

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

INFINEON TECHNOLOGIES AMERICAS CORP.,
Petitioner,

v.

MOSAID TECHNOLOGIES INC.,
Patent Owner.

Case IPR2025-01171
Patent 7,051,306

PATENT OWNER'S REQUEST FOR DIRECTOR REVIEW

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PATENT OWNER'S EXHIBIT LIST

Exhibit	Description
2001	Lowenstein Declaration in Support of Notice of Intent
2002	Woo Declaration in Support of Notice of Intent
2003	Courtney Declaration in Support of Notice of Intent
2004	March 10, 2025 WDTX Complaint for Patent Infringement (1:25-cv-358) [Complaint]
2005	November 3, 2017 Notice Letter to Cypress Semiconductor Corporation [11/03/17 Letter] (CONFIDENTIAL)
2006	Scheduling Order in <i>MOSAID Technologies Inc. v. Infineon Technologies AG, et al.</i> , No. 1:25-cv-00358 (W.D. Tex.), Dkt. 30 (July 25, 2025) [Scheduling Order]
2007	Reserved
2008	Reserved
2009	Reserved
2010	Reserved
2011	Reserved
2012	Declaration of Boris Teksler [Teksler-Decl.] (CONFIDENTIAL – ATTORNEYS' EYES ONLY)
2013	Press Release, Infineon Technologies AG completes acquisition of Cypress Semiconductor Corporation (Apr. 16, 2020) [Press-Release-Cypress]
2014	Letter from Cypress (May 5, 2019) [05/05/19 Letter] (CONFIDENTIAL)

Exhibit	Description
2015	Response Presentation (April 2018) [04/18 Presentation] (CONFIDENTIAL)
2016	Claim Chart (April 2018) [04/18 PSoC Claim Chart] (CONFIDENTIAL)
2017	Response Presentation (Sept. 26, 2018) [09/26/18 Conversant Presentation] (CONFIDENTIAL)
2018	Response Presentation (June 21, 2019) [06/21/19 Conversant Response Presentation] (CONFIDENTIAL)
2019	Response Presentation (Dec. 4, 2019) [12/04/19 Conversant Presentation] (CONFIDENTIAL)
2020	Response Presentation (July 14, 2020) [07/14/20 Conversant Response] (CONFIDENTIAL)
2021	Response to Cypress' September 9, 2020 Comments US 7,051,306 (March 11, 2021) [03/11/21 Conversant Presentation] [CONFIDENTIAL]
2022	MOSAID – Infineon/Cypress Presentation (February 28, 2023) [02/28/23 MOSAID-Infineon/Cypress Presentation] (CONFIDENTIAL)
2023	Excerpts of File History for U.S. Patent No. 7,899,145 ['145-FH]
2024	Excerpts of File History for U.S. Patent No. 8,290,109 ['109-FH]
2025	Infineon's Preliminary Invalidity Contentions in <i>MOSAID Technologies Inc. v. Infineon Technologies AG, et al.</i> , No. 1:25-cv-00358 (W.D. Tex.) (served Aug. 15, 2025) [Invalidity Contentions]
2026	Letter from Cypress (August 1, 2018) [08/01/18 Letter] (CONFIDENTIAL)

Exhibit	Description
2027	Patent Owner's Preliminary Response in <i>MediaTek, Inc. v. MOSAID Techs. Inc.</i> , IPR2024-00598, Paper 10 (July 1, 2024)
2028 (proposed) ¹	Defendants' Opening Claim Construction Brief in <i>MOSAID Technologies Inc. v. Infineon Technologies AG, et al.</i> , No. 1:25-cv-00358 (W.D. Tex.), Dkt. 44 (Oct. 27, 2025) [Claim-Construction-Brief]

¹ Patent Owner sought authorization to file its proposed Ex. 2028 in an email dated December 12, 2025, and will file this document if and when Patent Owner receives permission. Proposed Exhibit 2028 is the same as the document filed as Exhibit 2007 in IPR2025-01489.

I. INTRODUCTION

Pursuant to 37 C.F.R. § 42.75(d), Patent Owner requests Director review of the December 1, 2025 decision to institute *inter partes* review in this case.² This request is accompanied by³ and based upon Petitioner’s opening claim construction brief (Ex. 2028) in the co-pending district court proceeding *MOSAID Technologies Inc. v. Infineon Technologies AG, et al.*, No. 1:25-cv-00358 (W.D. Tex.).

In district court, Petitioner proposes a construction of one term (“power island”) that appears in every challenged claim in this proceeding, while additionally and separately arguing that three other claim limitations (“functional circuitry,” “power sub-island,” and “power manager”) are indefinite. Ex. 2028 [Claim-Construction-Brief] 2-6. In this proceeding, by contrast, Petitioner submits that “no

² Neither the Patent Office guidance cited in this request nor Ex. 2028 was available to Patent Owner when its preliminary response was due and filed on October 8, 2025. Patent Owner sought to supplement the pre-institution record with Ex. 2028 and related briefing on December 1, 2025—but Patent Owner’s request was mooted by the decision to institute trial, which issued only a few hours later.

³ See *supra* note 1. Patent Owner’s proposed Exhibit 2028 will be referred to as “Ex. 2028” herein.

claim terms require a formal construction for purposes of addressing the grounds in this Petition.” Pet., 4.

The Petition does not even mention the claim construction issues that Petitioner raises in district court, let alone reconcile these district court positions with its IPR position that “no claim terms require a formal construction.” Petitioner’s silence on these issues is contrary to the Director’s recent guidance in decisions such as *Tesla, Inc. v. Intellectual Ventures II LLC*, IPR2025-00340, Paper 18 (Dir. Nov. 5, 2025) (informative) and *Revvo Techs., Inc. v. Cerebrum Sensor Techs., Inc.*, IPR2025-00632, Paper 20 (Dir. Nov. 3, 2025) (precedential), where the Director vacated (and, in *Tesla*, reversed) decisions to institute trial because of a Petitioner’s failure to maintain consistent positions regarding claim interpretation (or to reconcile different positions with one another). For the same reasons as in *Tesla*, reversal of the decision to institute trial is warranted here.

II. THE PETITION IS DEFICIENT BECAUSE IT DOES NOT DISCLOSE, RECONCILE, OR APPLY ITS DISTRICT COURT CLAIM CONSTRUCTIONS.

Again, in this proceeding, Petitioner contends that “no claim terms require a formal construction for purposes of addressing the grounds in this Petition.” Pet., 4. In district court, however, Petitioner argues, *inter alia*, that

- the term “power island” (which appears in all challenged claims) should be construed as “a discrete section of an integrated circuit where power is independently controlled,” Ex. 2028 [Claim-Construction-Brief] 2,
- claims containing the term “functional circuitry” are indefinite, for example because “[t]he specification of the ’306 patent fails to provide any definitional direction as to ‘functional circuitry,’” Ex. 2028 [Claim-Construction-Brief] 4,
- claims containing the term “power sub-island” are indefinite, for example because while the specification gives examples of power sub-islands, “[n]owhere does the specification explain how each of these ‘sub-islands’ are delineated, nor what they are,” *id.*,
- claims containing the term “power manager” are indefinite, for example, because “neither the claim language nor the specification provide any defined metes or bounds to what a ‘power manager’ is,” and because the term “manager” “does not have a sufficiently definite meaning as [a] name for structure.” *Id.*, 5 (citation omitted).

The Petition does not address the discrepancies between Petitioner’s positions, even by implication. As one example, although Petitioner attached three prior district court orders that construe the term “power island” in the ’306 patent, *see* Ex. 1011 [*Freescale* Order] 43-44, Ex. 1012 [*Xilinx* Order] 28-29, Ex. 1013 [*MediaTek*

Order] 16-23, Petitioner’s newly-proposed construction of the term (Ex. 2028 [Claim-Construction-Brief] 2) is not among these constructions, and no litigation constructions of this term are applied in Petitioner’s brief.⁴ Similarly, Petitioner’s present position that “power manager” is indefinite is nowhere hinted at in the Petition, which attaches but does not discuss orders in which three prior district courts managed to construe the term. *See*, Ex. 1011 [*Freescale* Order] 45-46, Ex. 1012 [*Xilinx* Order] 29-34, Ex. 1013 [*MediaTek* Order], 23-25.

“Although the Board’s rules ‘do not necessarily prohibit petitioners from taking inconsistent claim construction positions before the Board and a district court,’ when a petitioner advances different positions before the Board and a district court, that petitioner is *required* to explain why those different positions are warranted.” *Tesla*, Paper 18, 3 (quoting *Cambridge Mobile Telematics, Inc. v. Sfara, Inc.*, IPR2024-00952, Paper 12 at 8–9 (Dec. 13, 2024) (informative)). Similarly, as the Director made clear in *Tesla*, “[a]llowing a petitioner to advance a claim

⁴ The Petition’s analysis of alleged “power islands” in the cited art makes only cursory reference to the prior constructions in footnotes. *See, e.g.*, Pet., 10 n.1 (referring to the constructions of “power island” in prior litigations via a footnote asserting that the art “would still render the Challenged claims obvious as discussed here and throughout Grounds 1A-1D”), 58 n.5 (similar, as to Ground 2A).

construction before the Board when that petitioner has made inconsistent indefiniteness arguments in district court fails to further, but instead detracts from, the Office’s goal of ‘providing greater predictability and certainty in the patent system.’” *Id.* at 4. In *Tesla*, such circumstances were found to warrant the vacatur of a decision to institute trial and the denial of institution. *Id.*

This case falls squarely within those facts. Petitioner has taken multiple claim construction positions in the district court—including asserting that three separate claim limitations are indefinite—but does not disclose or reconcile those positions here, let alone explain why different positions are warranted. Under the Director’s recent decisions, institution should be reversed.

III. CONCLUSION

The decision to institute trial in this proceeding should be reversed for the reasons stated above.

Dated: December 15, 2025

Respectfully submitted,

/Kenneth Weatherwax/

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CERTIFICATE OF COMPLIANCE WITH TYPE-VOLUME LIMITS

This request consists of 952 words, excluding table of contents, table of authorities, exhibit list, this certificate, the certificate of service, and the table of exhibits. This request complies with the length limitation of 15 pages as set forth in 37 C.F.R. § 42.75(c)(2). In preparing this certificate, counsel has relied on the word count of the word-processing system used to prepare the paper (Microsoft Word).

Dated: December 15, 2025

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on December 15, 2025, I electronically filed the following documents:

PATENT OWNER'S REQUEST FOR DIRECTOR REVIEW

and served a copy of the same on counsel for Petitioner at the following e-mail address, as authorized in the Petition:

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Dated: December 15, 2025

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