

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MARVELL SEMICONDUCTOR, INC.,
Petitioner,

v.

CREDO TECHNOLOGY GROUP LTD.,
Patent Owner.

Case IPR2025-01220
U.S. Patent No. 11,032,111

**PATENT OWNER'S REPLY IN SUPPORT OF ITS
REQUEST FOR DISCRETIONARY DENIAL**

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TABLE OF EXHIBITS

Exhibit	Description
2001	In re Certain Active Electrical Cables and Components Thereof, Inv. No. 337-TA-3814, Complaint (Mar. 13, 2025).
2002	“Credo Introduces PAM4 DSP for High Performance Data Centers and Enterprise Networks,” March 17, 2021, https://credosemi.com/credo-introduces-pam4-dsp-for-high-performance-data-centers-and-enterprise-networks/
2003	“AEC Applications,” https://credosemi.com/products/hiwire-aec/applications/
2004	“Credo Introduces 800G HiWire ZeroFlap AECs to Support AI Backend Networks,” October 10, 2024, available at https://s205.q4cdn.com/511065572/files/doc_news/2024/10/credo-introduces-800g-hiwire-zeroflap-aecs-to-support-ai-backend-networks.pdf
2005	“CREDO Receives Cabling Installation & Maintenance Innovators 2019 Gold Award for HiWire™ Active Electrical Cables (AEC),” October 1, 2019, https://credosemi.com/news/credo-receives-cabling-installation-maintenance-innovators-2019-gold-award-for-hiwire-active-electrical-cables-aec/
2006	“Credo Files AEC Patent Infringement Complaint Against Amphenol, Molex, TE Connectivity, and Volex with United States International Trade Commission,” March 13, 2025, https://investors.credosemi.com/news-events/news/news-details/2025/Credo-Files-AEC-Patent-Infringement-Complaint-Against-Amphenol-Molex-TE-Connectivity-and-Volex-with-United-States-International-Trade-Commission/default.aspx
2007	Order No. 12 Granting Marvell’s Motion to Disqualify Fish, 337-TA-1446, public version
2008	Bert Reiser & Ruthie Wu, Why the International Trade Commission is such an appealing forum for patent disputes,” Reuters (June 11, 2025), https://www.reuters.com/legal/legalindustry/why-international-trade-commission-is-such-an-appealing-forum-patent-disputes-2025-06-11/
2009	Order No. 19 Granting Motion to Amend Procedural Schedule, 337-TA-1446

Exhibit	Description
2010	Respondents' Initial Invalidity Contentions, In the Matter of Certain Active Electrical Cables and Components Thereof, Inv. No. 337-TA-1446, served June 26, 2025
2011	Exhibit C-12, 111 Patent Invalidity Chart to the ITC Respondents' Initial Invalidity Contentions, In the Matter of Certain Active Electrical Cables and Components Thereof, Inv. No. 337-TA-1446, served June 26, 2025
2012	Exhibit C-3, 111 Patent Invalidity Chart to the ITC Respondents' Initial Invalidity Contentions, In the Matter of Certain Active Electrical Cables and Components Thereof, Inv. No. 337-TA-1446, served June 26, 2025
2013	Exhibit C-11, 111 Patent Invalidity Chart to the ITC Respondents' Initial Invalidity Contentions, In the Matter of Certain Active Electrical Cables and Components Thereof, Inv. No. 337-TA-1446, served June 26, 2025
2014	USPTO, "FAQs for Interim Processes for PTAB Workload Management," available at https://www.uspto.gov/patents/ptab/faqs/interim-processes-workload-management
2015	Respondents' Final Invalidity Contentions, Oct. 24, 2025, Inv. No. 337-TA-1446
2016	Exhibit C-21 to the ITC Respondents' Final Invalidity Contentions, Inv. No. 337-TA-1446

I. INTRODUCTION

As discussed in Credo’s opening request (Paper 6), proceeding with this IPR would result in judicial inefficiency because the pending ITC Investigation involving the ’111 patent is scheduled to conduct the evidentiary hearing starting on March 30, 2026, and the Commission is expected to complete the ITC Investigation by December 17, 2026—months *before* the Board’s February 13, 2027 Final Written Decision date. This has not changed. All *Fintiv* factors support denial here because the underlying legal and factual issues before the ITC and the PTAB are largely the same. The patents are the same, the challenged claims are the same, and both parties are involved in the ITC Investigation.

What has changed is the *increased amount* of overlap between the ITC Investigation and this Proceeding. At the time Credo filed its opening brief, the respondents in the ITC Investigation were relying on the same primary reference that Petitioners assert here in one of their five grounds. Since then, the respondents have amended their invalidity contentions and are now asserting *all five* of Petitioner’s primary references—and *all but one* of the secondary references. *Fintiv* Factor 4 now weighs even more heavily in favor of denying institution.

II. ARGUMENT

Fintiv Factor 4 factor looks at “whether all or some of the claims challenged in the petition are also at issue in district court [or the ITC],” and whether the

“petition includes the same or substantially the same claims, grounds, arguments, and evidence” as the parallel case. *Apple Inc. v. Fintiv, Inc.*, IPR2020-00019, Paper 11 at 12-13 (PTAB Mar. 20, 2020) (precedential, designated May 5, 2020) (“*Fintiv I*”). In the ITC Investigation, respondents initially did not assert Berke (Ex-1004)—Petitioner’s primary reference for the majority of its invalidity Grounds presented in the Petition. However, on October 24, 2025, respondents amended their invalidity contentions (*see* Ex-2015) to include invalidity arguments based on Berke. There is now even more overlap with the present proceeding, as demonstrated in the following updated table:

ITC Preliminary Invalidity Contentions			IPR Grounds 1-3		
Claims	Reference	Exhibit	Claims	Reference	Exhibit
1-19	Cornelius	Ex-1005	1-19 (Grounds 1, 3)	Cornelius	Ex-1005
1-19	Ran	Ex-1006	1-19 (Grounds 2, 4-5)	Ran	Ex-1006
1-19	Stauffer	Ex-1008	1-19 (Grounds 3-5)	Stauffer	Ex-1008
1-19	Berke	Ex-1004	1-19 (Grounds 1-4)	Berke	Ex-1004
			1-19 (Ground 5)	Mejia	Ex-1009

Not only is Petitioner now relying on the same Berke reference as the ITC respondents, but the arguments and cited portions of the Berke reference are the same in both proceedings.

The ITC Respondents now rely upon Berke (U.S. Patent App. Pub. No. 2019/0288881, Ex-1004), just as Marvell does here. *See* Ex-2016 (Exhibit C-21 to the ITC Respondents' final invalidity contentions); Pet. at 15 (IPR Grounds based on Berke+Cornelius, Berke+Ran, Berke+Cornelius+Stauffer, and Berke+Ran+Stauffer).

The Berke overlap is further confirmed by Petitioner's reliance on the same Berke disclosures that its Customer-Respondents are relying upon in the ITC Investigation. In addressing claim 1, the ITC Respondents' invalidity contentions and Petitioner's IPR Grounds 1 and 2 each rely on Figure 1 of Berke. *Compare* Ex-2016, 3-5, 20-30, 40-45, 58-60 *with* Pet., 17-28, 43.

In sum, this IPR would involve the same claims at issue in the ITC Investigation—which will be construed under the same *Phillips* standard—and the same prior art, which raises substantial “concerns of inefficiency and the possibility of conflicting decisions.” *Fintiv I* at 12. This factor thus weighs in favor of a discretionary denial. *See Apple Inc. v. Fintiv, Inc.*, IPR2020-00019, Paper 15 at 15 (PTAB May 13, 2020) (“*Fintiv I*”); *NHK Spring Co. v. Intri-Plex Techs., Inc.*, IPR2018-00752, Paper 8 at 19-20 (PTAB Sept. 12, 2018)

(precedential, designated May 7, 2019). For the reasons discussed in Credo's opening request (Paper 6), the remaining *Fintiv* and other factors support denial of institution.

III. CONCLUSION

For all of these reasons, and those identified in its opening brief (Paper 6), Credo respectfully requests denial of the Petition.

Date: November 24, 2025

Respectfully submitted,

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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e)(4), I hereby certify that on November 24, 2025, a true and correct copy of the foregoing was served by electronic mail upon the following counsel of record for Petitioners:

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