UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SNAP INC. and HISENSE USA CORPORATION,

Petitioners,

v.

NOKIA TECHNOLOGIES OY,

Patent Owner.

IPR2025-01439

Patent No. 7,532,808

PETITIONERS' OPPOSITION TO PATENT OWNER'S REQUEST FOR DISCRETIONARY DENIAL

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EXHIBIT LIST

Exhibit	Reference	New
1001	U.S. Patent No. 7,532,808 ("'808 Patent")	
1002	File History of the '808 Patent ("'808FH")	
1003	Declaration of Dr. Eli Saber ("Saber")	
1004	Dr. Eli Saber CV	
1005	Intentionally Left Blank	
1006	International Patent Publication No. WO 01/11891 A1 ("Karczewicz")	
1007	ISO/IEC 11172-2:1993, 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")	
1008	Intentionally Left Blank	
1009	ITU-T Recommendation H.263 (February 1998) ("H.263")	
1010	Martyn J. Riley & Iain E.G. Richardson, *Digital Video Communications* (Artech House, Inc., 1997) ("Riley")	
1011	Gary J. Sullivan & Thomas Wiegand, *Rate-Distortion Optimization for Video Compression*, IEEE Signal Processing Magazine, pp. 74-90 (November 1998) ("Sullivan")	
1012	JVT of ISO/IEC and ITU-T VCEG – JVT-A003r1, Joint Model Number 1, Revision 1 (JM-1r1), Pattaya, Thailand, 3-7 December 2001	

1013	Iain E. G. Richardson, *H.264 and MPEG-4 Video Compression* (2003)	
1014	Wang et al., *Video Processing and Communications* (Prentice Hall, 2002) ("Wang")	
1015	Vasudev Bhaskaran & Konstantinos Konstantinides, *Image and Video Compression Standards, Algorithms and Architectures* (Kluwer Academic Publishers, 1995) ("Bhaskaran")	
1016	Declaration of Juna Ann Munford ("Munford")	
1017	Declaration of Sylvia Hall-Ellis ("Hall-Ellis")	
1018	Mohammed Ghanbari, *Video Coding, an Introduction to Standard Codecs*, IEEE 1999 ("Ghanbari")	
1019	Hisense Stipulation Letter	
1020	DocketNavigator.com, Time-to-Trial report for Northern District of Georgia (exported Oct. 6, 2025)	**X**
1021	Order No. 25, Granting-In-Part Joint Unopposed Motion to Modify the Adopted Procedural Schedule to Extend Fact and Expert Discovery, Inv. No. 337-TA-1448	**X**
1022	Amazon.com, Inc. et al v. Nokia Technologies Oy, IPR2024-00847, Paper No. 11 (PTAB Dec. 11, 2024)	**X**
1023	*Amazon.com, Inc. et al v. Nokia Technologies Oy*, IPR2024-00847, Paper No. 10 (PTAB Nov. 16, 2024)	**X**
1024	*Amazon.com, Inc. et al v. Nokia Technologies Oy*, IPR2024-00847, Ex. 2009 (PTAB Nov. 16, 2024)	**X**

I. INTRODUCTION

Petitioners Snap Inc. ("Snap") and Hisense USA Corp. ("Hisense" and collectively with Snap, "Petitioners") request that the Director deny Nokia Technologies Oy's ("PO" or "Nokia") request for discretionary denial (Paper No. 9, "DD Request") and, instead, institute trial in this proceeding.

A holistic analysis of the facts particular to this proceeding shows that the Office is the appropriate and most efficient forum to review the unpatentability of U.S. Patent No. 7,532,808 (the "'808 Patent," EX-1001). In particular, the Deputy Director's decisions in *Mercedes-Benz Group AG v. The Phelan Group, LLC* (IPR2025-00413 and IPR2025-00919 et al.), *Tesla, Inc. v. Intellectual Ventures II LLC* (IPR2025-00217 et al.), and *Arm Ltd. v. Daedalus Prime LLC* (IPR2025-00207) provide clear guidance that supports institution in this case. Accordingly, the Deputy Director should decline to discretionarily deny institution of this IPR.

As an initial matter, the Board previously ***instituted*** two IPRs[1] challenging the '808 Patent using the same Karczewicz prior art. *See* EX-1022 at 39. Those IPRs did

[1] Amazon's challenge of the '808 Patent was split between two IPRs (IPR2024-00847 and IPR2024-00848), addressing apparatus and method claims in separate petitions. *See, e.g.*, *Amazon.com, Inc. et al. v. Nokia Techs. Oy*, IPR2024-00847, Paper No. 4 (Multiple Petition Statement) (PTAB May. 10, 2024).

not reach a final written decision because the parties settled and terminated the IPRs. Thus, these facts are like those in *ARM v. Daedalus Prime*, where the Deputy Director vacated a prior denial and referred the petition to the Board after related litigation was dismissed, finding persuasive the Board's previous unpatentability finding in "substantially identical claims." IPR2025-00207, Paper No. 14 (PTAB Aug. 6, 2025); *see also, e.g.*, *Tesla*, IPR2025-00217, Paper No. 9, at 2 (PTAB June 13, 2025) (noting that 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," which "counsel[s] against discretionary denial"). Indeed, the case for referral of the present petition is even stronger here than in *Arm* and *Tesla*, because here the Board's prior decision considered ***the very same claims*** and prior art.

Moreover, the Board will be the first tribunal with ***binding authority*** to rule on the '808 Patent, long before the issue will be taken up in any of the district court litigations. The DD Request ignores that ***three*** related district court actions[2] are

[2] While the '808 Patent is also asserted in district court cases against Paramount and Warner Bros., neither case has a schedule and the IPR would surely be decided before those cases go to trial; thus, the PTAB would be the first tribunal to decide invalidity.

stayed pending an ITC investigation[3] wherein the '808 Patent is ***not*** asserted. *Tex. Instruments Inc. v. Cypress Semiconductor Corp.*, 90 F.3d 1558, 1568–69 (Fed. Cir. 1996). Thus, the Board would rule on patentability long before any other jurisdiction with binding authority.

Critically, Petitioner Snap is not a party to the 1448 Inv. or any other litigation involving the '808 Patent, which strongly counsels against discretionary denial. *See Google LLC v. Mullen Indus. LLC*, IPR2025-00124, Paper No. 14, at 11 (PTAB Nov. 1, 2024) (granting institution despite parallel litigation wherein, among other reasons, one of the petitioners "is a party in this case but not in the district court litigation"); *see also Azurity Pharms. v. Helsinn Healthcare*, IPR2025-00945, Paper No. 11, at 2 (PTAB Sept. 19, 2025) (referring IPRs where "the parties [we]re not engaged in any parallel proceeding involving the challenged patents"). At least with respect to Petitioner Snap, this case is like *Mercedes-Benz*, where the Deputy Director found that the absence of a scheduled trial date and minimal investment in the district court proceeding weighed against discretionary denial. IPR2025-00413, Paper No. 13, at 2 (PTAB June 25, 2025). Although Petitioner Hisense is a party to

[3] *Certain Video-Capable Laptop, Desktop Computers, Handheld Computers, Tablets, Televisions, Projectors, and Components and Modules Thereof*, Inv. No. 337-TA-1448 (ITC Apr. 11, 2025) (hereinafter "1448 Inv.").

the ITC proceeding, Petitioner Snap should not be penalized for having jointly filed with Hisense, which avoided a separate petition and reduced the burden on the Director and Nokia.

The Board is clearly best situated to address the invalidity of ***all claims*** of the '808 Patent, potentially eliminating the need for piecemeal litigation of invalidity of the same patent in ***three different district courts***. For these reasons, and as explained fully herein, the Director should deny PO's request for discretionary denial and institute trial in this proceeding.

II. NOKIA'S *FINTIV* ANALYSIS IGNORES PETITIONER SNAP, WHICH IS NOT A PARTY TO ANY PARALLEL PROCEEDING.

PO fails to even acknowledge, much less address, the fact that Snap is not a party to any parallel proceeding. The PTAB has granted institution under similar circumstances. *See, e.g.*, *Google*, IPR2025-00124, Paper No. 14, at 11, 41 (PTAB May 12, 2025) (treating *Fintiv* factor 5 as neutral "[b]ecause of the involvement of a non-defendant" and granting institution); *see also, e.g.*, *Charter Commc'ns, Inc. v. Adaptive Spectrum & Signal Alignment, Inc.*, IPR2025-00088, Paper No. 14, at 13 (PTAB Nov. 8, 2024) (reasoning that factor 5 weighed against discretionary denial where one of two petitioner parties was not a party to the parallel litigation).

The PTAB has relied on the absence of a petitioner from parallel litigation even where that petitioner had business relationships with named defendants in the parallel litigation. *See, e.g.*, *Google*, IPR2025-00124, Paper No. 8, at 31–32 (PTAB

Feb. 14, 2025) (noting that non-defendant "(1) voluntarily submitted declarations on [named-defendant's] behalf, (ii) produced documents and source code in response to subpoenas, and (iii) is represented by the same outside counsel that represents the [named-defendant's] entities"); *Charter*, IPR2025-00088, Paper No. 11, at 9 (noting that non-defendant was obligated to indemnify named defendant in parallel litigation). That Snap is not a party to any of the parallel proceedings should be given more weight here where Snap has no substantial business relationship with Hisense or any of the other parties in the parallel proceedings.

Petitioners, in the interest of efficiency, joined efforts in part to reduce the number of IPR petitions filed at the PTAB. Snap should not be punished for using the IPR process as Congress intended—as an efficient alternative to courtroom litigation. *See* 157 Cong. Rec. S1352 (Mar. 8, 2011) (statement of Sen. Udall) ("Inter partes . . . proceedings are intended to serve as a less-expensive alternative to courtroom litigation and provide additional access to the expertise of the Patent Office on questions of patentability."); S. Rep. No. 110-259 at 20 (2008) (stating that the purpose of the IPR procedure is to provide "a quick, inexpensive, and reliable alternative to district court litigation to resolve questions of patent validity").

III. THE MERITS OF THE PETITION ARE COMPELLING IN VIEW OF THE PRIOR INSTITUTION.

The compelling merits of the Petition weigh strongly against discretionary denial. In the prior petition, the Board found a reasonable likelihood the claims

would have been obvious over Karczewicz. *See* EX-1022 at 39. Past Board decisions addressing the invalidity of similar claims in related patents are a factor that weighs against discretionary denial. For example, in *Arm v. Daedalus*, the Deputy Director granted review and referred an IPR where "the Board ha[d] already determined that 'substantially identical claims' in a related patent are unpatentable based on one of the prior art references in th[e] proceeding." IPR2025-00207, Paper No. 14, at 3. "Given th[at] fact, and the similarity of the patentability issues," the Deputy Director reasoned "it [wa]s efficient for the Board to take up th[e] case." *Id.*; s*ee also, e.g.*, *Tesla*, IPR2025-00217, Paper No. 9, at 2 (Board's institution of IPRs on "similar claims in ancestor patent" weighted against discretionary denial); *Mercedes*, IPR2025-00413, Paper No. 8, at 2 (institution of IPR on related patent based on similar prior art weighed against discretionary denial); *id.*, Paper No. 13, at 2 (invalidation of related patent via EPR weighed against discretionary denial).

While PO argues a past ITC investigation[4] "held the '808 Patent to be valid," the Initial Determination in that investigation did not analyze the Karczewicz prior art because the respondents focused on different prior art during the evidentiary

[4] *Video Capable Electronic Devices, Including Computers, Streaming Devices, Televisions, Cameras, and Components and Modules Thereof*, Inv. No. 337-TA-1379 (ITC Oct. 31, 2023).

hearing. As described above, the Board has already found Karczewicz likely invalidates the claims of the '808 Patent. Thus, the 1379 investigation's initial determination on validity is immaterial.

The Board's prior order finding that the prior petitions showed that Karczewicz likely render obvious each of the then-challenged claims confirms the merits of the present Petition are compelling and strongly weighs against discretionary denial.

IV. GIVEN THE ISSUE DATE AND PRIOR IPR INSTITUTION, PO HAS NO SETTLED EXPECTATIONS.

Nokia argues that because the "'808 Patent issued on May 12, 2009 . . . [b]y the time the Board issues an Institution Decision . . . over seventeen years will have passed since issuance, giving rise to settled expectations." DD Request at 12. Nokia's "settled expectation" argument is misplaced given that the patent has been subject to two IPRs, as discussed above, over 10 district court cases, and two ITC investigations since 2016. Indeed, the only expectation grounded in the public record is that the challenged claims are unpatentable. None of the decisions Nokia cites for its settled expectations argument involve a situation in which the patent in question was the subject of an IPR previously instituted on the merits. Indeed, as discussed prior, discretionary denial is not warranted where no final adjudication has occurred and where the Board previously found a reasonable likelihood of unpatentability. *Tesla*, IPR2025-00217, Paper No. 9.

While Nokia argues that "Petitioner Snap has been aware of Patent Owner's patents in the same video coding technology space since at least the filing of the -1379 ITC Investigation in 2023." (DD-Brief at 12), Nokia ignores that Snap was not a party to that investigation. Additionally, Snap and Nokia voluntarily entered into an agreement that imposed contractual obligations on both parties, including a limitation against filing IPRs relating to patents of the other party, between May 15, 2023, and May 15, 2025. *See Amazon.com, Inc. et al. v. Nokia Techs. Oy,* IPR2024-01176, Paper No. 3 (PTAB Aug. 30, 2024). Thus, this factor weighs against discretionary denial.

Moreover, every party PO has ever sued for allegedly infringing the '808 Patent has challenged the validity of the patent, and the Board's prior institution decision confirms those challenges had merit. Accordingly, PO has no legitimate settled expectations concerning the validity of the '808 Patent.

V. IT IS FAR MORE EFFICIENT FOR THE BOARD TO RESOLVE INVALIDITY OF THE '808 PATENT THAN TO LEAVE IT TO AT LEAST FOUR DIFFERENT DISTRICT COURTS.

PO is presently asserting the '808 Patent in four different district court cases: (1) in N.D. Ga. against Hisense (Case No. 25-cv-01871), (2) in C.D. Cal. against ASUStek (Case No. 25-cv-03053), (3) in W.D. Tx. against Acer Inc. (Case No. 25-cv-00523), and (4), in the D. Del against Paramount (Case No. 25-cv-01054) and Warner Bro. Entertainment (Case No. 25-cv-01337). It would be far more efficient

for the Board to address the present invalidity challenge than for the patent to be litigated in four different district courts.

Recently, in *Harbor Freight v. Champion Power Equipment*, the Deputy Director reasoned that "[b]ecause the litigation between the parties would proceed to several district court trials in different jurisdictions, resolving the dispute between the parties at the Office would be more efficient." IPR2025-00805, Paper No. 20, at 2 (PTAB Sept. 19, 2025). Similarly, in *Berkshire Hathaway v. Birthtech*, the Deputy Director referred IPRs to the Board for efficiency reasons where the patent owner had "sued a large number of parties in a multitude of districts." IPR2025-00274, Paper No. 23, at 2 (PTAB July 2, 2025). Likewise, here, resolving the present dispute at the Office would be more efficient than leaving at least four district courts to address invalidity in separate proceedings.

VI. TO THE EXTENT *FINTIV* DOES APPLY, INSTITUTION IS STILL FAVORED.

A. Factors 1-3 and 5: The '808 Patent Is Not Asserted in the ITC Case, and the *Hisense* Case Is Stayed.

The '808 Patent is not at issue in the present ITC investigation and the parallel district court cases against the ITC respondents are stayed pending resolution of the ITC investigation. PO groups *Fintiv* factors 1-3 and 5 together and argues that because the district court cases will continue "shortly," these factors favor denial. DD Brief at 3. PO's argument ignores the timeline of the ITC investigation. In

particular, ALJ McNamara has granted in part the joint unopposed motion that extends the Target Date to December 14, 2026—more than a year from now. *See* EX-1021.

Given the district court cases will proceed only after resolution of the ITC investigation, this IPR would surely reach an FWD ***before*** the respective district court cases progress to trial. Specifically, for the *Hisense* district court case, DocketNavigator reports the median time to trial in the Northern District of Georgia is 43 months. EX-1020.

Further, there is no parallel proceeding at all involving Snap.

Petitioners were also diligent in filing this IPR fewer than five months after Nokia sued Hisense. *See Savant Techs. LLC v. Feit Elec. Co.*, IPR2025-00260, Paper No. 16, at 3 (PTAB June 12, 2025) (declining to discretionarily deny petition where "[p]etitioners acted diligently in filing this Petition less than three months after Patent Owner asserted claims 11 and 12 in district court"); *All. Laundry Sys., LLC v. PayRange LLC*, PGR2025-00027, Paper No. 11, at 2 (PTAB July 17, 2025) (declining discretionary denial and noting that "relatively little investment in that proceeding" favors institution).

Accordingly, these factors should weigh strongly against discretionary denial.

B. Factor 6: Other Factors Favor Referral of This IPR to the Board

Other circumstances favoring referral of this IPR were discussed above. The Petition's compelling merits—confirmed by the Board's prior institution based on the same prior art—warrant referral to the Board. Petitioner Snap is not a party to any parallel proceeding but nevertheless chose to proactively challenge the '808 Patent rather than wait to be sued by PO. Additionally, it would be highly inefficient to deny institution, particularly because the patent is asserted in at least four different district courts.

Further, while PO argues that the ITC already determined that MPEG-1 does not disclose or render obvious the '808 Patent claims that warrant denial, this represents only one of the prior art references asserted here, and that opinion was nonbinding and not final as the case was dismissed due to settlement.

VII. PETITIONERS APPROPRIATELY RELY ON EXPERT TESTIMONY THAT IS ENTITLED TO WEIGHT.

PO argues that Petitioners' reliance on expert testimony supports discretionary denial. PO contends that "citing to Dr. Saber's declaration over 120 times" supports their petition. DD Request at 13. But number of cites of an expert declaration alone does not support discretionary denial. *See, e.g.*, *iRhythm Techs., Inc. v. Welch Allyn, Inc.*, IPR2025-00363, -374, -376, -377, -378, Paper No. 10, at 2–3 (PTAB June 6, 2025) (similar); *Razdog Holdings LLC v. Twitch Interactive, Inc.*, IPR2025-00307, Paper No. 18, at 3 (PTAB May 16, 2025) (denying request for

discretionary denial despite the petition "cit[ing] its expert's 269-page declaration at least 260 times"). That an expert would be frequently cited throughout the petition is not surprising as the petition must be supported with evidence and not mere attorney argument. Indeed, in its Patent Owner Preliminary Response to the Amazon Petition, Nokia referenced a 39-page declaration of its own expert, Dr. Michael Orchard, 80 times, between the two responses.

Moreover, out of the 120 or so citations to Saber, PO can only point to two examples to argue that discretionary denial is warranted. PO argues that "Petitioners rely on Dr. Saber to argue that a POSITA would understand Karczewicz's two modes would be treated as a single mode by a POSITA." DD Request at 14. However, PO undermines this argument by also claiming "Dr. Saber merely parrots similar language as the Petition and offers no explanation." *Id.* Similarities between the declaration and Petition are unsurprising given that the '808 Patent relates to video coding technology, which is a highly specialized technical field requiring expert testimony. PO additionally argues "Petitioners rely on Dr. Saber to claim that coincidentally calculating a zero motion vector in the combination of MPEG-1 and H.263 is equivalent to the '808 Patent's active and non-active motion vectors because no 'analysis' is required by the claims, using nearly identical language." *Id.* However, this is merely attorney argument and should be given no weight. Tellingly,

despite previously having experts weigh in on this patent, Nokia cannot cite to any expert testimony to support its rebuttal to Dr. Saber.

Lastly, as discussed, the '808 Patent relates to video coding technology, which is a highly specialized technical field requiring expert testimony. Indeed, in PO's Preliminary Response to the Amazon Petition, Nokia referenced a 39-page declaration of its own expert, Dr. Michael Orchard, collectively over 80 times between the two responses, despite only disputing a handful of the arguments in the Amazon Petition. *See* EX-1023, 24. And there, portions of PO's Response and the declaration of Dr. Orchard were nearly identical. *Compare*, *e.g.*, EX-1023 at 36 (POPR), *with* EX-1024 ¶ 68 (Decl. of Dr. Orchard).

In summary, Petitioners' citations to Dr. Saber were appropriate given the complex technology discussed. Thus, this factor weighs against discretionary denial.

VIII. POLICY CONSIDERATIONS DO NOT SUPPORT DISCRETIONARY DENIAL.

As PO admits, the cited rule changes found in the October 17, 2025 PTO Notice of Proposed Rulemaking are not currently in effect. DD Request at 15–16. Moreover, PO argues that policy considerations related to "fairness, cost, [and] efficiency" warrant denial. *Id.* at 16. However, Snap is not a party to any litigation with Nokia, and thus it would be unfair to discretionarily deny institution here, where Snap cannot raise invalidity arguments in an ITC investigation it is not part of. Nor

would it be efficient to force Snap to raise serial invalidity arguments if Nokia sues it, rather than decide invalidity now.

IX. CONCLUSION

On balance, the Director should deny PO's request for discretionary denial and institute trial in this proceeding.

Dated: December 11, 2025

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CERTIFICATION OF COMPLIANCE

Pursuant to 37 C.F.R. § 42.24 and the Interim Process for PTAB Workload Management, the undersigned hereby certifies that the word count for the foregoing PETITIONERS' OPPOSITION TO PATENT OWNER'S REQUEST FOR DISCRETIONARY DENIAL totals 14 pages. Accordingly, this Opposition meets the Boards limitation of 20 pages.

Dated: December 11, 2025

/s/ Brian E. Ferguson
Brian E. Ferguson

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the foregoing PETITIONERS' OPPOSITION TO PATENT OWNER'S REQUEST FOR DISCRETIONARY DENIAL and Exhibits 1020-1024 were served via electronic mail upon the following counsel of record for PO:

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