

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ASUSTEK COMPUTER INC.
Petitioner,

v.

NOKIA TECHNOLOGIES OY
Patent Owner.

Case IPR2025-01279
Patent 8,050,321

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

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LIST OF EXHIBITS

ASUS Exhibit No.	Description
ASUS-1001	U.S. Patent No. 8,050,321 (“the ’321 patent”)
ASUS-1002	Prosecution File History for the ’321 patent
ASUS-1003	Declaration of Dr. Eli Saber
ASUS-1004	Curriculum Vitae of Dr. Eli Saber
ASUS-1005	ISO/IEC 11172-2 (1st ed.) Information technology - Coding of moving pictures and associated audio for digital storage media at up to about 1,5 Mbit/s - Part 2: Video (“MPEG-1”)
ASUS-1006	U.S. Patent No. 6,912,351 (“Kim”)
ASUS-1007	CL480PC MPEG-1 System Decoder Specification, <i>available at</i> https://web.archive.org/web/19970128081644/http://www.ccube.com/prdctlst/cl480pc.pdf .
ASUS-1008	U.S. Patent No. 7,263,270
ASUS-1009	Ruby B. Lee et al., <i>Real-Time Software MPEG Video Decoder on Multimedia-Enhanced PA 7100LC Processors</i> , Hewlett-Packard J., Apr. 1995, <i>available at</i> https://archive.org/details/Hewlett-Packard_Journal_Vol._46_No._2_1995-04_Hewlett-Packard
ASUS-1010	Ketan Patel, et al., <i>Performance of a Software MPEG Video Decoder</i> , Multimedia ’93: Proceedings of the First ACM Int’l Conf. on Multimedia, August 2-6, 1993
ASUS-1011	RESERVED

ASUS-1012	RESERVED
ASUS-1013	Declaration of June Ann Munford
ASUS-1014	U.S. Patent No. 7,894,521
ASUS-1015	U.S. Patent No. 5,786,858 (“Yagasaki”)
ASUS-1016	August 1, 2025 ASUS Stipulation
ASUS-1017	Institution Decision IPR2024-00691, Paper 10, September 24, 2024
ASUS-1018	Opening Claim Construction Brief in 337-TA-1448
ASUS-1019	ITC web page, https://www.usitc.gov/ (October 28, 2025)
ASUS-1020	Order No. 18, Initial Determination Revising the Target Date Due to Government Shutdown, Inv. No. 337-TA-1118
ASUS-1021	Order No. 26, Initial Determination Revising the Target Date for Issuance of the Initial Determination on Violation, and Revising the Target Date Because of the Government Shutdown, Inv. No. 337-TA-1124

I. INTRODUCTION

ASUSTeK Computer Inc. (“Petitioner” or “ASUS”) seeks review of U.S. Pat. No. 8,050,321 (“the ’321 patent”). The factors set forth in Deputy Director Stewart’s March 2025 memo and subsequent decisions support institution: ASUS repeats a prior successful challenge to a patent that was issued in error.

Indeed, the appropriateness of referral is underscored by the Board’s prior institution of an earlier-filed petition by Amazon, Inc. on the *same* challenged claims of the ’321 patent based on the *same* prior art (MPEG-1, Kim, and Yagasaki) that ASUS applies in the present Petition. *See* ASUS-1017 (IPR2024-00691).¹ Through institution of Amazon’s Petition, the Office already found a reasonable likelihood that the Challenged Claims are unpatentable over MPEG-1, Kim, and Yagasaki. ASUS-1017, pp. 36-37 (“As discussed above, Petitioner’s analysis addresses how MPEG-1 teaches claim 8’s subject matter. *See supra* §§ III.D.2(a)–(e). Hence, Petitioner demonstrates a reasonable likelihood of proving that claim 8 is unpatentable under § 103(a) as obvious over MPEG-1.”), 42-43 (“Petitioner demonstrates a reasonable likelihood of proving that claim 9 is unpatentable under § 103(a) as obvious over MPEG-1 and Yagasaki.”), 62-64 (“As discussed above,

¹ IPR2024-00691 terminated pursuant to settlement shortly after institution. ASUS was not a party to this proceeding.

Petitioner's analysis addresses how Kim teaches claim 8's subject matter. *See supra* §§ III.F.2(a)–(e). Hence, Petitioner demonstrates a reasonable likelihood of proving that claim 8 is unpatentable under § 103(a) as obvious over Kim.”) ASUS simply asks the Board to pick back up where it left off in reviewing the MPEG-1, Kim, and Yagasaki grounds that the Board previously endorsed in Amazon's Petition.

Further, as discussed in more detail below, Examiner error occurred in the Office's issuance of the '321 patent. Specifically, in issuing the '321 patent, the Examiner failed to consider the well-known MPEG-1 standard, despite recognizing the relevance of MPEG technology to the subject matter of the '321 patent.

To sum, at least the reasons discussed above (and reproduced below) justify the use of PTAB resources in the dispute between Nokia and ASUS:

- 1) Grounds based on a prior successful challenge; and
- 2) Correction of errors that occurred during examination.

Each of these justifications has been identified by the Deputy Director as warranting use of PTAB resources. And each is applicable to the Nokia/ASUS dispute for reasons that are similar to prior cases where discretionary denial has been denied.

Although each of these factors alone justifies referral of the present Petition, taken collectively, these factors strongly favor institution and override any concern over parallel proceeding overlap. This is particularly true here where ASUS has

eliminated potential overlap by offering a sweeping *Sotera*-plus stipulation that includes foregoing the use of the asserted art in combination with system art (or any prior art) in accordance with the Deputy Director's *Motorola* decision.

Finally, the merits of the Petition are strong and well-supported by competent expert testimony and contemporaneous third-party evidence. Thus, under these facts and given the present record, ASUS respectfully requests that the Director decline Nokia's request to discretionarily deny institution of this IPR and consider ASUS's Petition on the merits.

II. *INTER PARTES* REVIEW IS AN APPROPRIATE USE OF OFFICE RESOURCES

A. The Petition Presents a Strong Patentability Challenge Based on the Same Prior Art That the PTAB Previously Endorsed Through Institution of an Earlier IPR Challenging the '321 Patent

The Petition presents straightforward obviousness grounds that are especially strong on the merits. This is evident from the Board's prior institution of Amazon's petitions challenging the '321 patent based on the *same* prior art—MPEG-1, Kim, and Yagasaki—that ASUS applies in the current Petition. *Compare* Paper 3, with ASUS-1017. For example, the present Petition relies in Ground 1 on MPEG-1 to demonstrate obviousness of claims 8, 10, and 11 of the '321 patent. The Board's institution decision in the Amazon proceeding addressed the same contention of obviousness based on MPEG-1 and found that MPEG-1 renders obvious all

limitations of the claims. ASUS-1017, pp. 12-37. The second ground that relies on Kim also has been endorsed by the Board and further strengthens the merits of the Petitioner's challenge. ASUS-1017, pp. 43-64.

Notably, requests for discretionary denial have been repeatedly denied for petitions challenging claims on which the Board previously instituted an IPR challenge or which the Board had finally determined to be unpatentable. *See Tesla, Inc. v. Intellectual Ventures II LLC*, IPR2025-00217, Paper 9, at 2-3 (“Other considerations, however, counsel against discretionary denial. For example, Petitioner ... asserts that the merits are strong because the Board previously determined there was a reasonable likelihood that similar claims of an ancestor patent were unpatentable in three separate proceedings with respect to some of the challenged patents in these proceedings.”); *Posco Co., LTD. V. Arcelormittal*, IPR2025-00370, Paper 10 at 3 (PTAB Jun. 25, 2025) (“[I]t is an appropriate use of Office resources to provide consistency and predictability to the public and to ensure that a patent applicant or owner does not take action inconsistent with the judgment in a prior Office proceeding.”); *Mercedes-Benz Group AG v. The Phelan Group, LLC*, IPR2025-00758, Paper 8 at 2 (PTAB August 14, 2025) (referral decision highlighting that “[t]he challenged patent” in a recently instituted IPR “has similar claims to those challenged in this proceeding”); *Padagis US v. Neurelis*, IPR2025-00464, Paper 12 at 2-3 (PTAB July 16, 2025) (a prior decision indicating

unpatentability of claims of a related patent reciting similar subject matter as the challenged claims weighs against discretionary denial); *Nintendo Co., LTD et al., v. Resonant Systems*, IPR2025-00680, Paper 18 at 3 (PTAB August 14, 2025) (“Other factors counsel against discretionary denial as well. In particular, in an *inter partes* review of a continuation patent of the challenged patent, the Board has determined claims that are substantially similar to the challenged claims to be unpatentable.”). The principles highlighted in these decisions apply in even greater force here where ASUS’s petition does not merely challenge “similar” or “related” claims to those challenged in a previously instituted IPR, but rather challenges the *same* claims as those challenged in the instituted Amazon petition based on overlapping prior art.

Notably, Nokia’s discretionary denial brief does not raise any road mapping concerns as ASUS stayed true to the arguments set forth in Amazon’s petitions. Thus, ASUS’s petition was crafted with fairness and efficiency in mind.

B. Material Error by the Office Warrants Referral Where the Examiner Did Not Adequately Investigate MPEG Standards

Material error during prosecution weighs heavily against discretionary denial. When the Office has committed a material error in prosecution of a challenged patent, correction of such an error has been deemed to be of paramount importance, often overcoming facts that otherwise would have resulted in a denial. *See, e.g., Microsoft Corp. v. Partec Cluster Competence Cent. GmbH*, IPR2025-00318, Paper

9, 3 (Stewart June 12, 2025) (“*Microsoft v. Partec*”); *Padagis US LLC v. Neurelis, Inc.*, IPR2025-00464, Paper 12, 3 (Stewart July 16, 2025); *Tesla, Inc. v. Charge Fusion Techs., LLC*, IPR2025-00152, Paper 11, 2 (Stewart June 12, 2025); *Anthony Inc. v. ControlTec, Inc.*, IPR2025-00559, Paper 12, 2 (Stewart July 16, 2025) (“*Anthony*”); *USAA Federal Savings Bank v. PACid Technologies, LLC*, IPR2025-00697, Paper 9, 2-3 (Stewart August 14, 2025); *Samsung Electronics Co., Ltd., v. Wilus Institute of Standards*, IPR2025-00935, Paper 12, 2-3 (September 26, 2025). Indeed, when “[p]etitioner appears to show a material error by the office,” the Office has found that “it is an appropriate use of Office resources to review the potential error”—*even if the trial date in the copending litigation precedes the FWD date*. *Microsoft v. Partec*, IPR2025-00318, Paper 9, 3 (referring to the panel, despite a later trial date, because “Petitioner appears to show a material error by the Office and it is an appropriate use of Office resources to review the potential error”); *Taiwan Semiconductor Manufacturing Co. Ltd. v. Marlin Semiconductor Ltd.*, IPR2025-00847, Paper 11, 3-4 (Stewart September 3, 2025) (referring to the panel where petitioner had shown “a material error by the Office” despite co-pending ITC litigation).

Here, the Examiner erred by failing to sufficiently consider MPEG standards as part of the examination. Specifically, the examiner allowed the ’321 patent because the purported “closest prior art . . . fails to disclose decoding identifier values

for the image frames according to a numbering scheme; and resetting the identifier value for the indicated first image frame of the independent sequence.” ASUS-1002, p. 794. But in reaching this conclusion, the Examiner incorrectly identified the “closest prior art” as “Apostolopoulos (US 7,103,669 B2).” *Id.* In fact, the MPEG standards were the best-known prior art of video coding techniques and, as set forth in the present petition, the MPEG-1 standard discloses the features identified by the Examiner as justifying allowance. *See* Paper 3, pp. 27-31.

MPEG-1 describes “closed” groups of pictures (GOPs) that could be independently decoded. ASUS-1005, p. 71 (“A GOP is a random access point, i.e., it is the smallest coding unit that can be independently decoded within a sequence.”). Each frame in a GOP has a “temporal reference” number which was “reset” for the first frame in each GOP. *Id.*, p. 44 (“For the earliest picture (in display order) in each [GOP], the temporal_reference is reset to zero.”). As set forth in the petition (*see* p. 29), the Temporal Reference is zero for the I-frame and then increments by one for each subsequent frame in display order:

Example (a) in display order	I 0	B 1	P 2	B 3	P 4
Example (a) in decoding order	I 0	P 2	B 1	P 4	B 3

MPEG-1, Fig.D.19(a)
 (“Examples of Groups of Pictures and Temporal References”)

ASUS-1005, p. 87 (Fig. D.19(a)); *see also id.*, p. 85 (explaining that “encoders can construct groups of pictures which are independent of one another” by “omit[ting] any B-pictures preceding the first I-picture”).

In the prior Amazon IPR, the Board instituted IPR based on these features of the MPEG-1 standard. ASUS-1017, pp. 12-37.

In *Eunsung Glob. Corp. v. HydraFacial LLC*, the Office declined to exercise discretion where the petitioner showed that the features the examiner stated were not taught in the prior art were in fact disclosed in a cited reference. IPR2025-00445, Paper No. 14 at 2-3 (PTAB July 10, 2025). For similar reasons, the present IPR should not be discretionarily denied. In fact, MPEG-1 should have been discovered by the examiner and considered during prosecution of the ’321 patent. Specifically, MPEG documents were repeatedly referenced in the prior art of record. *E.g.*, ASUS-1002, p. 203 (“MPEG standards . . . are the most widely accepted international standards in the field of the multimedia applications.”); *id.*, p. 345 (“A video

compression method as defined in the opening paragraph has been standardized by the Motion Frames Expert Group and is well-known as MPEG 1 or MPEG2”). The examiner also appeared to appreciate the significance of the MPEG standards, even repeatedly using “MPEG” as a search term (*see, e.g., id.*, pp. 799-803). But, the Examiner never considered the MPEG standards documents themselves. That is material error. As discussed in the present petition and the Board’s prior institution decision from the Amazon IPR, had the examiner considered MPEG-1, the ’321 patent never would have issued. Thus, by failing to consider the highly relevant MPEG-1 standard disclosures, the Examiner committed material error that should be corrected through institution of IPR based on the present petition.

III. DISCRETIONARY DENIAL IS NOT WARRANTED

A. Discretionary Denial is Not Warranted Under *Fintiv*

For ITC cases, *Fintiv* is judged based on the ITC’s Final Determination date relative to the Board’s deadline for issuing a Final Written Decision. Here, the ITC’s target date for the Final Determination was initially set for October 3, 2026, but that date is speculative and unlikely to hold given the pending government shutdown. At present, the ITC case is effectively stayed because the Commission has “ceased regular operations” due to the government shutdown. ASUS-1019.

Given the ITC is closed and will remain closed for an uncertain period of time due to the government shutdown, it is unclear when the parallel investigation will

reach any determination as to invalidity and whether that will happen before a Final Written Decision would be reached in this case. Notably, in past ITC investigations impacted by a government shutdown of 35 days, ALJ McNamara extended schedules by *three-to-four* months. ASUS-1020; ASUS-1021. A similar extension of the schedule in the present investigation by ALJ McNamara would likely bump the Target Date deadline beyond the deadline for the Final Written Decision in this IPR. Also, the parallel district court case filed by Nokia against ASUS—*Nokia Technologies Oy v. ASUSTeK Computer Inc. et al.*, 2-25-cv-03053 (CDCA), filed April 07, 2025—is stayed and remains well behind the Board’s deadline for the Final Written Decision. Thus, the present petition has the opportunity to resolve several pending litigations and, as such, the PTAB represents the most efficient forum to resolve validity of the ’321 patent.

Further, as *Fintiv* instructs, in cases where both parallel district court and ITC cases are ongoing, the focus should be on “whether the patentability disputes before the ITC will resolve all or substantially all of the patentability disputes between the parties, regardless of the stay.” *Apple Inc. v. Fintiv Inc.*, IPR2020-00019, Paper 11 at 9 (PTAB Mar. 20, 2020) (precedential). Here, if IPR is instituted, the ITC will not resolve the grounds in this petition and, thus, cannot “resolve all or substantially all of the patentability disputes between the parties.” *Id.*

Specifically, ASUS has stipulated to forgo pursuing “the specific grounds

asserted in *inter partes* review in IPR2025-01279, or any other ground that could have been reasonably raised in IPR2025-01279 (i.e., any ground that could have been raised under §§ 102 or 103 on the basis of prior art patents or printed publications).” *See Sotera Wireless, Inc. v. Masimo Corporation*, IPR2020-01019, Paper 12 (PTAB December 1, 2020). ASUS also stipulated that, “if the PTAB institutes review in IPR2025-01279, ASUS will not pursue in the co-pending litigation combinations of the prior art asserted in IPR2025-01279 with unpublished system prior art (or any other type of prior art).” *See Motorola*, IPR2024-01205, IPR2024-01206, IPR2024-01207 & IPR2024-01208, Paper 19; ASUS-1016. ASUS’s stipulation mitigates the risk of significant duplication of effort, additional expense for the parties, and the risk of inconsistent decisions by removing from the litigation invalidity contentions that include not only the prior art references from these grounds, but also system prior art that could be combined with the prior art references and combinations presented in the Petition. ASUS’s willingness to forgo such a large swathe of prior art from the litigation is indicative of two things: 1) ASUS’s commitment to the IPR process as the appropriate forum for adjudicating the question of patentability, and 2) ASUS’s confidence in the strength of the merits of the grounds in the Petition.

Contrary to Nokia’s assertion, ASUS diligently filed the ’321 patent petition just over two months from the filing of the ITC complaint and nearly ten months

prior to ASUS's bar date. And despite the time difference between the ITC Final Determination and the projected Final Written Decision, ASUS filed its Petition with the express purpose of pursuing the question of unpatentability to a final decision before the Board. The fact that ASUS is committed to the IPR process and the removal of bad patents, regardless of the outcome of the ITC case, demonstrates its dedication to strengthening the patent landscape and reducing the economic impact of bad patents for all stakeholders.

What's more, when "[p]etitioner appears to show a material error by the office," the Director has found that "it is an appropriate use of Office resources to review the potential error"—*even if the trial date in the copending litigation precedes the FWD date*. *Microsoft v. Partec*, IPR2025-00318, Paper 9, 3 (declining to exercise discretion, despite a later trial date, because "Petitioner appears to show a material error by the Office and it is an appropriate use of Office resources to review the potential error").

Also, based on the Board's previous institution of the same grounds as presented here, there is no question that the Petition presents a compelling case for unpatentability. ASUS-1017. Indeed, the PTAB has already recognized the strong merits of the grounds asserted against the '321 patent by Amazon, the same grounds presented in this IPR. *Id.* (decision to institute an IPR trial on the merits).

These factors outweigh concerns of parallel proceeding overlap, particularly

because ASUS's stipulation confirms that the ITC will not resolve all or substantially all of the patentability disputes between the parties. Indeed, it would be most efficient for the Board to resume its prior review of the grounds set forth in the present petition. For these reasons, based on the prior successful challenge before the Board and material errors in examination that led to the '321 patent, the Board is the most appropriate forum to consider the grounds advanced in the present petition.

B. Discretionary Denial is Not Warranted Based On the Prior ITC Investigation Involving Amazon

The prior ITC case does not warrant denial of the present petition. To distract from the Board's prior institution decision, Nokia argues that ALJ Elliot rejected Amazon's invalidity arguments based on MPEG-1 and Kim because the identifier value is set by the encoder and not changed by the decoder. *See Paper*, pp. 14-15. Nokia's argument does not withstand scrutiny, however. First, the Board previously (and correctly) rejected Nokia's "resetting" argument, noting that, in MPEG-1, "the Temporal Reference is 'reset to zero' for the next closed GOP with an I-picture as the first picture in display order" and that "Kim's Figure 5A shows that the IAD component of each logical address is reset to zero for each I-picture." ASUS-1017, pp. 35-36, 62-63.

The ALJ's findings do not override the conclusions correctly drawn by the Board in the prior Amazon IPR. For MPEG-1, the ALJ found that "Amazon rightly points out that the MPEG-1 document matches how the '321 patent discusses resetting the identifier value." EX-2008, p. 54. When an inventor does no more than disclose to the public what was known in the prior art (as found by ALJ Elliot), the applicant is not entitled to patent rights. Thus, despite a finding of a failure of proof because "Dr. Saber's testimony here is conclusory," ALJ Eliot's findings are consistent with the Board's analysis that MPEG-1 discloses the "resetting" limitation of the '321 patent claims in the same manner as the '321 patent itself.

As to Kim, the ALJ faulted Amazon for not "disput[ing] that Kim suffers from the same problem as MPEG-1, which is that the alleged 'identifier value' in Kim is set/reset by the encoder and the decoder simply reads or derives it from the bitstream." EX-2008, p. 57. But in its IPR (as presented in the present petition), Amazon disputed this very fact and the Board agreed with Amazon:

As for Patent Owner's assertion that Kim lacks "any disclosure that the decoder is doing any logical addressing, let alone any resetting," regardless whether the other parts of Kim's specification use words to describe resetting the IAD component of each logical address to zero for each I-picture, *Figure 5A still discloses that feature.* ...

As for Patent Owner's reliance on the disclosure about Figure 3's recording method, Patent Owner does not explain how that disclosure undermines Petitioner's position. *See* Prelim. Resp. 36–37. The disclosure that an encoder generates an address for an I-picture and a multiplexer generates a bitstream ***does not preclude resetting the IAD component of each logical address to zero for each I-picture***. *See* Ex. 1006, 4:38–42, Fig. 3. ASUS-1017, p. 63.

Amazon's failure to dispute this issue before the ITC should not prevent a meritorious challenge to the '321 patent, particularly when the Board has already considered the same arguments and found Kim to disclose the relevant feature.

The ALJ's analysis of the resetting limitation also was premised on the misconception that the decoder has to change the value of the identifier assigned by the encoder. But the Petition explains that the '321 patent never describes the decoder changing any identifier value assigned by the encoder. And, in the current ITC case Nokia is stressing that the resetting limitation in the decoding claims covers setting the identifier value to zero even if that does not change the value assigned by the encoder. *E.g.*, ASUS-1018 (PO's claim construction brief), pp. 14-15 (“[T]he specification describes resetting of the identifier value for the first image frame as

setting this identifier value (for example to zero) rather than describing the resetting as ‘changing’ the identifier value from one value to another.”). The Petition explains how the identifiers in MPEG-1 and Kim are set in the same manner described by the ’321 patent. In other words, MPEG-1 and Kim plainly disclose the resetting limitation as Nokia contends the limitation should be understood.

Finally, the same factors that outweigh *Fintiv* concerns—the prior successful challenge before the Board and material errors in examination that led to the ’321 patent—outweigh concerns over the prior ITC case involving the ’321 patent.

C. The Focused and Well-Reasoned Expert Testimony Supports Institution

Nokia argues that ASUS’s use of a declaration prepared for another proceeding supports denial of institution. Not so. Because ASUS copied and sought to join IPR2025-01068, ASUS naturally used the expert declaration from IPR2025-01068 to support its petition. By using the same declaration as in the prior proceeding, ASUS’s strategy was focused and efficient, supporting institution.

Nokia also contends that the Petition at page 45 uses Dr. Saber’s declaration to fill the gaps left by the Kim prior art. But Nokia offers limited explanation of what is being gap-filled and does not provide any contrary expert testimony. And the Board already found that Kim discloses the exact feature where Nokia alleges gap-filling. ASUS-1017, pp. 52-58. Nothing in the petition uses Dr. Saber’s

declaration to provide gap-filling for the prior art. Thus, the petition advances strong and meritorious grounds that are supported by focused and corroborated expert testimony.

D. Discretionary Denial is Not Warranted Based On Settled Expectations

Nokia's claim as to "settled expectations" should be rejected. Nokia asserted the '321 patent for the first time against Amazon and HP in late 2023. Amazon responded, in part, by filing the prior IPR based on MPEG-1, Kim, and Yagasaki. The prior IPR was instituted because the Board found that the prior petition demonstrated a reasonable likelihood that both grounds rendered obvious all challenged claims. ASUS-1017. Every party Nokia has ever sued for allegedly infringing the '321 has challenged the validity of the patent and the Board's prior institution decision confirms those challenges had merit. Indeed, with a finding that there is a reasonable likelihood that claims of the '321 patent are unpatentable, any expectations Nokia were unsettled. Accordingly, Nokia has no legitimate settled expectations concerning the validity of the '321 patent that warrant denial of the present petition.

Finally, the same factors that outweigh *Fintiv* concerns—the prior successful challenge before the Board and material errors in examination that led to the '321 patent—outweigh concerns over settled expectations.

IV. CONCLUSION

For the foregoing reasons, a holistic evaluation of the prior successful challenge to the '321 patent and the material errors committed during examination strongly weigh against discretionary denial. Petitioner therefore respectfully requests that Nokia's request for discretionary denial be denied and the present petition be evaluated on its merits.

Respectfully submitted,

Dated: October 29, 2025

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CERTIFICATE OF SERVICE

Pursuant to 37 CFR § 42.6(e)(4), the undersigned certifies that on October 29, 2025, a complete and entire copy of this Petitioner's Opposition To Patent Owner's Request For Discretionary Denial Of Institution and the associated exhibits were provided via email to the Patent Owner via electronic mail on Patent Owner's lead and backup counsel listed below at the following email address:

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