

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SK hynix, Inc.
Petitioner

v.

Advanced Memory Technologies, LLC
Patent Owner

IPR2025-01450
U.S. Patent No. 7,920,018

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

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EXHIBIT LIST

Ex.	Description
1001	U.S. Patent No. 7,920,018 (“’018 Patent”)
1002	File History for U.S. Patent No. 7,920,018
1003	Declaration of Dr. Carl Sechen
1004	<i>Curriculum vitae</i> of Dr. Carl Sechen
1005	U.S. Patent No. 7,382,177 (“Cordoba”)
1006	U.S. Patent No. 6,501,325 (“Meng”)
1007	U.S. Patent No. 6,914,791 (“Park”)
1008	<i>Advanced Memory Techs., LLC v. SK hynix Inc.</i> , No. 2:24-cv-01078-JRG-RSP (E.D. Tex. Apr. 2, 2025), Infringement Contentions Exhibit C (Patent Owner’s infringement claim chart for ’018 patent)
1009	G. Campardo et al., <i>VLSI-Design of Non-Volatile Memories</i> , Springer (2005)
1010	M.-D. Ker et al., “Design of Charge Pump Circuit With Consideration of Gate-Oxide Reliability in Low-Voltage CMOS Processes,” <i>IEEE Journal of Solid-State Circuits</i> , Vol. 41, No. 5, pp. 1100-07 (May 2006)
1011	J. F. Dickson, “On-Chip High-Voltage Generation in MNOS Integrated Circuits Using an Improved Voltage Multiplier Technique,” <i>IEEE Journal of Solid-State Circuits</i> , Vol. SC-11, No. 3, pp. 374-78 (June 1976)
1012	July 17, 2025 Letter re Unmarked Practicing Products
1013	Certificate of Formation of AMT (AMT_SKH00001355)
1014	Patent Assignment Cover Sheet
1015	Petitioner’s Invalidity Chart Exhibit B-X1 based on SK hynix F90
1016	Feb. 22, 2005 SK hynix America Inc. Invoice No. 90081925 (SKH_00012685)

I. INTRODUCTION

Patent Owner's request for discretionary denial should be rejected. The Petition presents an opportunity for the Board to revisit the validity of U.S. Patent No. 7,920,018 (the "'018 patent") in view of two anticipatory prior art references, Cordoba and Meng, both of which were entirely overlooked by the Examiner. Cordoba and Meng together anticipate *all* six claims of the '018 patent that are being asserted in the District Court litigation.

The Examiner's failure to address Meng during prosecution was material error. Although Meng was listed in the IDS for the '018 patent application, the record contains no indication that it was substantively considered. Patent Owner appears to argue the Examiner already considered Meng during prosecution of the *parent* patent and determined it was distinguishable. But that determination itself was also an error because, although Meng discloses two distinct analog comparison circuits ("ACCs"), the Examiner considered only one of them and overlooked the other. The Petition identifies the unaddressed ACC and explains in detail how it operates and, by extension, anticipates and renders obvious the '018 patent. Thus, whether viewed as a failure to substantively consider Meng during prosecution of the '018 patent, or as the repetition of an earlier oversight, the record confirms that the Examiner failed to appreciate a significant disclosure of Meng, and that error

weighs strongly against discretionary denial.

Moreover, the Petition presents an additional ground combining Meng with Park, which teaches the simple concept of connecting the P-well to the deep N-well. Incorporating Park's disclosure into Meng's ACC yields a circuit that supplies a well-bias potential to both the deep N-well and the P-well. This combination renders obvious every single asserted claim.

Patent Owner misconstrues the prior art disclosures. Patent Owner contends—despite ample intrinsic evidence to the contrary—that Meng and the combination of Meng and Park do not disclose an ACC that applies a well bias potential to the deep-N well. To the contrary, the Petition not only identified the elements that comprise an ACC, but it also highlighted the teaching of Meng and Park of applying the well bias potential outputted by the ACC to the deep N-well.

Patent Owner cannot credibly claim that it had “settled expectations.” The '018 patent was never commercialized, asserted, or marked, and Patent Owner has owned the patent for less than 2 years. Indeed, Patent Owner did not exist as an entity until March 19, 2024, a mere *six days* before it acquired the '018 patent. By contrast, Petitioner had strong settled expectations of its freedom to operate. Petitioner practiced and commercialized the accused technology for 19 years before Patent Owner acquired the '018 patent and brought the District Court action shortly

thereafter.

The *Fintiv* factors, on balance, also favor referral. Petitioner is challenging all five patents asserted in the District Court proceeding, and the strong merits of the Petitions support institution and a meaningful possibility of a stay. The District Court litigation is at an early stage, with over 4 months left before the *Markman* hearing, and the actual trial date likely to be merely days apart from the FWD. Petitioner has filed a broad stipulation that removes any overlapping issues between the Petition and the District Court proceeding.

Petitioner respectfully requests referral to the Board for merits assessment.

II. ARGUMENT

A. The Strong Merits of the Petition and the Examiner's Material Error Warrant Referral

1. The Examiner materially erred by overlooking Meng.

In allowing the claims of the '018 patent to issue, the Examiner committed material error and overlooked the anticipatory disclosure of Meng. As detailed in the Petition, Meng discloses an ACC that generates and applies a well bias potential to a deep N-well, but the Examiner did not substantively consider Meng during prosecution.

Patent Owner contends that 208*i* and 210*i* are not an ACC because they are merely passive diodes and not explicit diodes (*i.e.*, switching elements). DD at 13-

14. But Patent Owner’s argument is unsupported by Meng’s disclosures. As Dr. Sechen explained, “[i]f 208*i* and 210*i* were parasitic diodes, both elements would have to be N-type on one end and P-type on the other end.” EX1003, ¶86. But Meng’s Figure 7 illustrates that elements 208*i* and 210*i* each have ends that are both of N-type material: (i) nodes 128*i* and 130*i* are N-type output terminals connecting elements 208*i* and 210*i* to the top and bottom rows, respectively; and (ii) node 204*i* is the N-type deep N-well shared by both 208*i* and 210*i*. Petition at 42-44; EX1003, ¶86. This means that 208*i* and 210*i* **cannot** be mere passive (or parasitic) diodes, but are instead explicit circuit components serving a specific purpose, in this case switching elements of an ACC.

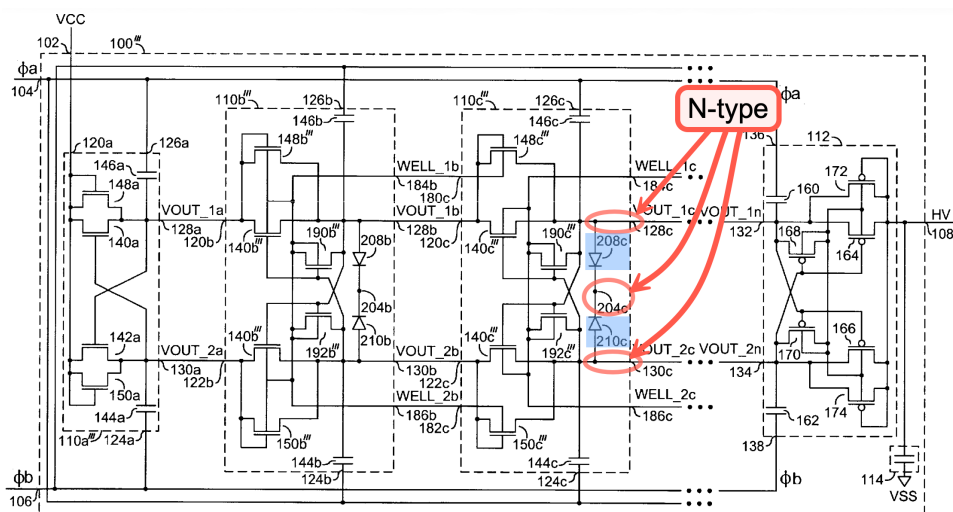


FIG. 7

Patent Owner also argues that Meng “never suggests that transistor threshold voltage ‘V_t’ applies to diodes 208*i* or 210*i*” or that “the [DEEP N-WELL REGION

204i BIAS] bias comes from diodes 208i and 210i (the alleged comparison circuit).”

DD at 14-15. Patent Owner, however, ignores that the *only possible source* for both V_t and the “DEEP N-WELL REGION 204i BIAS” signal (*i.e.*, the “204i bias signal”) are the elements 208i and 210i (*i.e.*, Meng’s ACC). The **204i** bias signal is, just as the name suggests, the well bias applied to the deep N-well **204i**. Further, the 204i bias signal is the resultant signal after one of the signals VOUT_1i or VOUT_2i (depending on the phase of the clock signal) has been reduced by a threshold voltage drop of V_t . Pet. at 43-44. The *only* elements separating deep N-well 204i and the nodes corresponding to VOUT_1i and VOUT_2i—and also capable of imposing a threshold voltage drop of V_t —are the elements 208i and 210i, as shown below. *See id.*; *see also* EX1003, ¶87 (“Such a voltage drop of V_t would only occur across an explicit diode, that is, a diode-connected transistor.”).

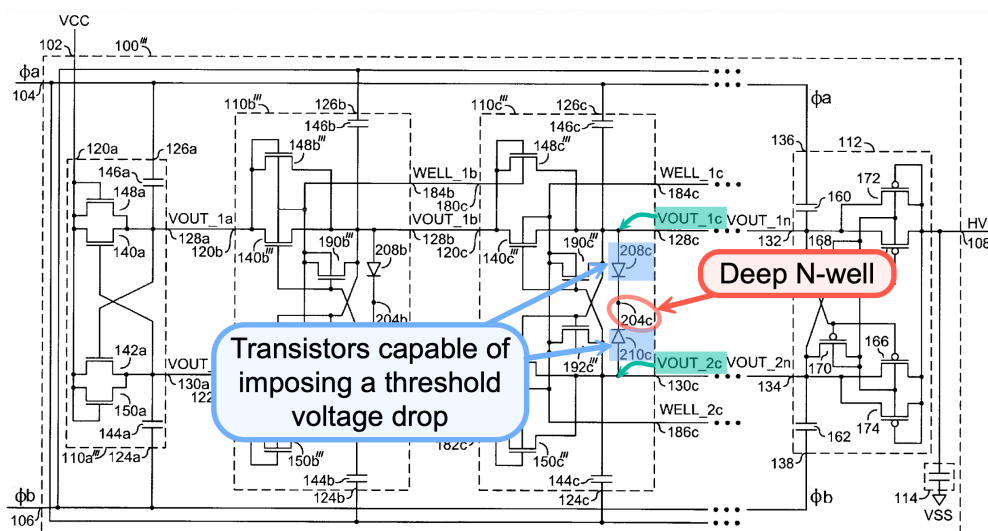


FIG. 7

Despite Meng's anticipatory disclosures, the Examiner did not substantively consider Meng during prosecution of the '018 patent. Meng was listed in the IDS for the '018 patent application, along with 11 other references. EX1002 at 68. Other than the Examiner's signature on the IDS (*id.* at 152), there is no indication that Meng was substantively considered during prosecution; it was not discussed, for example, in any office actions.

Patent Owner relies on the prosecution of the *parent* application, issued as the '557 patent (challenged in co-pending IPR2025-01452), in asserting that Meng was already considered and distinguished. DD at 13. Patent Owner goes so far as to misquote the prosecution history, presenting the *Applicant's* self-serving assertion about Meng as the *Examiner's* statement. *Id.* The Examiner never stated that "Meng fails to teach that the well potential of the analog comparison circuit is applied to the deep-n well corresponding to the first well region." It was the Applicant who did.

Further, even if the Examiner's findings about Meng for the '557 patent could be considered for the '018 patent, it does not remedy the Examiner's material error. During prosecution of the '557 patent, the Examiner failed to appreciate that, as discussed above, Meng's elements 208*i* and 210*i* form an ACC and that the ACC applies a well bias potential to node 204*i* (*i.e.*, the deep N-well). Had the Examiner

considered this significant disclosure, the Examiner would have found the '557 patent—and by extension the '018 patent—anticipated for the reasons described in the Petition. Such material error warrants review of the '018 patent's validity by the Board.

2. Patent Owner takes an overly narrow view of motivation to combine in arguing against the combination of Meng and Park.

With respect to Ground 3, Patent Owner contends that Park—which “teaches a single-row boosting circuit”—does not teach an ACC because “without a second [boosting cell] row, there is nothing to compare.” DD at 15-16. Patent Owner further contends that “the crucial element missing from both Meng and Park is that the potential being applied to the deep [N]-well is the well bias potential of an analog comparison circuit.” *Id.* at 16. Not so. The Petition demonstrates that, in the Park-Meng combination, the potential applied to the deep N-well is the well bias potential of an ACC. Pet. at 58-60, 78-83. Specifically, Park discloses connecting a P-well to a deep N-well and applying a bias potential to both well regions. *Id.* at 78-80, 82-83. Meng, modified in view of Park, would therefore have an ACC that biases both the P-well and the deep N-well. *Id.* at 59-60, 80-83.

The Petition also provides a detailed description of why a POSITA would have been motivated to combine Meng with Park. Both Meng and Park relate to

charge pump technology and utilize a well bias potential to reduce the body bias effect. *Id.* at 59-62. Further, Meng and Park share common structures, including switching elements that apply a well bias potential to a well region. For example, the Petition illustrates switching elements in both Meng and Park, reproduced below, that could be used in an ACC. *Id.* at 60.

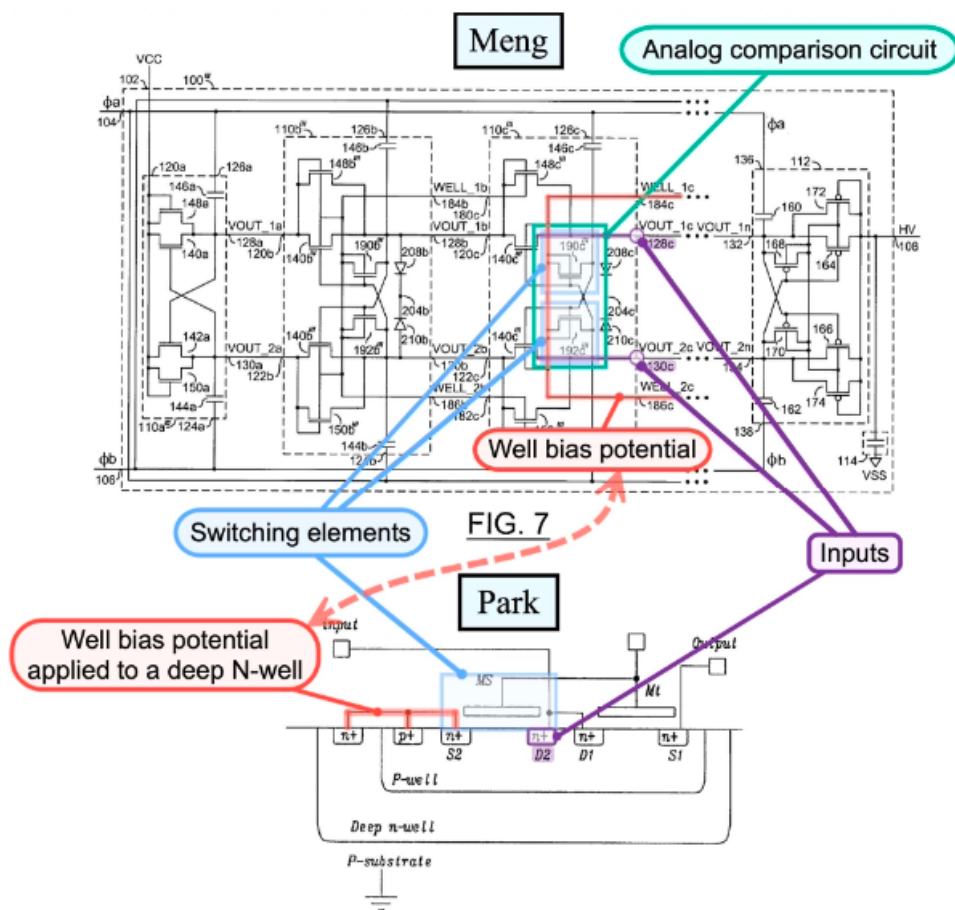


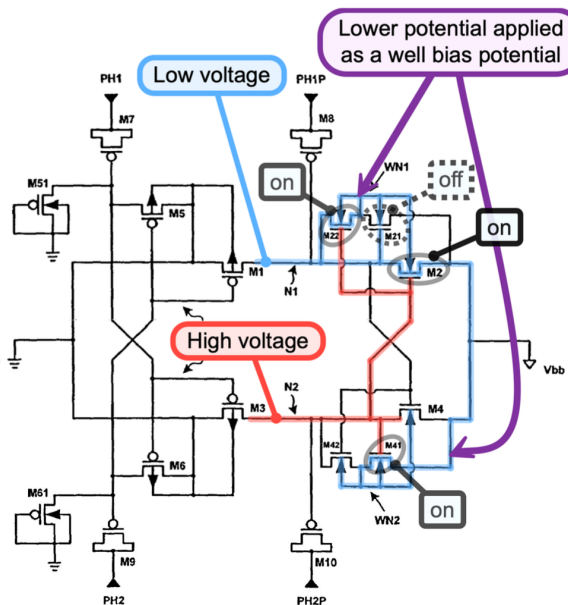
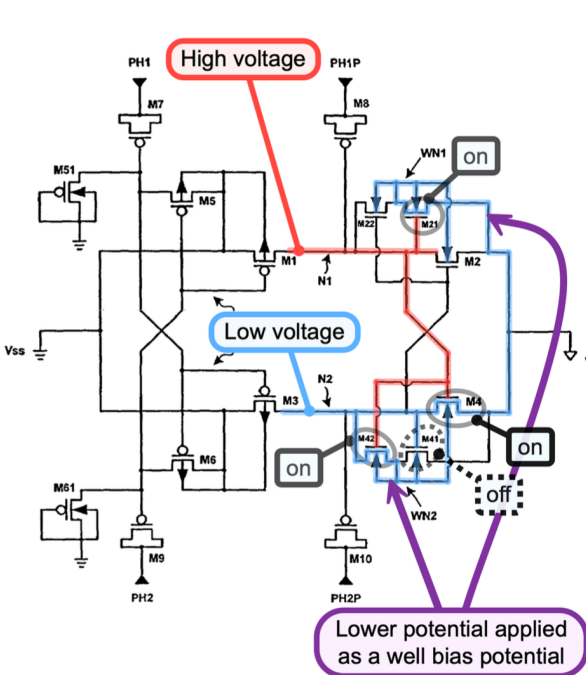
FIG. 9

Accordingly, Patent Owner is not correct in arguing that the combination of Meng and Park does not include an ACC that applies its well bias potential to the deep N-well.

3. Patent Owner fundamentally misunderstands Cordoba, which anticipates the majority of the asserted claims.

With respect to Cordoba, Patent Owner contends that “Cordoba does not even teach the analog comparison circuit of the claims” because “the output bias potential of the alleged comparison circuit ... is not generated by the input potentials of alleged boosting cells *in both rows*.” Paper 9 (“DD”) at 16 (emphasis added). Patent Owner characterizes the well bias generated and applied by the ACC to the top row as being “either N1 or Vbb, and not N2.” *Id.* at 16. With respect to the bottom row, Patent Owner similarly characterizes the ACC as “compar[ing] N2 and Vbb, connecting one or the other (and not N1)[.]” *Id.* at 17.

Contrary to Patent Owner’s argument, the ACC does not compare N1 and Vbb for the top row or compare N2 and Vbb for the bottom row. As detailed in the Petition, Vbb has the *same* potential as N1 or N2 depending on the phase of the clock signal. Pet. at 25-28. For example, when the input potential of the top row (N1) is boosted (*i.e.*, at a higher potential) relative to the input potential of the bottom row (N2), Vbb is the *same* as the potential at N2. *Id.* at 25-26. Conversely, when the input potential of the bottom row is boosted relative to the top row, Vbb is the same as the potential at N1. *Id.* at 27-28. Cordoba’s ACC is therefore *always comparing N1 and N2*. The Petition explained this operation with detailed illustrations, as reproduced below. *Id.* at 25-28.



Accordingly, Patent Owner is not correct that the well bias potential generated and applied by Cordoba's ACC "is not generated by the input potentials of ... both rows." DD at 16. As shown above and described in the Petition, Cordoba's ACC generates a well bias potential by comparing N1 and N2 (*i.e.*, the input potentials of both rows). Pet. at 25-28.

B. The PTAB is better suited to adjudicate the complex subject matter claimed in the '018 patent.

As the Board found in *Tesla*, the Board is better suited to handle the "large number and vast scope" of patents directed toward "a diverse range of subject matter." *Tesla, Inc. v. Intell. Ventures II LLC*, IPR2025-00217, Paper 9, at 2-3 (June 13, 2025). Here, all five asserted patents, including the '018 patent, are directed to

complex technologies relating to the operations, physics, and/or circuit design of semiconductor memory devices. The asserted patents claim details that require in-depth knowledge and understanding of semiconductor memory devices, including:

- '888 and '835 patents – structures and operations of electrically erasable programmable read only memory (EEPROM),
- '231 patent – structures and operations of an internal voltage generating circuit with serially connected charge pump circuits, and
- '557 and '018 patents – structures and operations of a booster circuit with cross-coupled boosting cell stages.

Indeed, IPR challenges of patents in the same or similar technology area have been instituted and discretionary denial request rejected. *See, e.g., Taiwan Semiconductor*, IPR2025-00847, Paper 11. The Director should similarly reject Patent Owner's discretionary denial request here.

C. Petitioner's Settled Expectations Outweigh Patent Owner's

The parties' settled expectations weigh against discretionary denial. "There may be persuasive reasons why the Board should review challenged claims several years after their issuance date." *Intel Corp. v. Proxense LLC*, IPR2025-00327, Paper 12, p. 2 (June 26, 2025). For example, "a patent may have been in force for years but may not have been commercialized, asserted, marked, licensed, or otherwise applied in a petitioner's particular technology space, if at all." *Id.* Such considerations, as is the case here, "weigh against a patent owner's claim of settled

expectations and bears on the Director’s decision.” *Id.*

The ’018 patent was never commercialized, asserted, or marked. In fact, even though Petitioner identified unmarked practicing products under the *Arctic Cat* framework in July 2025 (EX1012), Patent Owner has failed to present *any evidence* that it met its marking obligations with respect to the ’018 patent.

Moreover, Patent Owner cannot possibly have had “settled expectations” when it has only owned the ’018 patent for less than two years and did not exist as an entity until March 19, 2024, a mere *six days* before it acquired the ’018 patent. *See* EX1013; EX1014. The age of the ’018 patent alone is insufficient to establish settled expectations of the Patent Owner, who has not conducted any research, development, testing, or “otherwise applied in ... [P]etitioner’s particular technology space” at all. *Intel*, IPR2025-00327, Paper 12, pp. 2-3.

Rather, it was Petitioner who had settled expectations of its freedom to operate. Petitioner has commercialized the accused products and predecessors of the accused products for over a decade. For example, Patent Owner accuses a booster circuit in Petitioner’s NAND Flash memory products of infringement, but the accused technology is precisely what Petitioner had designed and implemented in Petitioner’s memory products no later than 2005. EX1015; EX1016. In other words, Petitioner had been practicing the accused technology for at least ***19 years***

before Patent Owner acquired the '018 patent. But during that entire time, none of the prior owners of the '018 patent had even remotely suggested Petitioner's products were infringing, until Patent Owner filed the District Court complaint on December 30, 2024, asserting the '018 patent for the first time since its creation.

Under these circumstances, the age of the '018 patent should weigh against discretionary denial. *See Anthony Inc. v. ControlTec, Inc.*, IPR2025-00559, Paper 12, at 2 (July 16, 2025) (petitions involving 17- and 18-year-old patents referred to merits panel); *Taiwan Semiconductor Mfg. Co. v. Marlin Semiconductor Ltd.*, IPR2025-00847, Paper 11 (Sept. 3, 2025) (15-year-old patent); *Tesla, Inc. v. Sec'y of Navy*, IPR2025-00341, Paper 12 (June 13, 2025) (18-year-old patent); *Tesla, Inc. v. Intell. Ventures II LLC*, IPR2025-00339, Paper 9 (June 13, 2025) (14-year-old patent).

D. The *Fintiv* Factors Weigh Against Discretionary Denial

1. *Fintiv* Factor 1: Whether the court granted a stay or evidence exists that one may be granted if a proceeding is instituted.

Patent Owner's reliance on the District Court's denial of Petitioner's *first* motion for stay is misplaced. Notably, the District Court denied that motion *without prejudice* to refile after institution. EX2005. And even Patent Owner's own cited authority plainly states that, "where the PTAB has instituted IPR proceedings ... as

to all claims of all asserted patents, this Court has ... *routinely stayed cases.*” See Paper 7 at 6-7 (citing *AGIS Software Dev. LLC v. Google LLC*, No. 2:19-cv-359-JRG, 2021 WL 465424, at *2 (E.D. Tex. Feb. 9, 2021)); see generally *Maxeon Solar Pte. Ltd. v. Canadian Solar Inc.*, No. 2:24-CV-210-JRG, 2025 WL 1811321, at *3 (E.D. Tex. July 1, 2025) (granting motion to stay when “the PTAB instituted the IPRs of [Plaintiff’s originally asserted] claims”); *RavenWhite Licensing LLC v. Home Depot, Inc.*, No. 2:23-CV-00423-JRG-RSP, Dkt. 96 (E.D. Tex. Jun. 18, 2025) (same); *Harbor Island Dynamic, LLC v. Samsung Elecs. Co.*, No. 2:24-CV-00140-JRG-RSP, Dkt. 81 (E.D. Tex. May 19, 2025) (same).

Indeed, the District Court has previously granted a stay even where only a *subset* of the challenged claims were instituted. See, e.g., *Cellular Commc’ns Equip., LLC v. Samsung Elecs. Co.*, No. 6:14-CV-759, 2015 WL 11143485, at *4 (E.D. Tex. Dec. 16, 2015) (granting Defendant’s motion for *partial* stay when IPR petitions involving a subset of asserted claims were instituted). Here, Petitioner has filed IPR Petitions challenging all five patents that are asserted in the District Court, and the merits of the Petitions are exceedingly strong. See, e.g., §§ II.A, II.D.6. There is a meaningful possibility that the District Court case will be stayed.

Accordingly, this factor weighs against discretionary denial.

2. *Fintiv* Factor 2: Proximity of the court’s trial date to the Board’s projected statutory deadline for a final written decision.

As Patent Owner concedes in its briefing, no claim construction briefing, *Markman* hearing, or expert discovery has even commenced in the District Court proceeding. *See* DD at 8-9. And fact discovery is still ongoing, with no depositions having taken place except for one related to the parties’ venue dispute. While Patent Owner leans heavily on a “projected trial date” (*id.* at 9-10) that occurs approximately five months before the final written decision deadline, the actual trial date in the District Court often takes place months later. The table below compares the actual and “projected” trial dates for recent District Court cases:

Case	Projected Date	Actual Date	Difference
<i>Headwater v. Samsung</i> , 2:22-cv-422-JRG-RSP	8/5/2024 (Dkt. 57)	1/13/2025 (Dkt. 488)	5 months
<i>Force Mos v. ASUSTek</i> , 2:22-cv-460-JRG	10/7/2024 (Dkt. 23)	2/7/2025 (Dkt. 349)	4 months
<i>Touchstream v. Charter</i> , 2:23-cv-59-JRG-RSP	10/28/2024 (Dkt. 61)	3/3/2025 (Dkt. 366)	4 months
<i>Headwater v. Samsung</i> , 2:23-cv-103-JRG-RSP	1/6/2025 (Dkt. 63)	4/21/2025 (Dkt. 420)	3.5 months
<i>Multimedia v. LG Elecs.</i> , 2:22-cv-494-JRG-RSP	11/18/2024 (Dkt. 34)	5/19/2025 (Dkt. 288)	6 months
<i>Daingean v. T-Mobile</i> , 2:23-cv-347-JRG-RSP	4/7/2025 (Dkt. 55)	7/7/2025 (Dkt. 454)	3 months
<i>Daingean v. AT&T</i> , 2:23-cv-123-JRG-RSP	1/6/2025 (Dkt. 48)	9/5/2025 (Dkt. 566)	8 months
<i>Pictiva v. Samsung</i> , 2:23-cv-495-JRG-RSP	8/4/2025 (Dkt. 40)	10/27/2025 (Dkt. 556)	2.5 months
Average			4.5 months

As shown, the actual trial date is, on average, 4.5 months after the projected trial date that Patent Owner relies upon, which would place the District Court trial in late February 2027, merely days before the March 8, 2027 statutory deadline for issuance of a final written decision. Moreover, Petitioner's motion to transfer venue to the Northern District of California has been fully briefed and is pending. If the motion is granted, the District Court proceeding will be given a new trial date, likely well beyond the March 8, 2027 deadline. This factor is thus, at best, neutral.

3. *Fintiv* Factor 3: Investments in the parallel proceeding by the court and the parties.

The District Court litigation will still be in an early stage at the time of the expected institution decision. The *Markman* hearing is scheduled for April 10, 2026 and close of fact discovery is not until May 18, 2026, both occurring well after March 8, 2026, the projected institution decision deadline. As the Board has found in the past, where a claim construction order is unlikely to issue until after the expected institution date, as here, this factor weighs against discretionary denial. *See generally Med-El Elektromedizinische Geräte Ges.m.b.H. v. Advanced Bionics AG*, IPR2020-00190, 2020 WL 3033320, at *5 (P.T.A.B. June 3, 2020) (weighing factor 3 in favor of institution where “a claim construction order will not have issued” at the time of the institution decision); *Facebook, Inc. v. USC IP P'ship, L.P.*, IPR2021-

00033, 2021 WL 1718801, at *5 (P.T.A.B. Apr. 30, 2021) (weighing factor 3 in favor of institution where “[t]he district court proceeding is still at a relatively early stage”). This factor thus weighs against discretionary denial.

4. *Fintiv* Factor 4: Overlap between issues raised in the Petition and the parallel proceeding.

Petitioner has filed a stipulation broader than a *Sotera* stipulation, eliminating all overlapping issues between the Petition and the District Court proceeding. *See* Paper 8. Specifically, Petitioner stipulated that:

[I]f the Board institutes *inter partes* review in this proceeding, IPR2025-01450, Petitioner will not pursue in the parallel litigation, *Advanced Memory Technologies, LLC v. SK hynix Inc.*, Case No. 2:24-cv-01078- JRG (E.D. Tex.), (i) the specific grounds raised in IPR2025-01450; (ii) any grounds of invalidity arising under 35 U.S.C. § 102 or § 103 involving only patent or printed publication prior art that could have reasonably been raised before the Board with respect to U.S. Pat. No. 7,920,018, including the same grounds in the Petition (Paper 1); or (iii) any ground based on a combination of system prior art and the references asserted as part of a ground raised in IPR2025-01450, as reflected in the table summarizing the statutory grounds for challenges in Section II of the Petition.

Id. at 2. Petitioner’s stipulation mirrors the “broad stipulation” that the Board has recently identified and found to “tip the balance against discretionary denial.” *See, e.g., Shenzhen Tuozhu Tech. Co. v. Stratasys Inc.*, IPR2025-00531, Paper 10 at 3 (July 17, 2025); *Tesla*, IPR2025-00217, Paper 9 at 2.

Patent Owner misrepresents the scope of Petitioner’s stipulation by arguing

that “Petitioner intends to try validity based on purported prior art in both the District Court Proceeding and this IPR.” DD at 12. But Patent Owner misses the point because this factor evaluates the extent of the overlap of the issues raised in both proceedings, not simply whether Petitioner raises an invalidity defense. While Petitioner intends to present in the District Court proceeding certain **system** prior art, there are no overlapping issues because such prior art is not statutorily permitted in an IPR petition. 35 U.S.C. § 311(b). Petitioner’s stipulation further precludes any overlap by clarifying that, in the District Court, Petitioner will not pursue “any ground based on a combination of system prior art and the references asserted as part of a ground raised in [this IPR].” Paper 8 at 2.

Patent Owner also takes issue with the timing of Petitioner’s stipulation, but cites no authority that it was untimely filed. Instead, Petitioner’s stipulation was filed “as soon as practicable” upon evaluation of **system** prior art, many of which are at the exclusive possession of third-parties, and provided Patent Owner ample opportunity (*i.e.*, over two weeks) to “address the impact of the stipulation in its discretionary denial brief.” Interim Director Discretionary Process, § I.D. Patent Owner cannot credibly claim to have suffered any form of prejudice.

Accordingly, this factor weighs against discretionary denial.

5. *Fintiv* Factor 5: Whether the petitioner and the defendant in the parallel proceeding are the same party.

The Petitioner here is the same party as the defendant in the District Court case. Although this factor may weigh slightly in favor of discretionary denial, it does not outweigh the other factors discussed above.

6. *Fintiv* Factor 6: Other circumstances that impact the Board's exercise of its discretion, including the merits.

Factor 6 weighs heavily against discretionary denial. As discussed above, the merits of the Petition are strong. Cordoba and Meng together anticipate all of the asserted claims. The arguments put forward by Patent Owner are premised on an erroneous understanding of the Petition and prior art. Meng discloses an ACC designed to apply a well bias potential to a deep N-well region, a critical disclosure that would have precluded issuance of the '018 patent. The Examiner materially erred by overlooking such a disclosure, once during the prosecution of the parent application and *again* during the prosecution of the '018 patent. The Board, with its expertise in reviewing highly complex patents, should reevaluate the validity of the patent and remedy the Examiner's material error. Petitioner's expectations of freedom to operate, which have long settled over the 19 years of commercialization of the accused technology, and the lack of expectations by Patent Owner, who has owned the patent for less than 2 years, further confirm that the Board's review is

warranted. This factor weighs heavily toward referral.

III. CONCLUSION

Petitioner respectfully requests that the Board deny Patent Owner's request for discretionary denial.

December 8, 2025

Respectfully submitted,

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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. §42.6, I hereby certify that on December 8, 2025, the foregoing document, Petitioner's Opposition to Patent Owner's Request for Discretionary Denial, and Exhibits 1012 through 1016 were served via email on the following counsel of record:

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