

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ELEMENT TV COMPANY, LP, AND
ELEMENT TELEVISION COMPANY, LLC,
Petitioners

v.

NOKIA CORPORATION and NOKIA TECHNOLOGIES OY,
Patent Owner.

IPR2025-01108; IPR2025-01109

U.S. Patent No. 7,532,808

STATEMENT REGARDING MULTIPLE PETITIONS

Petitioners submit this Paper in support of their Petitions challenging claims of U.S. Patent No. 7,532,808 (the “’808 patent”). Pursuant to the November 2019 Consolidated Trial Practice Guide, Petitioners provide this Paper to (1) rank the Petitions for the Board’s consideration, and (2) identify the differences between the Petitions and the reasons justifying multiple petitions.

I. Ranking of Petitions

Petitioners request consideration of the Petitions in the following order:

Rank	Petition	Prior Art	Claims Challenged
1	IPR2025-01108	Karczewicz, MPEG-1, H.263	1-2, 6-7, 9, 23-25, 28-30, 32, 34, 36, 39-41, 43, 65
2	IPR2025-01109	Karczewicz, MPEG-1, H.263	10, 11, 15-16, 20-22, 44, 47-49, 51-54, 58-60, 62-64

II. Material Differences and Additional Factors that Support Permitting Multiple Petitions

A. Two Petitions are Necessary Given the Large Number of Claims

The Consolidated Trial Practice Guide (Nov. 20, 2019) (page 59) recognizes petitioners may be justified in bringing multiple petitions against a single patent “when the patent owner has asserted a large number of claims.” Here, two petitions are necessary because of the large number of challenged claims (40). Petitioners have asserted non-infringement of all forty claims in the co-pending district court litigation. *See Element Television Co. v. Nokia Corp.*, No. 24-cv-04269 (D. Mn.).

The Board has repeatedly found “that about twenty claims constitutes the ‘large number’ that the CTPG suggests may justify multiple petitions.” *Platform Sci., Inc. v. Omnitrac, LLC*, IPR2020-01518, Paper 14, 17-18 (Apr. 15, 2021). Multiple petitions have been considered reasonable when claims were numerous, lengthy, and complex in subject matter. *Samsung Elecs. Co. v. Hardin*, IPR2022-01335, Paper 13, 22 (Feb. 8, 2023) (recognizing large number of claims and finding multiple petitions reasonable); *ASSA ABLOY AB v. CPC Pat. Techs. Pty, Ltd.*, IPR2022-01089, Paper 21, 3-5 (Jan. 3, 2023) (same). Besides the volume of the claims, the Board also considers factors such as “[the claims’] detail and specificity and the nature of the subject matter[.]” *3Shape A/S & 3Shape Inc. v. Align Tech., Inc.*, IPR2020-01644, Paper 9, 3-4 (May 11, 2021) (“We agree with Petitioner that the number of claims, their detail and specificity and the nature of the subject matter support multiple petitions in this case.”); *Dolby Labs., Inc., v. Intertrust Techs. Corp.*, IPR2020-01105, Paper 14, 21 (Jan. 5, 2021).

Similar considerations apply here. As explained below, multiple petitions are warranted because the ’808 patent has sixty-five (65) claims spanning more than nine columns of patent text. The forty challenged claims concern complex subject matter in the form of encoding and decoding video sequences, predicted motion vectors, and coding vectors based on neighboring segment information.

Due to claim dependencies, the first petition challenges nineteen (19) method claims, while the second petition challenges twenty-one (21) apparatus claims. Challenging all forty claims in one petition would materially reduce the petition's thoroughness and unduly burden the Board with overly terse analysis that would be more difficult to analyze. Filing two petitions, on the other hand, allows for clearer and more detailed analysis for this volume of claims.

Institution of both Petitions would not be an inefficient use of resources because (i) the challenged claims share some common limitations and similar subject matter; and (ii) the petitions are based on the same prior art and invalidity grounds. Two petitions are necessary as discussed below to address the technical details recited in each claim as well as the teachings of the prior art.¹

B. Material Differences Between the Challenged Claims and the Complex Subject Matter Involved Support Filing of Two Petitions

This is not a situation where multiple petitions attack the same claims, leveraging the extra space to assert additional prior art references or permutations of references. *See 3Shape A/S*, IPR2020-01644, Paper 9, 3 (finding two petitions

¹ The Board previously instituted co-pending petitions filed by a different Petitioner (Amazon) challenging the same 40 claims that are challenged here. *See* IPR2024-00847 and IPR2024-00848.

reasonable where there was no overlap in the claims challenged by the petitions); *Novartis Gene Therapies, Inc. v. Genzyme Corp.*, IPR2023-01045, Paper 10, 4 (Jan. 17, 2024) (same). Instead, each petition challenges a unique set of claims—the first petition challenges the method claims, and the second petition challenges the system claims, which facilitates the Board’s consideration of each challenge. *Cisco Sys., Inc. v. Lionra Techs. Ltd.*, IPR2023-00670, Paper 10, 21 (Oct. 23, 2023). Although each unique claim set includes some facial similarities, Petitioners challenge forty claims that recite complex subject matter. The number of challenged claims and complexity warrant the use of multiple petitions, even if the unique claim sets include some similar limitations.

Moreover, although the two petitions are based on the same art and include some similar limitations, different disclosures from the prior art references are relied upon in the two petitions. For example, for element [b] of method claim 1, Karczewicz (Ground 1 of Petition 1) teaches assigning a *skip coding mode* to a second segment based on motion information from a neighboring segment. *See, e.g.*, Saber ¶¶ 101-02. Karczewicz teaches that one way to determine the most efficient mode is minimizing for the Lagrangian constant λ in a series of equations. *Id.* ¶ 101. For element [b] of apparatus claim 10, Karczewicz (Ground 1 of Petition 2) teaches motion field coder 28 and motion compensated predictor 36 that perform the function of assigning a motion vector for *skip coding mode*. *Id.* ¶ 142. Similarly, in

Ground 2 of Petition 1, Petitioners rely on the teachings of MPEG-1 and H.263 to show that method claim 1 and its dependents are obvious. Ground 2 of Petition 2, however, also requires a discussion of the prior art to explain how it discloses or suggests to a POSITA a generic video coding system with an encoder and decoder. These differences underscore the necessity of a comprehensive explanation to unpack the different teachings of the prior art for the system and method claims directed to both encoding and decoding video sequences.

Furthermore, and notably, multiple petitions are warranted due to the complex nature of the claims. The '808 claims recite purported improvements upon the prior art by redefining the “skip mode concept,” for motion prediction based, in part, on motion information from a neighboring video segment. The dependent claims recite additional, different motion vector types, and what segments are used for motion prediction. Hence, two petitions are needed to thoroughly explain how the prior art teachings, including the different disclosures related to encoding and decoding from the prior art references, meet the claim language and various extensions of the purported invention brought in by the numerous dependent claims at issue in the related litigations.

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that true copies of the **STATEMENT REGARDING MULTIPLE PETITIONS** were served via overnight delivery on the Patent Owner at the correspondence address of record as listed on PAIR:

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