

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

**PETITIONER'S AUTHORIZED RESPONSE TO PATENT OWNER'S
DIRECTOR REVIEW REQUEST**

TABLE OF CONTENTS

I.	INTRODUCTION	1
II.	ARGUMENT: MOSAID’S CLAIM CONSTRUCTION COMPLAINTS ARE TOO LATE AND WITHOUT MERIT	1
	A. MOSAID Forfeited Its Sole Basis for Director Review by Failing to Raise It Before Institution	1
	B. Infineon’s District Court Constructions and the Petition Are Easily Reconciled	3
	C. To Remove All Doubt, Infineon Will Expressly Stipulate to Avoid the Possibility of Inconsistent Decisions	5
III.	CONCLUSION.....	5

****All emphasis is added in this brief.***

I. INTRODUCTION

MOSAID's request for Director Review does not ask the Director to *review* anything. It instead seeks a do-over based on a completely new and meritless issue because MOSAID is unhappy with the Director's initial decision to institute this IPR. Director Review is reserved for curing "abuse[s] of discretion," correcting "erroneous findings of material fact" or "erroneous conclusion of law," and addressing "important issues of law or policy."¹ Because MOSAID's request is not remotely relevant to these concerns, it should be denied.

II. ARGUMENT: MOSAID'S CLAIM CONSTRUCTION COMPLAINTS ARE TOO LATE AND WITHOUT MERIT

A. MOSAID Forfeited Its Sole Basis for Director Review by Failing to Raise It Before Institution

MOSAID had multiple opportunities to raise its claim construction complaints before the Director instituted a trial on the '306 patent. Infineon shared its constructions with MOSAID on September 11th, nearly a month ahead of the preliminary response on October 8th (Paper 11). If MOSAID had a problem with Infineon's constructions, the preliminary response was the time to raise it. That's

¹ Director Review process at §2.B. Retrieved from <https://www.uspto.gov/patents/ptab/decisions/director-review-process#RIDRP>.

what all three patent owners in *Cambridge*, *Revvo*, and *Tesla* did.² MOSAID chose not to, and MOSAID should be held to its strategic choice.

That MOSAID did not receive Infineon's claim construction brief until after the preliminary response is no excuse. DR Br. (Paper 19) at 1 n. 2. After all, MOSAID's request does not rely on the specifics of any argument from Infineon's claim construction brief. It is the mere existence of Infineon's proposed district court constructions that fuel MOSAID's criticisms, and MOSAID knew about those constructions long ago. *See id.* at 3. MOSAID also cannot blame its belated timing on the fact that the Director handed down the *Revvo* and *Tesla* decisions a month after the preliminary response. Again, the patent owners in those cases timely raised the issue based on earlier precedent and guidance (e.g., *Cambridge*), meaning MOSAID could have done the same. MOSAID also did not act quickly after *Revvo* and *Tesla* were decided in the first week of November. Even then, MOSAID chose to remain silent for weeks until attempting a meet-and-confer with Infineon's counsel on the eve of Thanksgiving and emailing the Director on December 1st.

² *Cambridge Mobile Telematics, Inc. v. Sfara, Inc.*, IPR2024-00952, Paper 8 at 10–17; *Revvo Techs., Inc. v. Cerebrum Sensor Techs., Inc.*, IPR2025-00632, Paper 8 at 13–15; *Tesla, Inc. v. Intellectual Ventures II LLC*, IPR2025-00340, Paper 8 at 9–11.

In sum, MOSAID has no credible basis to ask that the Director review, vacate, and reverse his own decision based on arguments MOSAID did not timely raise.

B. Infineon’s District Court Constructions and the Petition Are Easily Reconciled

MOSAID’s suggestion that Infineon should have addressed its district court constructions in the petition is unreasonable because the petition, filed on June 20th, preceded claim construction in the district court by more than two months. DR Br. at 3–4. It is well settled that “only those terms need be construed that are in controversy, and only to the extent necessary to resolve the controversy.” *Vivid Techs., Inc. v. Am. Sci. & Eng’g, Inc.*, 200 F.3d 795, 803 (Fed. Cir. 1999); *accord Wellman, Inc. v. Eastman Chem. Co.*, 642 F.3d 1355, 1361 (Fed. Cir. 2011). As a result, the normal course is for litigants in a patent case to craft their constructions based on developing disputes over infringement. Here, Infineon prepared its petition without the benefit of MOSAID’s preliminary infringement contentions³ and thus long before Infineon settled on its proposed district court claim constructions.

MOSAID’s complaints are also misplaced because Infineon was correct in stating that “no claim terms require a formal construction for purposes of addressing the grounds in this Petition.” Pet., 4–5 (citing *Wellman*, 642 F.3d at 1361); *see also* DR Br. at 2–3. For example, one district court debate MOSAID alludes to is whether

³ Like Infineon’s petition, MOSAID submitted its contentions on June 20th.

a claimed “power island” must be a *discrete* section of an integrated circuit. *See* DR Br. at 3–4 (“Petitioner’s newly-proposed construction...”). But the contested “discrete” requirement is irrelevant here because references like Nowka (EX1004) and Nicol (EX1008) indisputably teach it. *See* Pet., 8–10, 57–58. MOSAID effectively concedes this point, having failed to argue otherwise in its preliminary response or in its current request for Director Review.

Infineon’s district court indefiniteness arguments are equally irrelevant here because they do not affect the petition. *See Samsung Elecs. Am., Inc. v. Prisia Eng’g Corp.*, 948 F.3d 1342, 1355 (Fed. Cir. 2020) (That a “claim [is] indefinite for purposes of determining when infringement occurs...does not speak to whether the claim is also invalid for obviousness.”); DR Br. at 3–4. The indefiniteness problem is that the terms “functional circuitry” (claims 3, 18, 19), “power sub-island” (claims 4, 19, 40), and “power manager” (claims 16–36) all fail to impose discernible boundaries on the claim scope. These terms are comprised of generic words that introduce no meaningful limitations on their face and that have no such limitations spelled out in the ’306 patent’s supporting specification. The terms seem to embrace almost everything and exclude nothing, making it impossible for the public to design around them and avoid infringement. But this infringement dilemma is an equally potent *solution* to invalidity. As MOSAID’s silence confirms, one cannot reasonably seek to distinguish the art based on such generic, limitless claim terms.

Thus, the Board need not explicitly address them. *See Nuvasive, Inc.*, 841 F.3d 966, 974 (Fed. Cir. 2016) (The Board is “not required to address undisputed matters.”).

Unlike *Cambridge*, *Revvo*, and *Tesla*, Infineon’s petition and district court claim constructions are easily reconciled and do not risk inconsistent outcomes.

C. To Remove All Doubt, Infineon Will Expressly Stipulate to Avoid the Possibility of Inconsistent Decisions

Although MOSAID’s claim construction complaints are untimely and without merit, Infineon will nevertheless put them to bed via the following stipulations:

- Infineon will submit to the Board and abide in this IPR any constructions reached by the District Court;
- If the Director rejects MOSAID’s request for Director Review prior to the district court *Markman* hearing (currently scheduled for January 21st), Infineon will withdraw all district court indefiniteness arguments against the ’306 patent; and
- If the District Court determines that any of the ’306 patent’s claims are indefinite, Infineon will move to withdraw those claims from this IPR.

Infineon desires nothing more or less than an efficient and just resolution of this proceeding. MOSAID’s contrary suggestion lacks both substance and truth.

III. CONCLUSION

MOSAID’s request fails to allege, much less prove, that the Director erred or abused his discretion in the first instance. The bottom line is that MOSAID wants this IPR to go away for procedural reasons it could have but did not raise before

institution. Such untimely and non-substantive arguments provide no legitimate basis for relief now that the trial is up and running. It is time for the merits to decide.

Respectfully submitted,

Dated: December 23, 2025

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CERTIFICATE OF SERVICE

Pursuant to 37 CFR §42.6(e)(4), the undersigned certifies that on December 23, 2025, a complete and entire copy of this Authorized Response to Director Review Request was provided by email, to the Patent Owner, by serving the correspondence address of record as follows:

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