

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.
Petitioner,

v.

LS CABLE & SYSTEM LTD.
Patent Owner.

Patent No. 8,013,568

Inter Partes Review No. IPR2025-01141

**PETITIONER'S OPPOSITION TO PATENT OWNER'S
REQUEST FOR DISCRETIONARY DENIAL**

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Pursuant to the Director’s guidance on “Interim Processes for PTAB Workload Management,” dated March 26, 2025 (“March 26 Guidance”), Petitioner Apple Inc. (“Apple” or “Petitioner”) submits this opposition to the request for discretionary denial submitted by Patent Owner LS Cable & System Ltd. (“Patent Owner” or “PO”).

I. INTRODUCTION

The Petition should be referred to a panel for consideration on the merits, because Patent Owner does not, and cannot, articulate any viable basis for discretionary denial. To the contrary, reviewing the recently issued challenged claims on the merits would be an efficient use of Board resources. *See Embody, Inc. v. Lifenet Health*, IPR2025-00248, Paper 13 at 2-3 (PTAB June 26, 2025) (finding it “an efficient use of Board resources” to review a challenged patent where the patent owner “has not developed strong settled expectations”).

First, Patent Owner cannot have any settled expectation of the validity of the challenged claims, because every challenged claim was either amended or newly added by Patent Owner in a September 2023 reexamination certificate. The Petition was filed less than two years later. The March 26 Guidance clarifies that it is the age of the challenged *claims*—not the patent more broadly, as Patent Owner suggests—that is relevant to discretionary denial. (March 26 Guidance, 2.) Patent Owner’s request for reexamination of its own patent in March 2021, and the

Office's subsequent rejection of all claims in June 2021, prove that Patent Owner had no expectation of validity at least by those dates.

Second, it is *Petitioner* who had settled expectations of the non-enforcement of the '568 Patent. After Patent Owner contacted *Petitioner* about the '568 patent in 2019 and 2020, *Petitioner* demonstrated to Patent Owner that the claims were invalid. Patent Owner then went silent for over four years. During that time, Patent Owner quietly requested *ex parte* reexamination of its own patent; reexamination was granted, in which all 24 of the original claims were rejected as invalid over the prior art; and all of the claims were eventually either amended or canceled in September 2023. (*See generally, Ex Parte* Reexamination Control No. 96/000,355.) *Petitioner* reasonably concluded, during this period of silence, that Patent Owner had declined to enforce the '568 patent. When Patent Owner eventually emerged to file its infringement complaint in December 2024, it was with new claims not previously presented to *Petitioner*.

Third, discretionary denial under 35 U.S.C. § 325(d) is inapplicable. None of the *Petition*'s prior art references was previously presented to or considered by the Office. Patent Owner suggests that two of these references (Baarman-878, Baarman-267) are cumulative of a reference (Chung-Sik) considered during the reexamination. (Paper 6, 6-15.) Chung-Sik is unrelated to, and shares no disclosure with, any of the *Petition*'s prior art references. Patent Owner offers

attorney argument that some disclosures of Baarman-878 and Baarman-267 and some disclosures of Chung-Sik have high-level similarities, but it fails to mention the disclosures from Baarman-878 and Baarman-267 that are *not* found in Chung-Sik.

These differences go to representations that Patent Owner previously made to the Office. For example, in a reexamination Office Action response, Patent Owner argued patentability because “Chung-Sik fails to disclose adjusting a power level during a charging process” (EX1004B, 953); but as explained by the Petition, with expert support, this feature is disclosed both by Baarman-878 and by Baarman-267, evidencing obviousness of the claims. (*See, e.g.*, Paper 2, 32-33, 98; EX1005, ¶¶ 73, 349.) The Baarman references cannot be cumulative of Chung-Sik in view of these disclosures. Moreover, even if Baarman-878 and Baarman-267 were cumulative of previously considered art, the Petition does not rely on either Baarman-878 or Baarman-267 independently, but in combination with additional references (*i.e.*, NCP1800 Datasheet, Horowitz, Veselic) not considered by the Examiners and unaddressed by Patent Owner.

Fourth, the *Fintiv* factors weigh strongly against denial. The parallel district court litigation is at a very early stage: no trial date has been set, discovery remains in its infancy, and Apple’s motion to dismiss is still pending. Judge Donato has consistently denied pre-institution stay requests, but statistics show that post-

institution stays are regularly granted. Moreover, Apple’s *Sotera* stipulation prevents the overlap between the two proceedings, is “highly relevant” per the Board’s March 24, 2025, guidance memorandum, and weighs against discretionary denial.

II. ARGUMENT

A. Patent Owner Cannot Have Settled Expectations of the Validity of Newly Issued Claims

Patent Owner cannot have any settled expectation of the validity of the challenged claims. The March 26 Guidance clarifies that it is the “length of time the *claims* have been in force” that is relevant to discretionary denial. (March 26 Guidance, 2 (emphasis added).) While the ’568 patent was originally issued in 2011, it underwent *ex parte* reexamination in 2021 (at Patent Owner’s request) from which no original claim survived intact. Every claim challenged in the Petition was either amended or newly added via the reexamination certificate that issued in September 2023—less than *two years* before the Petition was filed. Patent Owner does not identify any Board decision that found two-year-old claims to create any settled expectation of validity. To the contrary, the Board has consistently declined to apply settled expectations even to older claims. *See, e.g., Microsoft Corp. v. Edge Networking Sys., LLC*, IPR2025-00617, Paper 12, 2

(PTAB July 31, 2025) (finding no strong settled expectations for patents issued in 2020, 2021, and 2023).

Further, by voluntarily requesting reexamination of the '568 patent in March 2021, Patent Owner demonstrated its own justified doubts about the validity of the originally issued claims. In its request, Patent Owner highlighted prior art references not considered in the original prosecution; and identified, on a per-limitation basis, the “Relevance of Specific Disclosures” of the prior art to those claims. (EX1004A, 1-156.) The reexamination panel then found, on the basis of those same disclosures, that the prior art raised multiple substantial new questions of patentability; and issued an office action in June 2021 rejecting all of the original claims as anticipated or obvious. (EX1004A, 302-322, 363-412.) Thus, at least by June 2021, Patent Owner could not have had *any* expectation—settled or otherwise—of the validity of the claims.

To the extent it is unclear from Patent Owner’s brief, the reexamination certificate did not “confirm[] the patentability” of any originally issued claim. (Paper 6, 3.) In the reexamination, all original claims were rejected; and the certificate issued only after the claims were amended or canceled. (EX1004A, 363-412; EX1004B, 1449-54.) Nor were the amendments “substantively minor,” as suggested by Patent Owner; they were made by Patent Owner to narrow the claims and overcome prior art rejections. (Paper 6, 6; EX1004B, 1237.) By

narrowing the claims, Patent Owner substantively changed their scope. *See Laitram Corp. v. NEC Corp.*, 163 F.3d 1342, 1349 (Fed. Cir. 1998) (limiting infringement damages where, during reexamination, the patent owner “narrowed the claims, thereby substantively changing their scope”).

The reexamination’s August 2023 “Statement of Reasons for Patentability” confirms that the Examiner panel relied on these narrowing amendments to find the claims patentable. (EX1004B, 1451-54.) For example, the Examiners found claim 1 patentable because the prior art failed to suggest “adjusting a power applied to the primary coil ... based on relative positions” of the battery and charging device. (EX1004B, 1451.) Patent Owner had amended claim 1 during the reexamination to include this limitation. (EX1004B, 1118-38.) In fact, for every amended claim discussed in the Statement of Reasons for Patentability, the Patent Owner’s amendment was the cited reason for patentability—underscoring that Patent Owner could not have had any expectation of validity of the unamended claims. (EX1004B, 1451-54.)

B. Apple Had Settled Expectations of Non-Enforcement

To the contrary, it is *Petitioner* who had settled expectations of the non-enforcement of the ’568 Patent. (*See* March 26 Guidance, 2 (“relevant considerations” for discretionary denial may include “[s]ettled expectations of *the parties*”) (emphasis added)); *see also Dabico Airport Solutions Inc. v. AXA Power*

APS, IPR2025-00408, Paper 24, 3-4 (PTAB Aug. 21, 2025) (order denying Director Review of discretionary denial where “Petitioner [did] not make any arguments as to its own settled expectations”).

Patent Owner suggests Petitioner’s “acquiescence” to patentability because Patent Owner contacted Petitioner in 2019 and 2020 regarding the original claims of the ’568 patent; and because Petitioner cited the ’568 patent in Information Disclosure Statements for two patent applications in 2019 and 2021. (Paper 6, 4-5.) There plainly was no such acquiescence: Petitioner responded to Patent Owner’s outreach in 2020 by identifying—as the reexamination panel would later conclude—that the claims were invalid in view of the prior art. (EX1020, 1.) And citation of a USPTO reference in an Information Disclosure Statement, of course, is not an admission of that reference’s validity; a patent applicant’s duty to disclose broadly encompasses “information material to patentability,” regardless of whether that information itself represents patentable subject matter. (*See* 37 C.F.R. § 1.56.)

After Petitioner’s 2020 response, Patent Owner did not contact Petitioner again about the claims. Instead, it ceased contact with Petitioner for over four years. During that time, it requested reexamination of its own patent; saw the claims rejected multiple times by a reexamination panel; and amended or canceled every original claim—all without notifying Petitioner. The only reasonable conclusion for Petitioner to draw from Patent Owner’s conduct was that it had, in

fact, decided not to enforce its patent. *See Apple Inc. v. Allani*, IPR2025-00856, Paper 11 at 3 (PTAB Sept. 5, 2025) (circumstances weigh against denial where petitioner “‘did not expect enforcement’ of the patent challenged” because “it concluded that it did not require a license to the patent and advised Patent Owner of its position,” and because the patent owner delayed asserting the patent for years after its discussions with petitioner). When Patent Owner eventually resurfaced with its infringement complaint in December 2024, it was with new claims not previously presented to Petitioner. Patent Owner makes no showing that Petitioner had actual knowledge of these claims—it can only identify activities from 2019 to 2021 that long predated the claims’ issuance in September 2023.

C. Discretionary Denial Under 35 U.S.C. § 325(d) is Inapplicable Because the Petition’s Art and Arguments Were Not Previously Presented

Under *Advanced Bionics*, § 325(d) does not apply because none of the Petition’s art and arguments were previously presented to or considered by the Office, either in original prosecution or in the reexamination. *See Advanced Bionics, LLC v. MED-EL Elektromedizinische Geräte GmbH*, IPR2019-01469, Paper 6 (Feb. 13, 2020) (precedential). Instead, as Patent Owner does not dispute, the Petition’s five prior art references are presented for the first time in the Petition. *See Apple Inc. v. Seven Networks, LLC*, IPR2020-00285, Paper 10 at 31 (PTAB July 28, 2020) (finding no same or substantially the same art where “the Examiner

neither issued a rejection based on the references... nor substantively discussed these references,” the references “were not cited in an Information Disclosure Statement, and the Examiner did not list any of these references on a Notice of References Cited or make any indication that these references were even considered”).

Patent Owner instead suggests that two of the Petition’s prior art references (Baarman-878, Baarman-267) are cumulative of a reference (Chung-Sik) considered during the reexamination. (Paper 6, 6-15.) Chung-Sik is unrelated to (and shares no disclosure with) Baarman-878, Baarman-267, or any of the Petition’s other prior art references. Patent Owner provides a side-by-side chart intended to show that some disclosures of Baarman-878 and Baarman-267 and some disclosures of Chung-Sik have general similarities. (Paper 6, 7-14.) But this generalized attorney argument lacks substantive analysis or expert support, and is insufficient to invoke § 325(d). *See PLR Worldwide Sales Ltd. v. Flip Phone Games, Inc.*, IPR2024-00171, Paper 9 at 6 (PTAB May 10, 2024) (finding general allegations of similarity insufficient without substantive analysis comparing the teachings, noting “[i]t is no surprise that Petitioner would rely on art” that discloses the subject matter recited in the claims).

Neither Baarman-878 nor Baarman-267 is cumulative of Chung-Sik. This is shown by key disclosures from Baarman-878 and Baarman-267 that Patent Owner

fails to address. For example, in a reexamination Office Action response, Patent Owner argued patentability because “Chung-Sik fails to disclose adjusting a power level during a charging process”; and it does not contend here that Chung-Sik discloses this feature. (EX1004B, 953.) However, as explained by the Petition, with support from Dr. Joshua R. Smith’s expert declaration (EX1005), this feature is disclosed both by Baarman-878 and by Baarman-267—evidencing obviousness of the claims based on disclosures absent from Chung-Sik. (*See, e.g.*, Paper 2, 32-33, 98; EX1005, ¶¶ 73, 349.) The references cannot be cumulative in view of such disclosures.

Even if these references were cumulative of previously considered art, the Petition does not rely on either Baarman-878 or Baarman-267 independently, but in combination with additional references (*i.e.*, NCP1800 Datasheet, Horowitz, Veselic) not considered by the Examiners and unaddressed here by Patent Owner. *See Nike, Inc. v. Valmarc Corp.*, IPR2022-01403, Paper 7 at 9 (PTAB Apr. 18, 2023) (finding that petitioner’s obviousness challenges “are not based on substantially the same art and cannot be based on substantially the same arguments as previously presented during prosecution,” where the patent owner addressed only part of petitioner’s obviousness combinations). And further, the Examiners lacked the benefit of Dr. Smith’s expert declaration, which explains how the POSITA would have combined the references to render the claims obvious.

D. The *Fintiv* Factors Favor Institution

Patent Owner incorrectly applies the *Fintiv*¹ factors to support its case for discretionary denial. Properly applied, the *Fintiv* factors cut *against* discretionary denial.

1. There is No Reasonable Likelihood That Trial Would Occur Before a Final Written Decision (Factor 2)

Patent Owner asserts that this factor is neutral. That is incorrect. The Court in the parallel District Court litigation has only approved the case schedule through December 2025. EX2012. There is no set or agreed-upon trial date, and Petitioner has filed a motion to dismiss that has been pending since March 2025. (EX2012; EX1020.) It is therefore unlikely that any trial would be held before the projected deadline for final written decision on January 8, 2027, favoring referral. *See Xencor, Inc. v. Merus N.V.*, IPR2025-00604, Paper 12 at 2 (PTAB July 17, 2025) (finding it “likely that a final written decision in these proceedings will issue before the district court trial occurs” where “the related district court proceeding has not scheduled a trial date or issued a schedule, and a motion to dismiss has been pending since October 10, 2024”); *see also Mercedes-Benz Grp. AG v.*

¹ *Apple Inc. v. Fintiv, Inc.*, IPR2020-00019, Paper 11 (PTAB Mar. 20, 2020) (precedential) (“*Fintiv*”).

Phelan Grp., LLC, IPR2025-00413, Paper 13 at 2 (PTAB June 25, 2025) (finding lack of a scheduled trial date weighs against discretionary denial); *Google LLC v. Brodti Inc.*, IPR2025-00472, Paper 19 at 2 (PTAB June 25, 2025) (same).

2. The Likelihood of a Post-Institution Stay Weighs Against Denial (Factor 1)

Patent Owner makes hay of Petitioner's lack of a motion to stay to date, but this alone does not favor denial.

According to Docket Navigator statistics, Judge Donato in the Northern District of California, before whom the parallel district court case is pending, has denied without prejudice all pre-institution motions to stay. (EX1021.)

Conversely, he has not denied any post-institution motion. (EX1022.)

Statistically, it would most likely be futile to seek a stay pre-institution; but there is good reason to believe that a post-institution stay would be granted if sought. *See Twitch Interactive, Inc. v. Razdog Holdings LLC*, IPR2025-00307, Paper 18 at 2-3 (May 16, 2025) (finding persuasive evidence that a stay would be granted where 76% of all post-institution motions to stay pending *inter partes* review in Northern District of California were granted, and assigned judge had granted all post-institution stay motions since 2016).

Patent Owner's characterization of the stage of the district court proceedings is similarly flawed. According to Patent Owner's own authority, Courts consider

the following three factors in determining whether to stay a case pending inter partes review: (1) whether discovery in the case is complete and whether a trial date has been set; (2) whether a stay would simplify the issues in question and trial of the case; and (3) whether a stay would unduly prejudice or present a clear tactical disadvantage to the non-moving party. *Maxell, Ltd. v. LG Elecs. Inc.*, No. 5:24-cv-04972-NW, ECF No. 141 (“*Maxell*”) at 3 (N.D. Cal. Apr. 25, 2025) (cited at Paper 6, 15). All factors would weigh in favor of a stay.

First, there is no deadline for the close of fact discovery. No depositions have been taken. Expert discovery has not commenced. And again, no trial date has been set. These facts favor a stay. *See WSOU Invs. LLC v. Juniper Networks Inc.*, No. 21-CV-07557-BLF, 2022 WL 19709, at *3 (N.D. Cal. Jan. 3, 2022) (finding the “status of discovery” favored a stay where only around half of the parties’ interrogatories had been propounded, no fact depositions had taken place, no fact discovery deadline had been set, and the entirety of expert discovery was on the horizon); *Twilio, Inc. v. TeleSign Corp.*, No. 16-CV-06925-LHK, 2018 WL 1609630, at *1 (N.D. Cal. Apr. 3, 2018) (finding “the stage of the case favors a stay” where “neither party ha[d] taken fact depositions, exchanged expert reports, or produced email discovery”).

Second, a stay would simplify the issues in the district court proceedings. The ’568 patent is the only asserted patent, and the Petition challenges all claims of

the '568 patent. A favorable decision by the Board would invalidate all claims of the '568 patent and dispose of the entire litigation and the need for trial. This strongly favors a stay. *See Twilio* at *2.

Third, Patent Owner would not be unduly prejudiced by a stay. Unlike *Maxell*, where the court considered the potential delay caused by a pre-institution stay if the IPR is not ultimately instituted, a *post*-institution stay (as relevant here) would not “play those odds where the cost of non-institution would be delay without benefit.” *Maxell* at 7 (citing *Skills Platform Inc. v. Aviagames Inc.*, No. 21-CV-02436-BLF, 2022 WL 1189882, at *5 (N.D. Cal. Apr. 21, 2022)). Similarly, the absence of a pre-institution stay motion avoids such potential delay, and thus does not favor denial, contrary to Patent Owner’s suggestion. (*Id.*; Paper 6, 15.) This factor for a stay is at worst neutral.

Therefore, the likelihood of a stay is high, and this factor weighs strongly against denial.

3. The Parallel District Court Proceeding Is Not “Advanced” (Factor 3)

The district court proceedings are far from “advanced,” as Patent Owner contends. Under this *Fintiv* factor, “[i]f, at the time of the institution decision, the district court has not issued orders related to the patent at issue in the petition, this fact weighs against exercising discretion to deny institution.” *Fintiv* at 9-10.

The projected statutory institution decision deadline is January 8, 2026. Based on Docket Navigator statistics, Judge Donato's median time for claim construction orders is 19 months, setting a projected claim construction order around July 2026. (EX1023.) By applying even Judge Donato's minimum time of 14 months, the claim construction order is not projected until February 2026, one month after the institution deadline. (*Id.*)

Additionally, “[i]f the evidence shows that the petitioner filed the petition expeditiously...this fact has weighed against exercising the authority to deny institution.” *Fintiv* at 11. Apple did so. It filed its petition within six months of Patent Owner filing suit and less than three months after disclosure of asserted claims and infringement contentions. (*See* EX2011 (Joint proposed deadline for disclosure of Infringement Contentions set for April 3, 2025)); *see also Liberty Energy, Inc. v. U.S. Well Servs., LLC*, IPR2025-00031, Paper 9 (PTAB Apr. 29, 2025) at 13-15 (finding Petitioner was “reasonably diligent” in filing the Petition less than three months after receiving infringement contentions).

Patent Owner's conclusory assertions are of no avail. The fact that both parties “have served and pursued discovery” (Paper 6 at 17) is unpersuasive, particularly where each party has only served one set of requests for production and one set of interrogatories, all occurring in March 2025. (EX2013-2016.) Patent Owner has served barely a quarter of its allotted requests for production and

not even a third of its interrogatories. (*See* EX2013 (Interrogatories 1-8); EX2015 (RFPs 1-28 out of allotted 100 as agreed to by the parties at EX2011, p. 8).) No requests for admission have been served, and no depositions are scheduled. Apple’s alleged “extensive third-party discovery” (Paper 6, 17) consists of eight short subpoenas regarding prior art systems. (*See* EX2017-2024.) This is far from advanced.

Patent Owner’s scheduling contentions similarly fall flat. Patent Owner cannot know that the close of fact discovery “will be one to two months away” (Paper 6, 17) at the time of the institution decision because the Court has not yet set this deadline. The proceedings are still in the pleadings stage; Apple’s motion to dismiss is pending, and it has not answered the complaint.

In view of the above, Patent Owner’s assertion that “the district court has become Petitioner’s preferred venue for this dispute” is incorrect. (*See* Paper 6, 17.) It was Patent Owner who sued Petitioner in the district court. Petitioner sought *inter partes* review for its defense early on in the litigation, precisely because the PTAB is suited to efficiently review the patentability of the claims.

For the foregoing reasons, this factor weighs strongly against denial.

**4. Apple’s *Sotera* Stipulation Weighs Against Denial
(Factor 4)**

Consistent with Patent Office precedent in *Sotera*², Petitioner filed a stipulation stating that if the Board institutes review, it will not advance in the parallel district court proceeding “(i) the specific grounds raised in this proceeding; or (ii) any other ground that reasonably could have been raised in this proceeding.” (Paper 5.) This mitigates concerns of duplicative efforts between the district court and the Board. The Board’s March 24, 2025, “Guidance on USPTO’s rescission of ‘Interim Procedure for Discretionary Denials in AIA Post-Grant Proceedings with Parallel District Court Litigation’” characterized *Sotera* stipulations as “highly relevant” and weighing against discretionary denial.

That *Sotera* stipulations are no longer dispositive does not support discretionary denial. The Patent Office’s Interim Director Discretionary Process notes that in circumstances where “the petitioner is relying on corresponding system art in a co-pending proceeding and/or several other invalidity theories,” the efficiency benefits of a *Sotera* stipulation may be limited. (USPTO, Interim Director Discretionary Process, § I.D., <https://www.uspto.gov/patents/ptab/interim->

² *Sotera Wireless, Inc. v. Masimo Corp.*, IPR2020-01019, Paper 12 (PTAB Dec. 1, 2020) (precedential as to § II.A) (“*Sotera*”).

director-discretionary-process (updated Oct. 3, 2025).) But Patent Owner can only speculate as to whether such circumstances would apply to the corresponding litigation; and even if so, the Board’s guidance still acknowledges some efficiency benefit to the stipulation. Neither the Board’s guidance nor any other authority requires Petitioner to abandon all district court invalidity theories just to challenge a patent in an IPR petition.

Patent Owner’s authority is consistent with instituting the Petition. In *Motorola*³, the Director found that Petitioner’s *Sotera* stipulation “may mitigate some concern of duplication between the parallel proceeding and this proceeding” and suggested that the petitioner’s *Sotera* stipulation weighed at least slightly against denial. However, it ultimately denied review because the stipulation did not “outweigh the substantial investment in the district court proceeding or *Fintiv* factors 1, 2, and 5.” *Motorola* at 4. At the time of the Patent Owner Preliminary Response in *Motorola*, “the parties had served extensive infringement and invalidity contentions, served opening and rebuttal expert reports, filed claim construction briefs, and conducted several depositions. [] The court also had held a claim construction hearing and construed the disputed claim terms.” *Id.* at 3.

³ *Motorola Sols., Inc. v. Stellar, LLC*, IPR2024-01205, Paper 19 (PTAB Mar. 28, 2025) (“*Motorola*”).

Comparatively, here, *Fintiv* factors 1 and 2 weigh heavily in Petitioner’s favor, as discussed above, and the district court proceedings are still in their infancy.

Patent Owner has offered no convincing evidence that Director should eviscerate the value of a *Sotera* stipulation completely, and Apple’s stipulation weighs against denial.

5. The Merits of the Petition are Strong (Factor 6)

Patent Owner fails to address the strength of the Petition’s invalidity challenge. The Petition is robust and presents three grounds of unpatentability that, together, confirm that every claim of the ’568 patent is invalid as obvious. For each ground, the Petition specifies, with supporting expert testimony, where each element of each claim is found in the prior art. The Petition presents detailed, specific reasons, again with supporting expert testimony, showing why a POSITA would have been motivated to combine the prior art as proposed and would have had a reasonable expectation of success in making the proposed combination. In short, the merits of Apple’s unpatentability challenge are strong—weighing against discretionary denial.

III. CONCLUSION

For at least these reasons, Apple respectfully requests the Director deny PO’s request for discretionary denial, and refer the proceeding to a panel for consideration on the merits.

Dated: October 8, 2025

By /Alex S. Yap/
Alex S. Yap
Reg. No. 60,609
MORRISON & FOERSTER LLP
707 Wilshire Boulevard, Suite 6000
Los Angeles, CA 90017
Tel: (213) 892-5688
Fax: (213) 892-5454
Email: AYap@mofo.com

Counsel for Petitioner

Certificate of Service (37 C.F.R. § 42.6(e)(4))

I hereby certify that the attached PETITIONER'S OPPOSITION TO
PATENT OWNER'S REQUEST FOR DISCRETIONARY DENIAL was served
on the below date via e-mail (by agreement) to the following counsel of record for
the Patent Owner:

Jason A. Engel Reg. No. 51,654
Anna Rebekah Hill Reg. No. 81,745
K&L GATES LLP
70 W. Madison Street, Suite 3100
Chicago, IL 60602

Erik J. Halverson Reg. No. 73,552
K&L GATES LLP
4 Embarcadero Center, Suite 1200
San Francisco, CA 94111

KLG-LS-Apple@klgates.com

Dated: October 8, 2025

/Bryan Blumenkopfl
Bryan Blumenkopf