

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD.,
AND SAMSUNG ELECTRONICS AMERICA, INC.,
Petitioner,

V.

HANNIBAL IP LLC,
Patent Owner.

Case IPR2025-01189
Patent No. 11,368,911 B2

PATENT OWNER HANNIBAL IP LLC's PRELIMINARY RESPONSE

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PATENT OWNER'S EXHIBIT LIST

Exhibit No.	Description
2008	Merriam-Webster's definition of "response"
2009	Cambridge English Dictionary's definition of "response"
2010	Dictionary.com's definition of "response"

I. INTRODUCTION

Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc. (collectively “Petitioner” or “Samsung”) filed their Petition for inter partes review (“IPR”) of U.S. Patent No. 11,368,911 titled “Method of Physical Downlink Control Channel Monitoring and Related Device” (“the ’911 Patent”) (the “Petition”). The Petition fails to establish a reasonable likelihood that any challenged claim is unpatentable. Specifically, Petitioner fails to present any prior art that discloses the limitation “in response to not receiving the power saving signal while monitoring the second search space, [starting/start] a DRX on-duration timer of the DRX functionality.” Ex. 1001, 13:55-57; 14:65-67. Because the prior art does not disclose this limitation, Petitioner provides an implicit construction that “in response to” means “any time after.” But the Petition did not put forth this construction, contrary to 37 C.F.R. § 42.104(b)(3), instead asserting that no terms need construction. Finally, the Final Written Decision is likely to be issued before the trial in the parallel district court proceeding.

For all these reasons, Hannibal IP LLC (“Hannibal” or “Patent Owner”) respectfully requests that the Director decline to institute this inter partes review.

II. THE '911 PATENT DISCLOSES NOVEL TECHNIQUES FOR MANAGING DRX OPERATIONS AND WUS FOR PDCCH MONITORING

A. The '911 Patent

The '911 Patent, titled “Method of Physical Downlink Control Channel Monitoring and Related Device” issued on June 6, 2022, and contains two independent claims, Claims 1 and 10. Claim 1 is a method claim directed to “A method for a user equipment (UE) monitoring a physical downlink control channel (PDCCH).” Ex. 1001, 13:40-43. Claim 10 is an apparatus claim that closely corresponds to Claim 1. The application for the '911 Patent was filed on Apr. 27, 2020, and claims priority to Provisional Application No. 62/840,451 filed on Apr. 30, 2019. Ex. 1001. The priority date for the '911 Patent is April 30, 2019, a fact not disputed by Petitioner. *See* Petition, p. 11, 84; Ex. 1003, Kakaes Decl. at ¶6, 51.

As described in the background section of the '911 Patent, “UE battery life is an important aspect of the user’s experience, which will influence the adoption of 5G handsets and/or services.” Ex. 1001, 1:26-28. The '911 Patent is directed at power saving operations using power saving signals and Discontinuous Reception (“DRX”).

In modern wireless communications, data is transmitted as blocks of certain time domain and frequency. For efficiency, instead of monitoring all possible time

domains and frequencies for data, the UE is sent a Physical Downlink Control Channel (PDCCH) message that tells the UE the time and frequency to send or receive data. Therefore, the UE only needs to monitor for a PDCCH message. The PDCCH message, however, is not constantly sent to the UE. Therefore, “DRX operation [was] introduced as conventional UE power saving.” Ex. 1001, 2:23-24. DRX operation saves power by scheduling on and off periods for PDCCH monitoring such that “the UE does not have to continuously monitor PDCCH.” Ex. 1001, 2:23-59. More specifically, DRX operation creates a cycle of on periods and off periods. During DRX on duration, UE wakes up and monitors a search space for the PDCCH. Unless the UE receives a PDCCH during DRX on duration, the UE goes back to sleep and skips monitoring for the rest of the DRX cycle.

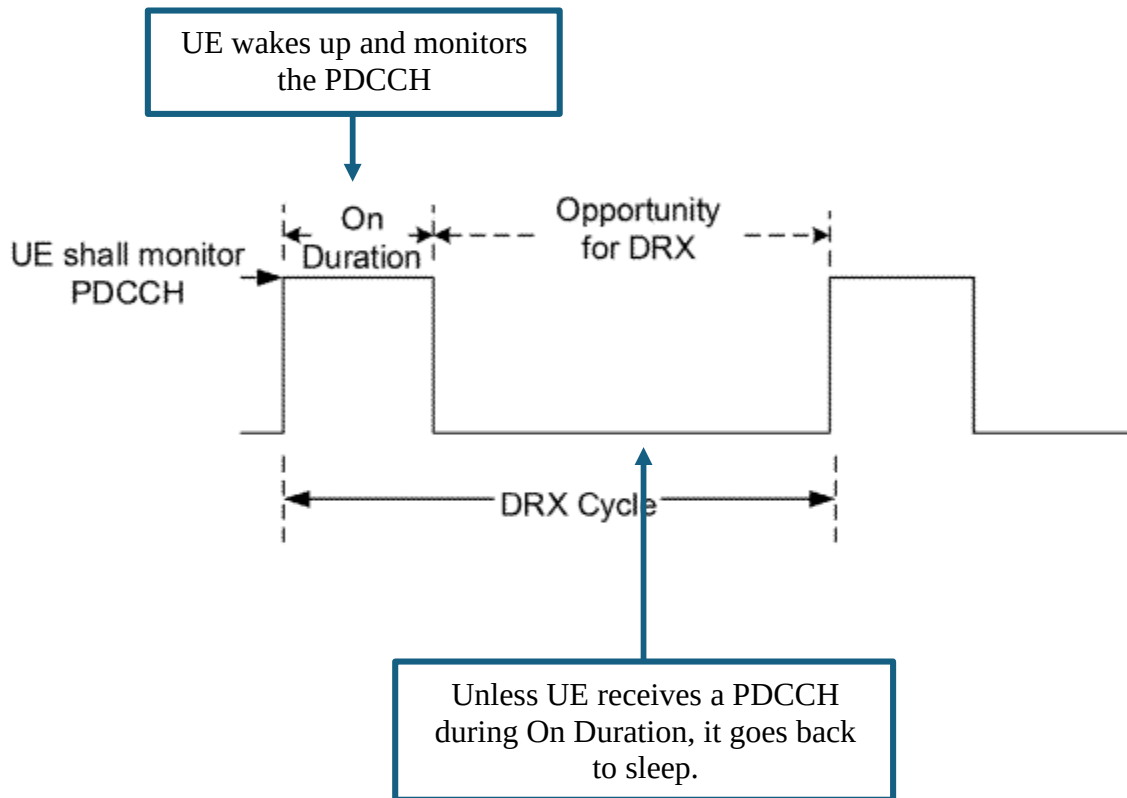


FIG. 1
(RELATED ART)

Ex. 1001 Fig. 1 (annotated).

This prior art DRX operation suffers from drawbacks. For example, the prior DRX mechanism may keep the UE awake even without PDCCH scheduling or may still periodically trigger the UE to wake up causing “unnecessary power consumption.” Ex. 1001, 2:60-3:1. To address the issue of unnecessary power consumption the prior art DRX mechanism added “a power saving signal, namely wake-up signaling (WUS).” Ex. 1001, 3:2-6.

Instead of periodically waking up for a PDCCH monitoring, the UE periodically monitors for a WUS. The WUS, referred to as the “power saving signal” in the ’911 Patent (*e.g.*, Ex. 1001, Abstract), is a short signal sent before the PDCCH monitoring occasion which informs the UE whether it should wake up for PDCCH monitoring. Ex. 1001, 3:9-12. The WUS allows the UE to sleep longer and wake up only when necessary, minimizing energy consumption. But WUS is not without issues. For example, the WUS signal may overlap with the PDCCH, creating situations in which “the UE may need to monitor both the PDCCH for scheduling as well as the WUS occasion simultaneously, which increases the power consumption of the UE.” Ex. 1001, 3:31-46.

The inventions of Independent Claims 1 and 10 (“the Challenged Independent Claims”) provide a novel and non-obvious method and equipment for managing DRX operation and WUS for PDCCH monitoring. The inventions improve the use of DRX and WUS by providing for configuring a first search space for regular PDCCH and a second separate search space for the WUS. Ex. 1001, Cls. 1, 10 (“first search space” and “second search space”). The inventions additionally provide for an improved mechanism for starting a DRX on-duration timer when no WUS is received. Ex. 1001, 13:55-57; 14:65-67. Specifically, the Challenged Independent Claims require “in response to not receiving the power saving signal while monitoring the second search space, [starting/start] a DRX on-

duration timer of the DRX functionality.” Ex. 1001, 13:55-57; 14:65-67. It was the addition of this limitation that led the Examiner to allow the Claims. Ex. 1002, pp. 148-152. The Examiner expressly found no “prior art which solely or in combination with another reference teaches the limitation of: ... [starting/start] a DRX on-duration timer of the DRX functionality in response to not receiving the power saving signal in the second search space.” See Ex. 1002, p. 111. This limitation is completely missing from the art relied upon by the Petitioner. Nor is this limitation obvious.

B. Overview of the Petition

The Petition attacks the validity of all eighteen claims of the '911 Patent on five grounds. The Petitioner asserts in its first and second grounds that Claims 1-3, 5-6, 10-12, and 14-15 are anticipated or rendered obvious by *Nimbalker* (Ex. 1005). Petition, p. 23. Only the first and second grounds concern the two Challenged Independent Claims. At least because these Grounds fail, the other three Grounds (three, four, and five) also fail.

C. Licensing Discussions and the Litigation Between Hannibal and Samsung

Petitioner received notice of the of '911 Patent three years before Hannibal filed its Complaint. On June 8, 2022, Hannibal's counsel sent a letter to Samsung. Ex. 2005. In that letter, Hannibal informed Samsung that it owned a “world-wide

patent portfolio” that included “patents and applications directed to a variety of technologies in the 5G protocol stack.” *Id.* While the ’911 Patent was not specifically identified, it issued less two weeks after the letter and was in the referenced portfolio.

On July 12, 2022, Hannibal and Samsung entered into a Non-Disclosure Agreement and conducted licensing discussions. Subsequently, on February 14, 2023, Hannibal provided Samsung with a claim chart directed to the ’911 Patent and followed-up with a letter discussing the ’911 Patent on November 6, 2023, referencing the previously provided claim chart.¹ Ex. 2002 at 2.

After almost three years of licensing discussions, Hannibal filed its Complaint seeking relief for Samsung’s infringement of four patents, including the ’911 Patent, in the U.S. District Court for the Eastern District of Texas, Case 4:25-cv-00200-SDJ (the “Litigation”),² on February 27, 2025. The accused products include consumer devices such as smartphones and tablets. *See* Complaint, ¶¶ 84 – 101. Samsung answered on June 16, 2025. On July 24, 2025, the Court issued its Order providing certain case deadlines (the “Order”). Ex. 2003. Based on the

¹ In view of an NDA between Samsung and Hannibal, Hannibal cannot disclose the claims charts nor further describe the parties’ discussions.

² Samsung has filed three other Petitions for *inter partes* review against Hannibal of U.S. Patent Nos. 11,057,896, 11,272,535, and 11,641,661 (IPR2025-01187, IPR2025-01188, and IPR2025-01190, respectively).

Court's schedule the Final Pre-Trial Conference is set for November 18, 2026. *Id.* No trial date was set, but in view of the Court's practice, the trial is likely to be set in late November or early December 2026.

D. Schedule in this IPR Proceeding

Samsung filed its Petition on July 11, 2025, which was accorded that filing date by the Notice of Filing Date Accorded mailed July 21, 2025. Hannibal's Preliminary Response is due October 21, 2025. The Director's decision on institution must be made by January 21, 2026. The Board's Final Written Decision ("FWD") must be issued before January 21, 2027. Notably, the FWD will most likely issue after the jury trial in the Litigation.

III. LEVEL OF ORDINARY SKILL IN THE ART

For the purposes of this Preliminary Response only, the Patent Owner will rely on the definition of the Person of Ordinary Skill in the Art ("POSITA") provided by Petitioner, which was: an individual who "would have at least a master's degree in electrical engineering or a similar field and at least two years of experience working with wireless mobile telecommunications systems. Additional relevant work experience can compensate for less education, and vice versa."

Petition, p. 18.

IV. INSTITUTION OF INTER PARTES REVIEW SHOULD BE DENIED

A. *Nimbalker* does not disclose “in response to not receiving the power saving signal while monitoring the second search space, [starting/start] a DRX on-duration timer of the DRX functionality.”

In the Petition, *Nimbalker* is the sole reference for Grounds 1 and 2, which the Petitioner and Dr. Kakaes assert anticipates or renders obvious the Challenged Independent Claims. But *Nimbalker* does not disclose the limitation “in response to not receiving the power saving signal while monitoring the second search space, [starting/start] a DRX on-duration timer of the DRX functionality.” And as discussed below, the limitation would not have been obvious either.

Nimbalker discloses a “Conditional Wake-Up Signal Configuration for New Radio.” Ex. 1005 at Title. *Nimbalker* explains:

According to certain embodiments, a conditional WUS operation is provided, wherein if a device such as, for example, a UE does not detect the WUS in a WUS monitoring occasion, the UE may determine whether or not to monitor a Physical Downlink Control Channel (PDCCH) *based* on an additional condition such as, for example, a Reference Signal Received Power (RSRP) condition or a WUS decoder reliability metric, thereby providing additional robustness when reliable detection of WUS cannot be ensured.

Id. at 8 (emphasis added). So, *Nimbalker* determines whether to monitor the PDCCH in response to the additional condition (such as RSRP or WUS decoder reliability), not the receipt of the WUS. *Nimbalker* further explains the purpose for using these additional conditions instead of the WUS:

According to certain embodiments, the UE may be configured with a conditional WUS operation. For example, certain embodiments described above include a procedure in which the UE skips monitoring the PDCCH in PDCCH monitoring occasion(s) (e.g. DRX ON duration(s)), corresponding to the WUS monitoring occasion if the UE does not detect WUS in a WUS monitoring occasion. However, the reliability of WUS detection may depend on the UE propagation channel condition between the network node (e.g., a new radio network node, such as a gNB) that is transmitting the WUS and the UE and/or a detection threshold which may be fixed or adaptive for the corresponding WUS detector. ***In circumstances where WUS detection is less reliable, it may be desirable for the UE not to solely rely on a ‘unsuccessful WUS detection’ in a WUS monitoring occasion as the criterion for skipping PDCCH monitoring in PDCCH monitoring occasion(s) associated with that WUS monitoring occasion.***

Id. at 12 (emphasis added). *Nimbalker* makes clear that monitoring for the PDCCH is in response to the status of another condition because WUS reception may be an unreliable indicator. And indeed, if such other condition is met, *Nimbalker* discloses the traditional DRX operation of skipping PDCCH monitoring. *Id.* (“If the RSRP exceeds the threshold, the UE may skip PDCCH monitoring for this ON duration and monitor for a WUS before the next ON duration.”). Because the system in *Nimbalker* determines whether to monitor the PDCCH in response to the status of another condition (such as RSRP) and not the WUS, it does not disclose “in response to not receiving the power saving signal while monitoring the second search space, starting a DRX on-duration timer of the DRX functionality.” *See id.* at 15 (“if the UE does not detect a WUS in a WUS monitoring occasion, *the UE may apply a condition* such as, for example, the RSRP threshold determination, to

determine whether to wake-up and monitor the PDCCH or not monitor the PDCCH during the PDCCH monitoring occasion(s) corresponding to the WUS monitoring occasion.”) (emphasis added).

Contrary to Petitioner’s and Dr. Kakaes’ assertions, *Nimbalker* does not disclose the requirement of “in response to not receiving the power saving signal while monitoring the second search space, [starting/start] a DRX on-duration timer of the DRX functionality.” Ex. 1001, 13:55-57; 14:65-67. In support of their contention, both Petitioner and Dr. Kakaes selectively cite portions of sentences of *Nimbalker* to mask *Nimbalker*’s disclosure that a condition other than WUS detection is used to determine whether to monitor for PDCCH.³ See Petition at p. 31; Ex. 1003, Kakaes Decl. at ¶150. For example, the Petition and Dr. Kakaes state “*Nimbalker* discloses that ‘with the successful/unsuccessful WUS detection criterion,’ the UE may ‘determine whether to monitor/skip monitoring PDCCH in PDCCH monitoring occasion(s) corresponding to the WUS monitoring occasion.’” *Id.* (Both citing Ex. 1005 at pp. 8-9.). But *Nimbalker* does not disclose that the UE determines whether to monitor PDCCH based on the WUS detection criterion.

Nimbalker actually states:

with the ‘successful/unsuccessful WUS detection’ criterion, the UE may use *another reliability condition* (e.g. whether RSRP measured by UE is above/below a certain threshold, or whether WUS-PDCCH

³ Petitioner’s arguments in the Petition mirror the declaration by Dr. Kakaes.

decoder's internal information suggests a presence of a compatibly encoded PDCCH) *to determine whether to monitor/skip monitoring PDCCH* in PDCCH monitoring occasion(s) corresponding to the WUS monitoring occasion.”

Ex. 1005 at pp. 8-9 (emphasis added). Similarly, the Petition states,

[t]herefore, if the ‘UE does not detect WUS in a WUS monitoring occasion before a DRX ON duration’ (not receiving the power saving signal while monitoring the second search space), the UE may ‘monitor the PDCCH occasion during the ON duration [start a DRX on-duration timer of the DRX functionality] even if a WUS is not detected in the WUS monitoring occasion.

Petition at p. 32; *see also* Ex. 1003, Kakaes Decl. at ¶151. But again, that is not what *Nimbalker* discloses. The full disclosure is:

According to certain embodiments, the UE may not detect WUS in a WUS monitoring occasion before a DRX ON duration. Instead of only relying on the lack of detecting a WUS, the UE may further determine if the RSRP is larger than a RSRP threshold. If the RSRP exceeds the threshold, the UE may skip PDCCH monitoring for this ON duration and monitor for a WUS before the next ON duration. *If the RSRP is lower than the threshold, the UE may monitor the PDCCH occasion during the ON duration even if a WUS is not detected in the WUS monitoring occasion, in a particular embodiment.*

Ex. 1005, p. 15 (emphasis added). Petitioner wrongly claims that *Nimbalker* discloses “in response to not receiving the power saving signal while monitoring the second search space, starting a DRX on-duration timer of the DRX functionality.” Petition, pp. 31-37. As discussed above, it does not.

Petitioner does not argue that it would be obvious to eliminate use of the other reliability conditions from *Nimbalker* to arrive at the claimed limitation. *See*

Petition at pp. 34-36; Ex. 1003, Kakaes Decl. at ¶¶156-158. Rather it only argues that it would be obvious based on *Nimbalker* to “start/starting a DRX on-duration timer of the DRX functionality.”⁴ *Id.* Regardless, *Nimbalker* does not render the Challenged Independent Claim obvious. As discussed above, *Nimbalker* expressly cautions against deciding whether to monitor the PDCCH based on WUS receipt because WUS receipt is allegedly an unreliable indicator. *See e.g.*, Ex. 1005 at 12. Accordingly, *Nimbalker* relies on a different condition to determine whether to monitor the PDCCH. As such, the Challenged Claims are not rendered obvious by *Nimbalker*.

The above flaws are fatal to all five grounds of the Petition as they all rely on *Nimbalker*. Because *Nimbalker* cannot create a reasonable likelihood that the Petitioner would prevail with respect to the Challenged Independent Claims, Samsung’s Petition should not be instituted.

B. The Petition Applies a Claim Construction to the Challenged Independent Claims Without Proposing Any Construction, Which Warrants Denial under 37 C.F.R. § 42.104(b)(3)

A petition is required to include “[h]ow the challenged claim is to be construed” for each challenged claim and “[h]ow the construed claim is unpatentable.” 37 C.F.R. § 42.104(b)(3)-(4). This reflects the bedrock principle

⁴ Petitioner reserves its right to challenge this assertion.

that the first step in a validity analysis based on prior art is to construe the claims.

Markman v. Westview Instruments, Inc., 52 F.3d 967, 996 n.7 (Fed. Cir. 1995) (Mayer, J., concurring), aff'd, 517 U.S. 370 (1996); *Amazon.com, Inc. v. Barnesandnoble.com, Inc.*, 239 F.3d 1343, 1351 (Fed. Cir. 2001).

Failure to include a relevant construction may lead to the dismissal of the petition. Indeed, the Board has routinely denied institution when the Petitioner failed to provide a construction for one or more key terms material to the validity analysis. For example, in *C&D Zodiac, Inc. v. B/E Aerospace, Inc.*, Case IPR2017-01274, Paper 12 (P.T.A.B. Oct. 31, 2017), the Board denied institution where the Petitioner failed to provide a construction of key terms. Similarly, in *SharkNinja Operating LLC v. Flexible Techs., Inc.*, IPR2018-00903, Paper 8 (P.T.A.B. Oct. 17, 2018), the Patent Owner argued that “the Petitioner has failed to satisfy its burden of how the challenged claims are to be construed.” *Id.* at 7. The Board agreed and denied institution because the Petitioner had not met its burden to provide a construction nor to demonstrate a reasonable likelihood of prevailing. *Id.* at 9-10.

While these decisions were decided under the previous “broadest reasonable construction” standard, the requirements of 37 C.F.R. § 42.104 are even more important given the exacting *Phillips* standard the Board now employs. For example, in *Volkswagon Group*, the Board applied the *Phillips* standard in a

similar circumstance. *Volkswagon Group of Am., Inc. v. Michigan Motor Techs., LLC*, IPR2020-00229, Paper 13 (P.T.A.B. July 6, 2020). In that case, the Petition at issue concerned “a method of operating an internal combustion engine.” The Petition failed to provide any claim construction. Rather, the Petitioner “provide[d] no more than a generic assertion that ‘[a]ll claim terms should receive their plain and ordinary meaning... .’” *Id.* at 9. “The specification of the challenged patent provide[d] an express construction of an important claim term.” *Id.* at 9-10. In denying institution, the Board stated that “Petitioner’s failure to recognize and address the express construction coupled with Petitioner’s failure to otherwise address the meaning of the term, is insufficient to satisfy the requirements of 37 C.F.R. § 42.104(b)(3).” *Id.* And a petitioner cannot cure the failure to provide the relevant construction after filing its petition. *MModal LLC v. Nuance Comm’ns, Inc.*, 846 Fed. Appx. 900, 906-07 (Fed. Cir. 2021) (finding that the Board did not abuse its discretion when it disregarded two arguments made after the petition was filed).

Here, Petitioner has asserted that “no terms need construction to resolve controversy in this forum.” Petition at p. 18. But the Petition’s analysis of the claims contradicts this statement. As discussed above *Nimbalker* does not disclose the limitation “in response to not receiving the power saving signal while monitoring the second search space, [starting/start] a DRX on-duration timer of the

DRX functionality.” See Section IV.A., *supra*. In order for *Nimbalker* to allegedly meet this limitation, the Petition and Dr. Kakaes’ supporting declaration implicitly construes the phrase “in response to” to mean “any time after.” The dictionary definition of response supports that “response” is not solely temporal but must be a reply or reaction to something. For example, Merriam-Webster’s defines “response” as “something constituting a reply or reaction.” Ex. 2008. Other dictionaries provide similar definitions. Ex. 2009 (“an answer or reaction”); Ex. 2010 (“an answer or reply, as in words or in some action”).

Contrary to this well-understood definition, both the Petition and Dr. Kakaes’ Declaration only discuss that starting the “DRX on-duration timer” at some point, but not as a reply or reaction to not receiving the power saving signal. See Petition at p. 33; Ex. 1003, Kakaes Decl. at ¶153. For example, in his declaration Dr. Kakaes discusses that the “DRX on-duration timer” would begin, but not that it is done in response to anything.

A POSITA would have understood that *Nimbalker*’s disclosure of beginning an ON duration monitoring period discloses starting a “DRX on-duration timer” because that was the standard operation for tracking the ON duration time period.

Ex. 1003, Kakaes Decl. at ¶153. In support, Dr. Kakaes describes various aspects of the DRX On-Duration Timer. Ex. 1003, Kakaes Decl. at ¶154. But the references Dr. Kakaes cites to do not disclose starting the DRX on-duration timer

“in response to” not receiving the power saving signal. *See* Ex. 1003, Kakaes Decl. at ¶154. For example, the first cited reference, *TS 38.331*, merely “identif[ies] ‘drx-onDurationTimer’ as a ‘*DRX-config*’ parameter.” Ex. 1012, *TS 38.331* at pp. 216-218. And the next cited reference, *TS 36.331*, similarly provides additional detail for the “onDurationTimer” as a “DRX-Config” parameter. Ex. 1025, *TS 36.331* at pp. 470, 473. But none of the references Dr. Kakaes relies upon contains any disclosure of the “in response to” limitation. *See id.*; *see also* Ex. 1022, *TS 38.321* at p. 38; Ex. 1011, *TS 36.321* at pp. 9, 53, 123; Ex. 1013, *R1-1904738* at p. 2; Ex. 1014, *R1-1905384* at p. 8; Ex. 1009, Anil at pp. 226-27; Ex. 1017, *LTE in Bullets* at pp. 11-12.

Despite this limitation being absent from the cited references and having provided no analysis of how these references relate to the limitation, the Petition and Dr. Kakaes cite to these references as supporting the incorrect statement

that starting a DRX on-duration timer of the DRX functionality for monitoring an ON duration time period, either in response to receiving a wake-up signal or **in response to not detecting a wake-up signal**, was well known and routine in the prior art.

Petition at p. 39; Ex. 1003, Kakaes Decl. at ¶163; *see also* Petition at p. 37; Ex. 1003, Kakaes Decl. at ¶160. But, as described above, neither these references nor *Nimbalker* disclose the “in response to” limitation. Instead, they disclose that the

“DRX on-duration timer” starts “any time after” not receiving the power saving signal, not “in response to” not receiving it.

And while Petitioner asserts that if *Nimbalker* does not disclose this limitation, it would have rendered it obvious, the analysis that follows similarly applies the “any time after” construction for “in response to.” Ex. 1003, Kakaes Decl. at ¶156. Notably, in Figure 3 below, which Dr. Kakaes primarily relies upon shows only that the DRX on-duration timer occurs at some point after “WUS [Wake-Up Signal] not detected in WUS MO and RSRP is below threshold.” Nowhere in Figure 3 does it disclose that the DRX on-duration timer begins “in response to” not receiving the WUS. Instead, it shows that the DRX on-duration timer begins at some point after the WUS is not received.

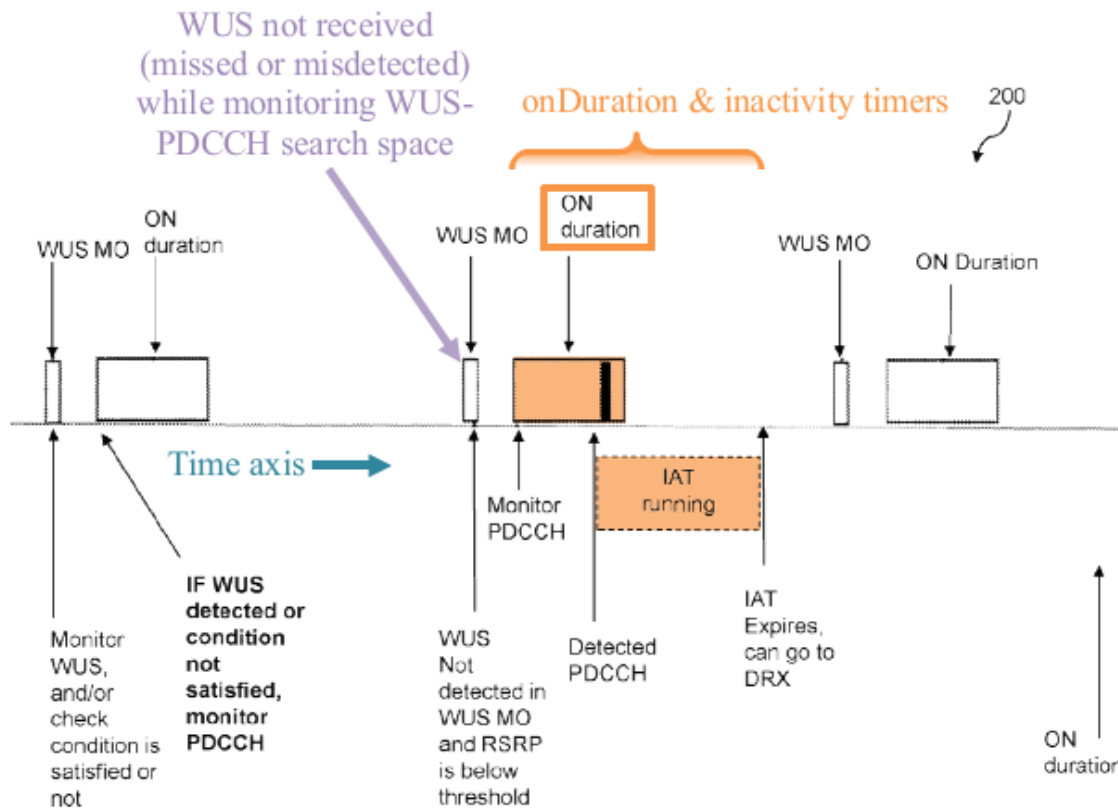


FIGURE 3

Because Petitioner and its expert only assert that the DRX on-duration timer starts at “any time after” the wake-up signal is not received, it is implicitly applying that construction to the claims. But Petitioner never provided a construction for that term. Because it failed to comply with the requirements of 37 C.F.R. § 42.283(b)(3), the Petition should not be instituted.

C. Trial Will Likely Occur Before the Projected Final Written Decision

The Director’s decision on institution must be made by January 21, 2026. The Board’s Final Written Decision (“FWD”) must be issued on or before January

21, 2027.

In the Litigation, the Court set the final pretrial conference for November 18, 2026. Ex. 2003, Order. While the District Court did not set a trial date, the Court typically sets jury trials for shortly after the final pretrial conference. *See Stellar LLC v. Motorola Solutions, Inc.*, No. 4:23-cv-750-SDJ, Dkt. 50 (E.D. Tex. Aug. 9, 2024) (setting trial for 10 days after final pretrial conference), Ex. 2006, p. 4. Based on the District Court's usual practice, the jury trial will likely take place in late November or early December of 2026. And the Board has routinely denied institution when the jury trial predates the final written decision. *See, e.g., CIPLA Ltd. v. Gilead Sciences, Inc.*, IPR2025-00033, Paper 22 at 9-10, 13 (P.T.A.B. May 15, 2025) (denying institution under 35 U.S.C. § 314 in part because the trial would occur before the FWD); *Google LLC v. Cerence Operating Co.*, IPR2024-01464, Paper 15 at 7-8, 15 (P.T.A.B. Apr. 23, 2025) (similar); *The Hillman Grp., Inc. v. Hy-Ko Prods. Co. LLC*, IPR2022-00169, Paper 8, at 9 (P.T.A.B. May 9, 2022) (similar).

Thus, the fact that trial will occur prior to the FWD favors denial of institution.

V. CONCLUSION

For the reasons set forth above, Hannibal requests that the Director deny institution in this IPR proceeding on the '911 Patent.

Dated: October 21, 2025

/s/ Brian A. Carpenter
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CERTIFICATE UNDER 37 C.F.R. SECTION 42.24

Hannibal certifies that the word count in this Request, as determined by the Microsoft Word word-processing system is 4,208 words. This Request is in compliance with the 14,000-word limit, excluding the parts exempted by 37 C.F.R. §§ 42.24(a)-(b).

CERTIFICATE OF SERVICE

I, Brian A. Carpenter, hereby certify that on the 21st day of October, 2025,
the foregoing document was served on the following by email:

Joshua L. Goldberg
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