

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

QUALCOMM INCORPORATED,
Petitioner

v.

COLLABO INNOVATIONS, INC.,
Patent Owner

Case IPR2025-01015

U.S. Patent No. 7,930,575

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

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Ex. 2001	Docket Report for <i>Collabo Innovations, Inc. v. Qualcomm Technologies, Inc.</i> , 6:24-cv-00472-ADA (W.D. Tex. Sep. 13, 2024) (retrieved on Aug. 15, 2025)
Ex. 2002	<i>Collabo Innovations, Inc. v. Qualcomm Technologies, Inc.</i> , 6:24-cv-00472-ADA, Dkt. No. 29, Scheduling Order
Ex. 2003	Declaration of David T. DeZern
Ex. 2004	Judge Albright Patent FAQ, available at https://www.txwd.uscourts.gov/for-attorneys/judge-albright-courtroom-faq/
Ex. 2005	Standing Order Governing Proceedings (OGP) v 4.4 for Patent Cases (Western District of Texas Waco Division)
Ex. 2006	Time-to-Trial Statistics for Judge Albright from January 1, 2022 to present, Docket Navigator (retrieved July 31, 2025)
Ex. 2007	Qualcomm's Subpoena to Intel Corporation dated July 15, 2025 (trimmed)
Ex. 2008	<i>Collabo Innovations, Inc. v. Qualcomm Technologies, Inc.</i> , 6:24-cv-00472-ADA, Dkt. No. 22, Order of Transfer and Reassignment
Ex. 2009	Excerpts of Qualcomm's Invalidity Contentions served in <i>Collabo Innovations, Inc. v. Qualcomm Technologies, Inc.</i> , 6:24-cv-00472-ADA (W.D. Tex. Sep. 13, 2024) (highlighting added)
Ex. 2010	Email from A. Sharma, counsel for Qualcomm, to counsel for Collabo regarding Qualcomm's stipulation
Ex. 2011	Prosecution History for U.S. Patent No. 9,740,265

Under Director Stewart’s March 26, 2025, Memorandum titled “Interim Processes for PTAB Workload Management” (“Workload Memo”), Patent Owner Collabo Innovations, Inc. (“Patent Owner”) respectfully requests that the Director exercise her discretion to deny institution of *inter partes* review (“IPR”) under 35 U.S.C. §§ 314(a) and/or 325(d).

I. INTRODUCTION

The Director should deny institution pursuant to 35 U.S.C. § 314 in view of the district court trial between Patent Owner and Petitioner with respect to the validity of the patent-in-issue in this proceeding, U.S. Patent No. 7,930,575 (the “’575 Patent”), that will commence on May 18, 2026—over seven months *before* the expected date of the Board’s final written decision if IPR is instituted. It makes no sense for the Board to expend substantial resources to decide issues that will have already been addressed and decided by the district court. Settled expectations also warrant denial. The ’575 Patent issued on April 11, 2011, allowing expectations to settle for over fourteen years. The Director should also deny institution under 35 U.S.C. § 325 because the challenged patent claims were thoroughly examined during prosecution and prior *inter partes* review proceedings in which the Office considered four of the eight prior art references the Petition presents.

II. THE '575 PATENT IS THE SUBJECT OF DISTRICT COURT LITIGATION SET FOR TRIAL IN LESS THAN NINE MONTHS

Patent Owner and Petitioner are parties to district court litigation involving the '575 Patent (hereinafter, the "Litigation"),¹ which has been pending since September 2024. On September 13, 2024, Patent Owner filed its Original Complaint against Petitioner for infringement of the '575 Patent in the United States District Court for the Western District of Texas. Litigation, Dkt. No. 1, Complaint (*see* Litigation Docket Report, Ex. 2001 at 1). The Court entered a scheduling order on December 20, 2024, where it set a trial date of May 18, 2026. Litigation, Dkt. No. 29, Scheduling Order, Ex. 2002 at 4.

Claim construction commenced on February 28, 2025. The parties briefed claim construction issues, and a *Markman* Hearing was held on June 2, 2025. Litigation, Dkt. No. 29, Scheduling Order, Ex. 2002 at 2; *see also* Litigation Docket Report, Ex. 2001 at 3-4.

Fact discovery commenced on May 26, 2025. Litigation, Dkt. No. 29, Scheduling Order, Ex. 2002 at 2. Initial disclosures have been exchanged, documents have been produced, numerous interrogatories and requests for production have been exchanged and answered, and third party discovery has commenced. *See* DeZern Declaration, Ex. 2003.

¹ *Collabo Innovations, Inc. v. Qualcomm Technologies, Inc.*, 6:24-cv-00472-ADA (W.D. Tex.).

In addition to their discovery activities, Patent Owner and Petitioner have also undertaken motion practice in the Litigation. The parties briefed a judge reassignment motion (Dkt. Nos. 15, 19), which was granted (Dkt. No 22), and a motion to dismiss (Dkt. Nos. 23, 26, 27), which was denied (Dkt. No 41). *See* Litigation Docket Report, Ex. 2001 at 2-4.

III. THE DIRECTOR SHOULD EXERCISE HER DISCRETION TO DENY INSTITUTION UNDER 35 U.S.C. § 314

Trial between Petitioner and Patent Owner in the Litigation is scheduled for May 18, 2026, which is over seven months before the expected date of the Board’s final written decision. *See* Litigation, Dkt. No. 29, Scheduling Order, Ex. 2002 at 4. Additionally, the ’575 Patent was issued more than fourteen years ago, creating settled expectations. As explained in detail below, in view of precedential guidance, these are precisely the circumstances in which the Director should deny institution of this proceeding.

Under Section 314(a), the Director “is permitted, but never compelled, to institute an IPR proceeding.” *Harmonic Inc. v. Avid Tech., Inc.*, 815 F.3d 1356, 1367 (Fed. Cir. 2016); *see also* 35 U.S.C. § 314(a). The Director may exercise her discretion under § 314(a) to deny institution of an *inter partes* review when the parties have a parallel district court proceeding scheduled to finish before the Board’s deadline to issue a final written decision in an instituted proceeding. *See, e.g., Apple, Inc. v. Fintiv, Inc.*, IPR2020-00019, Paper 11 at 3 (PTAB Mar. 20, 2020) (“*Fintiv*”) (precedential, designated May 5, 2020); *NHK Spring Co. v. Intri-Plex*

Techs. Inc., IPR2018-00752, Paper 8 (“*NHK Spring*”) (PTAB Sept. 12, 2018) (precedential, designated May 7, 2019); *Intel Corp. v. VLSI Tech. LLC*, IPR2019-01192, Paper 15 at 11 (PTAB Jan. 9, 2020) (“When considering the impact of parallel litigation in a decision to institute, the Board seeks, among other things, to minimize the duplication of work by two tribunals to resolve the same issue.”).

The Director frequently evaluates the following six factors in determining whether “to deny institution in view of an earlier trial date in the parallel proceeding”:

1. whether the court granted a stay or evidence exists that one may be granted if a proceeding is instituted;
2. proximity of the court’s trial date to the Board’s projected statutory deadline for a final written decision;
3. investment in the parallel proceeding by the court and the parties;
4. overlap between issues raised in the petition and in the parallel proceeding;
5. whether the petitioner and the defendant in the parallel proceeding are the same party; and
6. other circumstances that impact the Board’s exercise of discretion, including the merits.

Fintiv, Paper 11 at 5-6. However, these considerations are not exclusive. *See* Workload Memo at 2-3 (explaining the Director may evaluate other considerations).

As discussed below, the relevant factors weigh heavily in favor of denying institution in view of the parallel Litigation. *See Fintiv*, Paper 11 at 6 (“in evaluating the factors, the Board takes a holistic view of whether efficiency and integrity of the system are best served by denying or instituting review.”).

A. *Fintiv* Factor 1: A Stay Does Not Exist and Is Not Likely to be Granted

This factor weighs in favor of denying institution because the district court has not stayed the Litigation and it is not likely to be stayed in the future.

Petitioner has not filed a motion seeking a stay in the Litigation. But even if it did, the Western District of Texas routinely denies such motions when a *Markman* hearing has already been held and the scheduled district court trial precedes the PTAB’s expected final written decision. *See, e.g., Datanet LLC v. Dropbox Inc.*, No. 6:22-CV-01142-OLG-DTG, 2023 U.S. Dist. LEXIS 230030, at *3-12 (W.D. Tex. Dec. 28, 2023) (“the Court is not persuaded that a stay is more beneficial than the costs. Undergirding the Court’s analysis are important points worth repeating. First, the Court already held its *Markman* hearing—before this motion to stay was filed. Second, the trial is scheduled for February 10, 2025. Third, no IPRs have been instituted on any of [defendant]’s petitions. Finally, if institution is granted, the PTAB is not expected to issue a final written decision until at least April 2025, but perhaps October 2025.”); *Sonrai Memory Ltd. v. Kingston Tech. Co.*, No. 6:21-cv-1284-ADA, 2022 U.S. Dist. LEXIS 220114, at *4-6 (W.D. Tex. Oct. 18, 2022) (the Court denying a motion to stay finding that “[p]ushing back trial for a limited

proceeding (that may not eliminate the need for a jury trial) makes little sense here ... [and that] this case is not in an early stage. The Markman hearing [has already occurred”]; *Multimedia Content Mgmt. LLC v. Dish Network L.L.C.*, No. 6:18-CV-00207-ADA, 2019 U.S. Dist. LEXIS 236670, at *5-8 (W.D. Tex. May 30, 2019) (motion to stay denied where “the final decision at the PTAB would come months after the jury trial ... [and] the Court find[ing] particularly critical, at least in this case, [defendant]’s delay in filing for a stay after the Parties had briefed and argued claim construction at the Markman hearing.”).

Here, as discussed in further detail below, the district court trial is scheduled to begin more than seven months before a final written decision is expected if IPR is instituted. What is more, the district court and the parties have expended significant resources in the Litigation, including briefing claim construction and completion of a *Markman* hearing. Thus, even if Petitioner were to seek a stay of the Litigation, the court would likely deny any such request. This factor weighs in favor of discretionary denial.

B. *Fintiv* Factor 2: The Court’s Trial Date Significantly Precedes the Board’s Projected Statutory Deadline

This factor weighs heavily in favor of denying institution. “If the court’s trial date is earlier than the projected statutory deadline, the Board generally has weighed this fact in favor of exercising authority to deny institution under *NHK*.” *Fintiv*, Paper 11 at 9. Here, trial is scheduled to commence on May 18, 2026 (Litigation,

Dkt. No. 29, Scheduling Order, Ex. 2002 at 4), over seven months before the projected deadline for the Board’s final written decision if IPR is instituted.²

The Board has found similar circumstances—a seven-month gap between the district court trial and the Board’s final decision—to weigh in favor of denial. *See Google LLC v. Cerence Operating Co.*, IPR2024-01465, Paper 15 at 9 (“*Google-Cerence*”) (PTAB Apr. 23, 2025) (weighing factor 2 in favor of discretionary denial when “the district court has set a trial date of October 6, 2025, which is almost seven months before the final written decision in this proceeding would be due in late April 2026” and “nothing in the record indicates a trial in the District Court Litigation would not take place months before our deadline to reach a final decision”); *see also Google LLC v. Agis Software Dev., LLC*, IPR2020-00871, Paper 16 at 10–11 (PTAB Nov. 25, 2020) (finding this factor “significantly favors the exercise of discretionary denial” when “trial ... would be completed about seven months before a final written decision would be due”). Indeed, the Board has found this factor favors denial in cases with even less time between the trial date and final decision date. *See AT&T Servs. Inc. v. ASUS Tech. Licensing Inc.*, IPR2024-00997, Paper 15 at 9 (PTAB Dec. 16, 2024) (denying institution and holding that trial occurring “four to five months prior to the deadline for our final written decision, based on the scheduled trial date

² The Notice of Filing Date Accorded To Petition was mailed on June 20, 2025. Paper 5 at 1. A Final Written Decision is therefore anticipated by December 20, 2026. *See* 37 C.F.R. § 42.107(b); 35 U.S.C. §314(b); 35 U.S.C. §316(a)(11).

and median time-to trial statistics ... weighs substantially in favor of discretionary denial”); *Ericsson Inc. v. Active Wireless Techs. LLC*, IPR2024-00886, Paper 8 at 8-9 (PTAB Nov. 12, 2024) (collecting cases); *EClinicalWorks, LLC v. Decapolis LLC*, IPR2022-00229, Paper 10 at 9 (PTAB Apr. 13, 2022) (finding this factor weighed in favor of discretionary denial and denying institution where “the beginning of the jury trial in the WDTX Cases is roughly one to two months before any final decision would have been due had *inter partes* review been instituted”); *Apple Inc. v. Fintiv, Inc.*, IPR2020-00019, Paper 15 at 13 (PTAB May 13, 2020) (finding this factor weighed in favor of discretionary denial and denying institution where the district court trial was scheduled to occur two months before the deadline for the Board to reach a final written decision).

Judge Albright, the presiding judge in the Litigation, is highly unlikely to move this trial date, as he has a practice of “not mov[ing] the trial date except in extreme situations.” Albright FAQs, Ex. 2004. Further, the court’s May 18, 2026 trial setting (just over 20 months from filing) is consistent with the court’s default exemplary schedule, which gives credibility to the court’s entered schedule. *See* OGP v4.4, Ex. 2005 at 1-2, 15, 17 (exemplary schedule showing trials are to be scheduled approximately 19 months after filing: trial dates should be 52 weeks after *Markman* hearing (or as soon as practical), *Markman* hearing should be 23 weeks after CMC (or as soon as practical), and the CMC occurs 21 days after the defendant has responded to the initial pleading). In any event, even if Judge Albright moves the trial date back, the time-to-trial statistics for Judge Albright suggest the trial will

most likely happen before the expected final decision deadline. *See* Albright Time-to-Trial Statistics, Ex. 2006 (showing a 25.4-month median time-to-trial for cases before Judge Albright since 2022 and suggesting that trial date would still be before the written decision deadline (December 20, 2026) even if the trial date is pushed).

Because trial in the Litigation is scheduled to commence on May 18, 2026, more than seven months before the projected deadline for the Board’s final written decision if IPR is instituted, this factor weighs heavily in favor of denial. *See Google-Cerence*, Paper 15 at 9 (“Because the District Court Litigation will address the issues relating to the validity of the [challenged] patent in a trial scheduled to occur several months before we would issue a final written decision, we weigh the second *Fintiv* factor as favoring discretionary denial.”).

C. *Fintiv* Factor 3: The Court and Parties Have Made a Substantial Investment of Time and Resources in the Parallel Proceeding

This factor asks the Panel to “consider [] the amount and type of work that the court and the parties will have completed in the parallel litigation by the time of [an] institution decision.” *See Google-Cerence*, Paper 15 at 9. It “is related to the trial date factor, in that more work completed by the parties and court in the parallel proceeding tends to support the arguments that the parallel proceeding is more advanced, a stay may be less likely, and instituting would lead to duplicative costs.” *Fintiv*, Paper 11 at 10. This factor weighs heavily in favor of denying institution.

The district court and parties have already invested substantial time and effort in the Litigation. The parties have prepared and exchanged preliminary and amended

infringement contentions, preliminary and amended invalidity contentions, and initial disclosures; the parties have completed claim construction briefing; and the court has held a *Markman* hearing. *See* Litigation, Dkt. No. 29, Scheduling Order, Ex. 2002 at 1-2. This weighs in favor of denial. *See Arthrex, Inc. v. Medshape, Inc.*, IPR2025-00053, Paper 11 at 10-11 (Director April 25, 2025) (holding this factor favors denial where “the district court and the parties have invested effort in the Parallel Proceeding. For example, the parties have exchanged infringement and invalidity contentions, and briefed claim construction issues. [] The parties also have participated in a *Markman* hearing.”).

The parties have also undertaken significant discovery in the parallel Litigation. For example, the parties have produced nearly 100,000 pages of documents, Petitioner has produced source code, Patent Owner has undertaken source code review, and the parties have exchanged and/or answered 27 interrogatories and 121 requests for production. *See* DeZern Declaration, Ex. 2003; *see also Samsung Elecs. Co. Ltd. v. Four Batons Wireless, LLC*, IPR2025-00496, Paper 13 at 2 (Director July 17, 2025) (finding that “there has been meaningful investment in the parallel proceeding by the parties” (citing Paper 8 at 9-14) when the parties served infringement and invalidity contentions and merely exchanged preliminary claim constructions, but notably produced source code). Additionally, the parties have issued at least one third-party subpoena for production and testimony. *See* Petitioner’s Subpoena to Intel (trimmed), Ex. 2007.

Notably, Petitioner’s third-party subpoena to Intel seeks documents and information concerning prior art. *See id.* This subpoena, which seeks information concerning product prior art that cannot be asserted in IPR, highlights not only the efforts that have been undertaken in the district court proceedings, but also (as discussed further below) that this proceeding is not a “true alternative” to the district court proceeding. *See Motorola Solutions, Inc. v. Stellar, LLC*, IPR2024-01205, Paper 19 at 3-4 (“*Motorola Solutions*”) (PTAB March 28, 2025) (Director vacating decision granting institution where the petitioner’s “stipulation does not ensure that these [*inter partes* review] proceedings would be a ‘true alternative’ to the district court proceeding”).

The parties have also invested resources in the Litigation related to briefing and argument submitted in connection with various motions. For example, the parties’ submitted briefing in connection with a motion to reassign the Litigation to Judge Albright (Dkt. Nos. 15, 19). *See* Litigation Docket Report, Ex. 2001 at 2. The parties have also completed briefing on a motion to dismiss filed by Petitioner in the Litigation (Dkt. Nos. 23, 26, 27). *See id.* at 3.

The district court has also invested substantial resources into the Litigation. For example, the court reviewed the parties’ claim construction briefing, offered preliminary constructions, and held a *Markman* hearing on June 2, 2025. *Id.* at 4. The court has also expended resources resolving the reassignment motion and the motion to dismiss briefed by the parties (Dkt. Nos. 22, 41). *See id.* at 2 (ruling on Patent Owner’s reassignment motion); *id.* at 4 (ruling on Petitioner’s motion to

dismiss). Notably, the court relied on “Judge Albright’s experience with this case” in granting Patent Owner’s reassignment motion, highlighting Judge Albright’s investment in becoming familiar with the ’575 Patent and the technology underlying and implicated by Patent Owner’s infringement contentions. Litigation, Reassignment Order, Dkt. No. 22, Ex. 2008.

At the time an institution decision is expected (December 20, 2025), the parties’ and the district court’s investment in the Litigation will be even more substantial. Fact discovery in the Litigation is scheduled to close on December 19, 2025. Litigation, Dkt. No. 29, Scheduling Order, Ex. 2002 at 3. Roughly three weeks thereafter, the parties will serve expert reports (on January 9, 2026). *Id.* Consequently, the parties’ efforts in gathering and producing evidence in support of their respective cases will be substantially complete by the time an institution decision is expected.

Given the substantial time and effort the parties and the district court have already invested in the parallel litigation, and the additional investment they will make before an institution decision is expected, this factor weighs heavily in favor of discretionary denial.

D. *Fintiv* Factor 4: Issues Raised in the Petition Substantially Overlap with Issues Raised in the Litigation and IPR Is Not a “True Alternative” to the Litigation

“This factor evaluates ‘concerns of inefficiency and the possibility of conflicting decisions’ when substantially identical prior art is submitted in both the district court and the *inter partes* review proceeding.” *Google-Cerence*, Paper 15 at

11 (quoting *Fintiv*, Paper 11 at 12). In the memorandum regarding “Guidance on USPTO’s rescission of ‘Interim Procedure for Discretionary Denials in AIA Post-Grant Proceedings with Parallel District Court Litigation,’” issued by the Chief Administrative Patent Judge of the Patent Trial and Appeal Board on March 24, 2025 (hereinafter, “Guidance Memo”),³ the Chief Judge stated,

[A] timely-filed *Sotera* stipulation[] (*i.e.*, a stipulation from a petitioner that, if an [*inter partes* review] or [post-grant review] is instituted, the petitioner will not pursue in district court . . . any ground raised or that could have been reasonably raised in the [*inter partes* review]/[post-grant review]) is highly relevant, but will not be dispositive by itself.

Guidance Memo, 2-3. In considering this factor, the Panel should consider whether *inter partes* review would be a “true alternative” to parallel district court litigation. *See Motorola*, Paper 19 at 3-4 (Director vacating decision granting institution where the petitioner’s “stipulation does not ensure that these [*inter partes* review] proceedings would be a ‘true alternative’ to the district court proceeding”).

This factor weighs in favor of discretionary denial because there is substantial overlap in the invalidity theories presented in the Petition and in the Litigation, and

³Available at https://www.uspto.gov/sites/default/files/documents/guidance_memo_on_interim_procedure_rescission_20250324.pdf.

Petitioner's *Sotera* stipulation does not ensure that these IPR proceeding would be a true alternative to the parallel Litigation. Indeed, as discussed below, "Petitioner's invalidity arguments in the district court are more expansive" and include allegedly anticipatory system prior art and combinations including system prior art that "Petitioner's stipulation is not likely to moot." *See Motorola Solutions*, Paper 19 at 4. In short, this IPR proceeding would not be a "true alternative" to the district proceeding. *See id.* at 3-4.

1. The same art and arguments are at issue in the Litigation

"[I]f the petition includes the same or substantially the same claims, grounds, arguments, and evidence as presented in the parallel proceeding, this fact has favored denial. *Fintiv*, Paper 11 at 12. This factor favors denial because Petitioner asserts substantially the same prior art and arguments in both proceedings. *See NHK Spring*, Paper 8 at 20. There is complete overlap of the claims; the Petition challenges the same set of claims asserted in the Litigation. And there is substantial overlap of the prior art references—seven of the eight references relied upon by the Petition are also relied upon by Petitioner in the district court. In other words, Petitioner's invalidity contentions served in the Litigation repeat all of the assertions made in the Petition with the exception that the Petition contains the Peterson reference (applied to a single dependent claim) not asserted in the Litigation.

Invalidity Assertions in the Litigation	Invalidity Assertions in the Petition
Any combination of <i>Lee</i> , <i>Jahagirdar</i> , <i>Kang</i> , <i>Higashida</i> , <i>Shikata</i> , <i>Crump</i> , and <i>Chung</i> anticipate or render obvious all asserted claims (claims 1-3, 5, 8, 11, 12, 15, and 16)	<i>Lee</i> and <i>Jahagirdar</i> render obvious claims 1, 3, 5, 8, 11, 12, 15, and 16
	<i>Lee</i> , <i>Jahagirdar</i> , and <i>Peterson</i> render obvious claim 2
	<i>Lee</i> , <i>Jahagirdar</i> , and <i>Kang</i> render obvious claim 3
	<i>Lee</i> , <i>Jahagirdar</i> , and <i>Higashida</i> render obvious claim 11
	<i>Shikata</i> and <i>Crump</i> render obvious claims 1, 5, 11, 12, and 15
	<i>Shikata</i> , <i>Crump</i> , and <i>Peterson</i> render obvious claim 2
	<i>Shikata</i> , <i>Crump</i> , and <i>Kang</i> render obvious claim 3
	<i>Shikata</i> , <i>Crump</i> , and <i>Chung</i> render obvious claim 16

See Excerpts of Petitioner’s Invalidity Contentions, Ex. 2009 at 2-9; Petition at 5. The substantial overlap raises “concerns of inefficiency and the possibility of conflicting decisions,” weighing in favor of denial. *Fintiv*, Paper 11 at 12.

Petitioner’s reliance on Peterson, which is not relied upon in the Litigation, to challenge dependent claim 2 is a hollow attempt to make the Petition appear to

address different issues than those in the Litigation. The fact is, the Petition combines Peterson with other references for disclosure of a single element (“clock stop control signal”) of a single dependent claim (claim 2). Petition at 49, 74. This difference is miniscule in view of a Petition with eight references challenging nine claims that comprise a multitude of claim elements. Thus, the Petition “includes the same or substantially the same claims, grounds, arguments, and evidence as presented in the parallel proceeding.” *Fintiv*, Paper 11 at 12.

2. IPR would not be a true alternative to the Litigation

This factor also weighs in favor of denial because IPR would not be a “true alternative” to the district court proceeding.

Although Petitioner has not submitted any stipulation to the Board, Petitioner e-mailed the stipulation attached as Exhibit 2010 to Patent Owner on July 15, 2025. Petitioner’s purported stipulation states that Petitioner will not pursue in the Litigation any “grounds that were raised or reasonably could have been raised in the instituted IPR petition and any grounds that include any prior art references relied upon in any of the grounds in the IPR petition.” Petitioner’s Purported *Sotera* Stipulation, Ex. 2010. But Petitioner’s purported stipulation does not address any of the product or system art asserted in the Litigation, which cannot be raised in IPR.

Petitioner’s invalidity contentions in the Litigation assert at least four products it alleges anticipate or render obvious, alone or in combination with other references, all asserted claims of the ’575 Patent. *See* Excerpts of Petitioner’s Invalidity Contentions, Ex. 2009 at 2-5, 10-13 (“Claims 1, 2, 3, 5, 8, 11, 12, 15, and 16 [of]

U.S. Patent No. 7,930,575 Are Anticipated and/or Rendered Obvious by [Qualcomm MSM7500/Transmeta Crusoe Processor Model TM5400/TM5600/Intel XScale PXA250 and PXA210 Processors/Intel StrongARM SA-1110]”). Additionally, Petitioner contemplates combining the alleged product prior art with *any* of the references contained in the contentions (23 total). *See id.* at 5, 7-9 (“Defendants contend that each charted prior art item can be combined with other charted prior art items when a particular prior art item lacks or does not explicitly disclose a limitation or feature of an Asserted Claim.”). Notably, Petitioner does not stipulate that it will not assert product or system prior art in combination with prior art that it *could have raised* before the Board. As a result, Petitioner’s stipulation does not cover Petitioner’s substantial product and system-based invalidity contentions, whether asserted alone or in combination with references not asserted in the IPR (which is at least 12 references). This weighs in favor of denying institution. *See Motorola Solutions*, Paper 19 at 3-4 (“Petitioner’s [*Sotera*] stipulation does not ensure that these IPR proceedings would be a ‘true alternative’ to the district court proceeding. Petitioner’s invalidity arguments in the district court are more expansive and include combinations of the prior art ... which Petitioner’s stipulation is not likely to moot.”) (citation omitted).

Given the substantial overlap between the grounds asserted here and those in the Litigation, as well as the fact that IPR (absent invalidation of all challenged claims) would not meaningfully limit the scope of validity proceedings (i.e., it would not be a “true alternative” to the Litigation on issues of validity), this factor weighs

heavily against institution. Regardless, the district court will address the same validity issues raised by the Petition (and more) well before the Board is scheduled to reach a final decision if IPR is instituted. There is no reason why the Board should redo the work of another tribunal regarding the same issues. This factor weighs in favor of denial.

E. *Fintiv* Factor 5: Petitioner is the Defendant in the Litigation

Petitioner is the defendant in the Litigation. Accordingly, this factor weighs in favor of denying institution. *See SAP America, Inc. v. Cyandia, Inc.*, IPR2024-01496, Paper 13 at 9 (PTAB April 7, 2025) (“The fact that Petitioner is also the defendant in the Litigation weighs in favor of discretionarily denying institution.”).

F. *Fintiv* Factor 6: Other Circumstances, Including the Merits, Weigh in Favor of Discretionary Denial

“The final *Fintiv* factor takes into account other circumstances that may bear on the decision to exercise discretion to deny institution” *Google-Cerence*, Paper 15 at 15.

1. Settled Expectations Favor Discretionary Denial

The Director may consider the “[s]ettled expectations of the parties, such as the length of time the claims have been in force.” Workload Memo at 2. Here, the claims of the ’575 Patent have been in force for over 14 years, and the owners of the patent have paid three maintenance fees. Furthermore, the ’575 Patent has been subjected to two prior *inter partes* review proceedings in which the Board declined to institute the petitions. *See* Petition at 8; *see also* AMD IPR Institution Decisions,

Exs. 1015, 1018. The well-settled expectations regarding the validity and enforceability of the '575 Patent favor denial. *See, e.g., Kahoot! AS v. Interstellar Inc.*, IPR2025-00696, Paper 12 at 2 (PTAB July 31, 2025) (“the challenged patent has been in force for over six years, creating strong settled expectations”) (emphasis added); *Amgen Inc. v. Bristol-Myers Squibb Co.*, IPR2025-00601, 602, 603, Paper 9 at 3 (PTAB July 24, 2025) (“the challenged patents have been in force for seven and six years, respectively, creating strong settled expectations for Patent Owner.”) (emphasis added); *Smartsky Networks LLC v. Gogo Business Aviation LLC*, IPR2025-00672, Paper 10 at 2 (PTAB July 31, 2025) (“the challenged patent has been in force for seven years, creating strong settled expectations”) (emphasis added); *Tanklogix, LLC v. Sitepro, Inc.*, IPR2025-00647-653, Paper 10 at 3 (PTAB July 31, 2025) (“the challenged patents have been in force for seven, eleven, and nine years, respectively, creating strong settled expectations for Patent Owner.”) (emphasis added).

Additionally, Petitioner has known of the '575 Patent (which issued in 2011) since at least 2015. On December 28, 2015, Petitioner identified U.S. Patent Publication No. 2008/0065920 (the “'920 Publication”) in an information disclosure statement it filed during prosecution of Petitioner’s patent application number 14/596,087 (which issued as U.S. Patent No. 9,740,265). *See* '265 Patent Prosecution History, Ex. 2011 at 73. The '920 Publication is the patent application publication for the '575 Patent. *See* '575 Patent, cover page (“Prior Publication Data”). Petitioner’s awareness of the application that issued as the '575 Patent and

failure to seek early review of the '575 Patent favors denial. *See iRhythm Technologies, Inc. v. Welch Allyn, Inc.*, IPR2025-00363, Paper 10 at 3 (PTAB June 6, 2025) (“Petitioner’s awareness of Patent Owner’s applications and failure to seek early review of the patents favors denial”).

2. The Petition’s Merits are Weak

At this stage, “a full analysis of the merits is not necessary; rather, the parties may point out particular strengths and weaknesses to aid [the Director] in deciding whether the merits tip the balance [of considerations] one way or another.”⁴ *Id.* at 15; *see also Fintiv*, Paper 11 at 15 (“[I]f the merits of the grounds raised in the petition are a close[] call, then that fact has favored denying institution when other factors favoring denial are present. This is not to suggest that a full merits analysis is necessary to evaluate this factor.”). Weakness on the merits weighs in favor of denying institution. *See E-One v. Oshkosh Corp.*, IPR2019-00162, Paper 16 at 13-20 (PTAB June 5, 2019) (weakness on the merits weighed heavily in favor of denying institution). But the strength of the merits is not dispositive. *See* Guidance Memo at 3 (“compelling merits alone is not dispositive” in considering whether to exercise discretion); *see also SAP America, Inc. v. Cyandia, Inc.*, IPR2024-01432,

⁴ Consistent with this view, and as can be appreciated, this Discretionary Denial Brief only highlights certain weaknesses of the Petition. Patent Owner will more fully address Petitioner’s arguments and the asserted references’ shortcomings in its merits-based Preliminary Response.

Paper 14 at 10-11 (PTAB April 7, 2025) (denying institution finding this factor to be neutral and that the strength of the merits did not outweigh the other *Fintiv* factors even though petitioner’s challenge “definitely satisfies the institution standard”). Here, the strength of the merits does not warrant institution.

Petitioner is unlikely to prevail on the merits because the references the Petition relies on do not disclose each limitation of the challenged claims. Further underscoring the weakness of Petitioner’s challenges, the Petition relies solely on obviousness combinations and does not include any anticipation grounds. As will be discussed in further detail in Patent Owner’s merits-based Preliminary Response, and is obvious from the Petition, Petitioner’s obviousness challenges are plainly the result of improper hindsight reasoning.

Ground I (Claims 1, 3, 5, 8, 11, 12, 15, and 16)

Ground I, which challenges independent claim 1 and claims depending therefrom, relies on Lee (Ex. 1005) and Jahagirdar (Ex. 1006), however, Lee in view of Jahagirdar fails to disclose each and every limitation of claim 1. Thus, Petitioner is unlikely to prevail on ground I.

Patent Owner’s Preliminary Response will demonstrate, for example, that neither Lee nor Jahagirdar disclose claim elements [1g] (“the CPU, upon receiving the shutdown request signal, executes a power shutdown microprogram, evacuates the information necessary in proceeding with the program to the information holding unit, and outputs an evacuation completed signal to the power supply control unit after evacuation is completed”), [1j] (“the power supply control unit, upon receiving

the evacuation completed signal, outputs a clock stop control signal to the clock generator”), and [10] (“the CPU, upon receiving the restoration request signal, executes a power supply restoration microprogram, restores the information necessary in proceeding with the program ... and then branches a process to an address indicated by a program counter to continue program execution from a shutdown state.”). ’575 Patent, Claim 1.

Patent Owner’s Preliminary Response will additionally show that Petitioner offers no persuasive rationale for why a person of ordinary skill in the art would have combined the fundamentally distinct teachings of Lee and Jahagirdar. The proposed combination is driven purely by hindsight and fails to identify any coherent or logical motivation grounded in the prior art.

The remaining claims challenged in ground I all depend from independent claim 1. Because Lee in combination with Jahagirdar fails to disclose every limitation of claim 1 and there is no motivation to combine Jahagirdar with Lee, the challenges to the dependent claims likewise fail.

Grounds II-IV (Claims 2, 3, and 11)

Petitioner is unlikely to prevail on grounds II-IV. Ground II combines Peterson (Ex. 1010) with the Lee-Jahagirdar combination to challenge claim 2, ground III combines Kang (Ex. 1011) with the Lee-Jahagirdar combination to challenge claim 3, and ground IV combines Higashida (Ex. 1009) with the Lee-Jahagirdar combination to challenge claim 11. Yet, Petitioner does not rely on Peterson, Kang, or Higashida to disclose any limitations of independent claim 1 from

which claims 2, 3 and 11 depend. Consequently, grounds II-IV suffer at least the same shortcomings as ground I.

Ground V (Claims 1, 5, 11, 12, and 15)

Petitioner is unlikely to prevail on ground V, which challenges independent claim 1 and claims depending therefrom based on Shikata (Ex. 1007) and Crump (Ex. 1008).

Patent Owner's Preliminary Response will demonstrate, for example, that neither Shikata nor Crump disclose claim elements [1f] ("the power supply control unit outputs a shutdown request signal to the CPU in response to an occurrence of a power shutdown factor"), [1g] ("the CPU, upon receiving the shutdown request signal, executes a power shutdown microprogram, ... and outputs an evacuation completed signal to the power supply control unit after evacuation is completed"), [1j] ("the power supply control unit, upon receiving the evacuation completed signal, outputs a clock stop control signal to the clock generator"), [1m] ("the power supply control unit outputs a restoration request signal to the CPU ..."), and [1o] "the CPU, upon receiving the restoration request signal, executes a power supply restoration microprogram, restores the information necessary in proceeding with the program ... and then branches a process to an address indicated by a program counter to continue program execution from a shutdown state."). '575 Patent, Claim 1.

Patent Owner's Preliminary Response will further show Petitioner fails to establish a sufficient motivation to combine Shikata with Crump. The proposed combination amounts to an improper hindsight reconstruction that would render

Shikata's own teachings inoperable or redundant. Accordingly, the asserted combination lacks any articulable motivation and fails.

The remaining claims challenged in ground V all depend from independent claim 1, thus, the challenges to the dependent claims likewise fail.

Grounds VI-VIII (Claims 2, 3, and 16)

Petitioner is unlikely to prevail on grounds VI-VIII. Ground VI combines Peterson (Ex. 1010) with the Shikata-Crump combination to challenge claim 2, ground VII combines Kang (Ex. 1011) with the Shikata-Crump combination to challenge claim 3, and ground VIII combines Chung (Ex. 1012) with the Shikata-Crump combination to challenge claim 16. Yet, Petitioner does not rely on Peterson, Kang, or Chung to disclose independent claim 1 from which claims 2, 3 and 16 depend from. Consequently, grounds VI-VIII suffer at least the same shortcomings as ground V.

3. Other Circumstances Favor Denial

Petitioner's over-reliance on its 160-page expert declaration also weighs in favor of denial. *See* Workload Memo at 2 (“[T]he parties are permitted to address all relevant considerations, which may include: ... [t]he extent of the petition's reliance

on expert testimony.”);⁵ *see also* FAQs for Interim Processes for PTAB Workload Management⁶:

While the Board may consider expert testimony, as a matter of efficiency, extensive reliance on expert testimony and/or reasonable disputes between experts on dispositive issues may suggest that the questions are better resolved in an Article III court. The statute and our reviewing court require that petitions be based on prior art patents and printed publications. As the judges have technical and legal expertise, it is not necessary for an expert to explain every aspect of the prior art. It is most helpful if an expert is providing focused testimony, for example to provide helpful context or to explain terms of art. The failure to provide focused expert testimony may weigh against institution.

Dr. Annavaram’s declaration provides anything but focused testimony. Further, the Petition relies heavily on conclusory expert testimony that does not articulate a clear

⁵ Whether the additional considerations outlined in the Memorandum are considered to be a part of *Fintiv* factor 6 analysis or separate, the Director may consider such additional consideration in discretionarily denying institution.

⁶ FAQs for Interim Processes for PTAB Workload Management, available at <https://www.uspto.gov/patents/ptab/faqs/interim-processes-workload-management>.

rationale explaining why a POSITA would have been motivated to combine references. *See, e.g.*, Annavaram Declaration, Ex. 1002 at ¶¶ 163-173, 253-255, 262-263, 267-268, 270-274, 328-329, 333-334, 340-341. Moreover, the Petition relies heavily on Petitioner having its expert fill in gaps in the asserted prior art references. The phrase “a POSITA would ...” appears 71 times in the Petition.

There are several additional considerations that relate to efficiency and weigh in favor of discretionary denial. *See* Workload Memo at 2-3 (“[T]he parties are permitted to address all relevant considerations, which may include ... [a]ny other considerations bearing on the Director’s discretion ... These processes aim to improve PTAB efficiency”). From an efficiency perspective, it makes no sense for the Board to undertake review of a patent that will also be addressed at an earlier trial in a parallel district court proceeding. Additionally, and as discussed further below, the Office considered Higashida and Lee during examination of the application that issued as the ’575 Patent and Jahagirdar and Chung during post-grant reviews. *See* § IV.A below. Of these references, Lee and Jahagirdar in particular are relied upon as the primary basis for four of the eight grounds asserted in the Petition. From efficiency and integrity of the patent system perspectives, it makes no sense for the Board to revisit these references once again.

Accordingly, based on the merits and other circumstances, *Fintiv* Factor 6 favors denial.

* * *

Considering the relevant factors as a whole, the efficiency and integrity of the system are best served by denying review. The Director should exercise her discretion to deny institution under § 314(a).

IV. THE BOARD SHOULD DENY THE PETITION BY EXERCISING DISCRETION UNDER § 325

The Board also has the discretion to deny institution of a trial based on 35 U.S.C. § 325(d) when “the same or substantially the same prior art or arguments previously were presented to the Office.” 35 U.S.C. § 325(d). Here, denial is proper because, during prosecution and prior *inter partes* reviews of the ’575 Patent, the Office considered four of the eight references relied upon by the Petition (Higashida and Lee during prosecution and Jahagirdar and Chung during post-grant reviews) and many other microcontroller references. Moreover, Petitioner failed to demonstrate a material error by the Office.

In *Advanced Bionics, LLC v. MED-EL Elektromedizinische Geräte GmbH*, IPR2019-01469, Paper 6 (PTAB Feb. 13, 2020) (“*Advanced Bionics*”) (precedential, designated March 24, 2020), the Board sets forth a two-part framework for determining whether denial under § 325(d) is proper. The Board determines: “(1) whether the same or substantially the same art previously was presented to the Office or whether the same or substantially the same arguments previously were presented to the Office; and (2) if either condition of first part of the framework is satisfied, whether the petitioner has demonstrated that the Office erred in a manner material to the patentability of challenged claims.” *Id.* at 8.

Factors to provide guidance to this determination are set forth in *Becton, Dickinson & Co. v. B. Braun Melsungen AG*, IPR2017-01586, Paper 8 (PTAB Dec. 15, 2017): “(a) the similarities and material differences between the asserted art and the prior art involved during examination; (b) the cumulative nature of the asserted art and the prior art evaluated during examination; (c) the extent to which the asserted art was evaluated during examination, including whether the prior art was the basis for rejection; (d) the extent of the overlap between the arguments made during examination and the manner in which Petitioner relies on the prior art or Patent Owner distinguishes the prior art; (e) whether Petitioner has pointed out sufficiently how the Examiner erred in its evaluation of the asserted prior art; and (f) the extent to which additional evidence and facts presented in the Petition warrant reconsideration of the prior art or arguments.” *Id.* at 17-18. “If, after review of factors (a), (b), and (d), it is determined that the same or substantially the same art or arguments previously were presented to the Office, then factors (c), (e), and (f) relate to whether the petitioner has demonstrated a material error by the Office.” *Advanced Bionics*, Paper 6 at 10. “The proceedings in which the art was previously presented include, for example: examination of the underlying patent application ... and AIA post-grant proceedings involving the challenged patent.” *Id.* at 8.

A. The Same or Cumulative Art and Arguments were Previously Presented to the Office

As to *Becton, Dickinson* factor (a), half of the references (four out of eight) relied upon by the Petition were considered by the Office. Higashida (Ex. 1009) was specifically searched for by the examiner during prosecution.

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EAST Search History (I nterference)						

S76	2	"7167991".pn.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2010/08/26 13:43
EAST Search History (I nterference)						

'575 Patent Prosecution History, Ex. 1002 at 261, 273. More importantly, Higashida was used by the examiner as a § 102 reference to reject claims.

Notice of References Cited		Application/Control No. 11/898,145		Applicant(s)/Patent Under Reexamination SUGINAKA ET AL.	
		Examiner NITIN C. PATEL		Art Unit 2116	Page 1 of 1
U.S. PATENT DOCUMENTS					
*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-7,167,991	01-2007	Higashida, Motoki	713/320

6. Claims 1 – 26, are rejected under 35 U.S.C. 102(e) as being anticipated by Higashida, US Patent 7,167,991 B2,.

Id. at 247-251, 254. Although the applicant added limitations to the claims to overcome Higashida, the examiner applied Higashida to the same claims challenged in the Petition.

Lee (Ex. 1005) was also specifically searched for by the examiner, indicating a targeted interest in Lee and suggesting the examiner read and considered Lee for the office action.

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Id. at 267. Higashida and/or Lee, both of which were considered by the examiner, are asserted against every challenged claim and in half (four out of eight) of the Grounds of the Petition, Lee being a primary reference relied upon by the Petitioner.

Jahagirdar (Ex. 1006) and Chung (Ex. 1012) were “presented to the Office” in the form of two *inter partes* review petitions. *See* Petition at 8. Jahagirdar was the primary reference for one petition and Chung was the primary reference for the other. *Id.* In declining to institute the petitions, the Board became familiar with and analyzed these references in relation to the ’575 Patent. *See* AMD IPR Institution Decisions, Exs. 1015, 1018. Jahagirdar and/or Chung are asserted against every challenged claim and in a majority (five out of eight) of the Grounds of the Petition.

As to *Becton, Dickinson* factor (b), the other four references in the Petition, Peterson (Ex. 1010), Kang (Ex. 1011), Shikata (Ex. 1007), and Crump (Ex. 1008), are cumulative of the microcontroller prior art references previously considered by the Office. The examiner verified that he substantively reviewed at least 19 different prior art references in the field of microcontrollers, all of which are

directed to microcontroller shutdown, power management, and/or clock control. *See* '575 Patent Prosecution History, Ex. 1002 at 254, 274-275, 388.⁷ For example, the clock generator of Peterson capable of a delayed shutdown mode is not meaningfully distinct from previously considered references.⁸ And Kang merely organizes familiar concepts—such as CPU evacuation, clock gating, and stateful resume—into a single design without offering materially new insights beyond those already reviewed by the examiner.⁹ Shikata's use of state retention and voltage-domain control also does not present any materially new teachings beyond these references.¹⁰ And Crump's implementation of a state preservation and restoration sequence adds no new dimension and is redundant to what was already considered by the examiner.¹¹

⁷ The examiner considered at least US7,167,991; US5,978,922; US7,730,330; US6,535,982; US7,380,149; US7,430,677; US5,379,435; US7,103,758; US2003/0097510; US2006/0198227; US2004/0257898; JP06-161617; JP63-298654; JP58-169218; JP61-182123; JP06-124150; JP11-259376; JP2002-288150; JP2004-030100.

⁸ *See, e.g.*, US 7,103,758; US 2003/0097510; and JP06-124150.

⁹ *See, e.g.*, US7,430,677; US2004/0257898; JP63-298654; JP58-169218; and JP06-124150.

¹⁰ *See, e.g.*, US6,535,982; US2006/0198227; and JP2002-288150.

¹¹ *See, e.g.*, US5,379,435; JP06-161617; and JP 11-259376.

As to *Becton, Dickinson* factor (d), “the same or substantially the same arguments previously were presented to the Office.” *Advanced Bionics*, Paper 6 at 8. Each reference relied upon in the Petition falls in the microcontroller art and is cumulative over the multiplicity of references presented to and considered by the Office. For example, the examiner applied Higashida in a rejection similar to Petitioner’s application of the Petition’s references to the claims of the ’575 Patent. ’575 Patent Prosecution History, Ex. 1002 at 247-251. As another example, in the prior *inter partes* reviews challenging the claims of the ’575 Patent, which were denied institution, the petitioner applied Jahagirdar and Chung in a similar manner to Petitioner’s application of the Petition’s references here. *See* AMD IPR Petitions, Exs. 1013, 1016.

Thus, *Becton, Dickinson* factors (a), (b), and (d) weigh in favor of denying institution because the same—or at least cumulative—art cited in the Petition was previously presented to the Office and the same or substantially the same arguments were previously presented to the Office. Therefore, the first prong of *Advanced Bionics* favors denial.

B. Petitioner cannot Demonstrate that the Office Erred in a Manner Material to the Patentability of Challenged Claims

Becton, Dickinson factors (c), (e), and (f) also weigh in favor of denying institution. Thus, under the second prong of *Advanced Bionics*, Petitioner cannot show that the examiner erred in a manner material to patentability.

As to *Becton, Dickinson* factor (c), as discussed above, the Office was aware of Higashida, Lee, Jahagirdar and Chung. *See* '575 Patent Prosecution History, Ex. 1002 at 261, 273, 247-251, 254; AMD IPR Institution Decisions, Exs. 1015, 1018. In fact, the examiner used Higashida as a § 102 reference to reject claims. '575 Patent Prosecution History, Ex. 1002 at 247-251. What is more, the examiner presumably substantively evaluated Lee to craft his rejections and chose not to use Lee. *Id.* at 267. The fact that the examiner did not use Lee is of little consequence, however, in view of the multiplicity of other cumulative microcontroller references considered over the span of the '575 Patent prosecution. *Id.* at 254, 274-275, 388.

As to *Becton, Dickinson* factors (e) and (f), after a thorough examination of the '575 Patent, the Office allowed the claims to issue. Post grant, the '575 Patent survived not one but two *inter partes* review challenges. The record shows that the Office considered at least half of the prior art references relied on in the Petition and the other half are cumulative of art considered by the examiner and the Board. *See* § IV.A above. Nothing in the prosecution history suggests the Office overlooked the teachings of Peterson, Kang, Shikata, and Crump. *See id.* Petitioner cannot sufficiently explain how the Office erred in its evaluation of the asserted prior art.

Petitioner cannot argue that the Office employed a construction of “microcontroller” inconsistent with the Court’s recent ruling (plain and ordinary meaning) or established claim construction principles. For example, the Board in denying institution in the prior *inter partes* reviews challenging the '575 Patent

used a construction that “is consistent with the term’s ordinary meaning.” AMD IPR Institution Decisions, Ex. 1015 at 8, Ex. 1018 at 7.

Accordingly, the Board should deny institution under § 325(d) because the references presented in the Petition are the same, substantially the same, or at the very least cumulative of those the Office considered during prosecution and Petitioner cannot demonstrate a material error by the Office. *See Advanced Bionics*, Paper 6 at 8.

V. CONCLUSION

For the reasons discussed above, Patent Owner respectfully requests that the Director exercise her discretion to deny institution of this *inter partes* review proceeding.

Dated: August 20, 2025

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CERTIFICATE OF COMPLIANCE WITH WORD COUNT

Pursuant to the March 26, 2025, memorandum entitled “Interim Processes for PTAB Workload Management” and consistent with 37 C.F.R. § 42.24, I certify that this Request For Discretionary Denial complies with the type-volume limits of the March 26, 2025 memorandum because it contains 7,864 words, excluding the parts of this brief that are exempted by 37 C.F.R. § 42.24(a)(1), according to the word processing system used to prepare this brief.

Dated: August 20, 2025

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CERTIFICATE OF SERVICE

I hereby certify that on August 20, 2025, a copy of Patent Owner's Request For Discretionary Denial has been served in its entirety via email on the following:

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