institute an IPR for which a reasonable likelihood of success is shown as to only a small number of challenged claims. *See, e.g., Deeper, UAB v. Vexilar, Inc.*, IPR2018-01310, Paper 7 at 42-43 (PTAB Jan. 24, 2019) (informative) (denying institution where a petitioner demonstrated a reasonable likelihood of success on only two out of twenty-three claims); *Chevron Oronite Co. v. Infineum USA L.P.*, IPR2018-00923, Paper 9 at 10-11 (PTAB Nov. 7, 2018) (denying institution where a petitioner demonstrated a reasonable likelihood of success on only two out of twenty claims). The same is true here—even absent a present overlap between the two claims challenged in Ground 2 and the district court litigation, it would still be inefficient to go forward with an IPR because of just those two claims.

Indeed, the PTAB reached this same exact conclusion regarding Samsung's earlier IPR Petition against e this same '492 Patent and these same claims 17 and 18. After concluding that Ground 1 against claims 1-16 did not establish the required reasonable likelihood of success, the PTAB explained:

This leaves a single independent claim (claim 17) and a single dependent claim (claim 18) remaining for consideration. Even were we to conclude that Petitioner had established a reasonable likelihood of success as to claims 17 and 18, **this would leave at most two claims subject to a single ground** upon which a showing had been made, out of eighteen challenged claims. Based on the particular circumstances of this case, **it would be inefficient for the Board to expend resources on a full review of all eighteen challenged claims**, where Petitioner has failed to establish even a reasonable likelihood of success as to the vast majority of those claims. Accordingly, **we need not, and do not, take any position as to Petition’s showing on Ground 2 but instead exercise our discretion to review.**

(IPR2024-01247, Paper 14 at 22).

The PTAB should likewise exercise its discretion here.

b. Petitioners’ Belated *Sotera* Stipulation Should Not Avoid Discretionary Denial

Petitioners belatedly filed a *Sotera* stipulation on June 4, 2025, almost 6 weeks after filing the Petition. *See Sotera Wireless, Inc. v. Masimo Corporation*, IPR2020-01019, Paper 12 at 18-19 (PTAB Dec. 1, 2020) (precedential) (“*Sotera*”). But the PTO’s Guidance Memo makes clear that such a stipulation is no longer dispositive—regardless of a *Sotera* stipulation, PTAB and the Director can now exercise its discretion to deny institution. (EX2106 at 2).

And institution here would not serve the purpose of an IPR—a faster alternative to a district court or ITC invalidity challenge—because Petitioners are also still asserting that prior art invalidates the '492 Patent in the earlier district court litigation, and those invalidity challenges will be tried and decided months **before** any FWD. Institution will not thus preserve judicial resources, it will waste them by allowing Petitioners to challenge claims first in the district court litigation and then again before the PTAB. The Board can save resources by discretionarily denying this petition and allowing the district court to adjudicate the validity of these claims **before** the PTAB.

5. Factor 5: Petitioner And Patent Owner Are The Parties In The Parallel District Court Litigation

Here and in their prior Petitions against Collision patents, the Petitioners effectively conceded that this factor weighs against institution. Patent Owner Collision is the plaintiff in the parallel district court litigation, and the admitted Petition real party-in-interest Lenovo is the defendant. (Pet. at 86). Moreover, in their prior Petitions, Petitioners admitted that “while the [named] petitioners are different from the named defendant, [named Petitioners] Lenovo (United States) and Motorola Mobility LLC manufacture the accused products at issue in the litigation, and named defendant Lenovo Group Limited is their ultimate parent and holding company.” (*E.g.*, IPR2025-00303, Paper 3, at 68).

6. Factor 6: No Other Circumstances Justify Institution

The final *Fintiv* factor considers whether there are other circumstances that impact the exercise of discretion, including the merits of the Petition. But no other circumstances weigh against the PTAB and the Director exercising their discretion to deny institution. To the contrary, this factor (like all of the others) weighs in favor of exercising discretion and denying the Petition—as Patent Owner will show in its upcoming Preliminary Response, the Petition not only fails to establish compelling merits, it fails to establish even the required likelihood of success.

The Petition does not argue, much less establish, that compelling merits exist here. Nor would such an (incorrect) argument matter here in light of the other *Fintiv* factors and the holistic assessment weighing against institution. As the PTO’s Guidance Memo states, “compelling merits alone is not dispositive in making the [balanced] assessment [of all the relevant circumstances in the case.]” (EX2106 at 3).

The Petition fails to address Factor 6 or to even attempt to identify any additional circumstances that would impact the exercise of discretion here. Indeed, the Petition does not address any *Fintiv* factors. Accordingly, Factor 6, like Factors 1-5, weighs in favor of denying institution.

For all of the above reasons, the Petition should be discretionarily denied.

B. Settled Expectations In The Challenged Patent Provide Another Independent Reason To Discretionarily Deny The Petition

In addition to the foregoing *Fintiv* analysis, and factors, settled expectations provide another independent reason to discretionarily deny the Petition. For example, in *Cambridge Industries USA, Inc. v. Applied Optoelectronics, Inc.*, IPR Nos 2025-00433 and -00435, Paper No. 11, at 3 (PTAB, June 26, 2025), the PTAB and the Director found that there were strong “settled expectations” as to the challenged patents because they had been in force for nine and seven years, respectively, and, for that reason, discretionarily denied the petitions. Similarly, in *Intel Corp. v. Proxense, LLC*, IPR Nos. 2025-00327, -00328, and –00329, Paper No. 12 at 2 (PTAB June 26, 2025), PTAB and the Director discretionarily denied the three petitions—even though there was no longer an underlying district court trial date—because there were “settled expectations” as to the three challenged patents since they had been in force for nine years and, therefore, *inter partes* review was not “an appropriate use of Board resources.”

Here, the challenged ‘492 Patent has been in force for over 15 years, significantly longer than foregoing patents for which the Director already has found settled expectations making institution an inappropriate use of Board

resources. Accordingly, the settled expectations of the challenged patent alone establish that the Petition should be discretionarily denied.⁴

IV. Conclusion

For at least the reasons discussed above, Patent Owner respectfully requests that the Director and the Board exercise their discretion and deny institution of the Petition.

Dated: July 23, 2025

Respectfully submitted,

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⁴ Petitioners have not argued or attempted to prove any persuasive reasons for ignoring these settled expectations. Nor could they because, for example, the Petition identifies no significant change in law affecting the validity of the challenged patent. Moreover, the challenged patent was issued to a prominent company that is well known for developing and seeking patent protection for the exact type of technology used in Petitioners' products.

CERTIFICATE OF WORD COUNT

Pursuant to 37 C.F.R. §42.24(d), Patent Owner hereby certifies, in reliance on the word count of the word-processing system (Microsoft Office Word 2010) used to prepare this preliminary response, that the number of words in this paper is 4,247. This word count excludes the tables of contents, tables of authorities, certificate of word count, certificate of service, and table of exhibits.

Dated: July 23, 2025

/William A. Meunier/

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CERTIFICATE OF SERVICE

I certify that copies of Patent Owner's Request for Discretionary Denial of Institution and accompanying Exhibits 2101 through 2107 are being served by electronic mail on the following counsel of record:

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