

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NINTENDO CO., LTD., and
NINTENDO OF AMERICA INC.,
Petitioners

v.

RESONANT SYSTEMS, INC.,
Patent Owner

Case No. IPR2025-01098
U.S. Patent No. 8,860,337
Issue Date: October 14, 2014

Title: LINEAR VIBRATION MODULES AND LINEAR-RESONANT
VIBRATION MODULES

**PETITIONERS' MOTION TO WITHDRAW
PETITION FOR *INTER PARTES* REVIEW**

I. INTRODUCTION

The Board authorized Petitioner to file a motion to withdraw the present petition for *inter partes* review (“IPR”) and thereby terminate IPR2025-01098 directed to U.S. Patent No. 8,860,337 (“the ’337 patent”). *See* Ex. 3001. Petitioner and Patent Owner have conferred via email, and Patent Owner does not oppose the relief requested in this motion. Petitioner respectfully requests that the Board withdraw the present petition and terminate IPR2025-01098, consistent with Board’s precedent allowing petitioners to withdraw IPR petitions pre-institution. This proceeding is in its preliminary phase, and the Board has not yet reached the merits by issuing a decision on institution.

II. BACKGROUND AND RELATED IPR PROCEEDINGS

The petition filed in this IPR is one of two petitions that Petitioner filed against the ’337 patent. Petitioner filed the first petition in IPR2025-00680 on March 10, 2025, and the second petition in this IPR on June 23, 2025. In Petitioner’s Explanation for and Ranking of Two Petitions Challenging U.S. Patent No. 8,860,337 (Paper 4) (“Ranking Paper”), Petitioner explained the circumstances that led it to file two petitions. Petitioner also stated that although it filed “two petitions, it requests that the Board institute only one petition.” Ranking Paper at 1. Specifically, Petitioner requested that if Petitioner’s Motion for Joinder in IPR2025-00680 is granted, the Board also grant institution in IPR2025-00680 instead of in

IPR2025-01098. But if the Board does not grant Petitioner's Motion for Joinder in IPR2025-00680, Petitioner requested the Board grant institution of IPR2025-01098.

The Board granted Petitioner's Motion for Joinder in IPR2025-00680 and instituted that IPR. *See* IPR2025-00680, Paper 21 (Decision Granting Institution of *Inter Partes* Review and Granting Motion for Joinder) (October 3, 2025). On October 9, 2025, Petitioner emailed the Board to request authorization to file a motion to withdraw its petition in IPR2025-01098, consistent with Petitioner's statements in its Ranking Paper. On October 15, 2025, The Board authorized Petitioner's request to file this Motion. *See* Ex. 3001.

III. ARGUMENTS

Good cause exists to withdraw the present petition and terminate IPR2025-01098. The proceeding is in its preliminary stage and a decision on institution is not due until January 12, 2026. The Board has precedent for allowing petitioners to withdraw IPR petitions pre-institution. *See* IPR2018-01286, Paper 14 (Order); IPR2018-01795, Paper 8 (Order); IPR2015-01270, Paper 11 (Order). Moreover, withdrawal of the present petition does not prejudice the Patent Owner, which does not oppose the filing of this motion.

IV. CONCLUSION

Petitioner respectfully requests that the Board withdraw the present petition and terminate IPR2025-01098 for reasons set forth herein.

Petitioner's Motion to Withdraw Petition

Respectfully submitted,

ORRICK, HERRINGTON & SUTCLIFFE LLP

Dated: October 16, 2025

By: */Jeremy Jason Lang/*

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CERTIFICATE OF SERVICE

The undersigned certifies that on October 16, 2025, a copy of the following was served in its entirety via electronic mail, upon the following attorneys of record for Petitioner:

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