

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

INFINEON TECHNOLOGIES AMERICAS CORP.,
Petitioner,

v.

MOSAID TECHNOLOGIES INC.,
Patent Owner.

Case IPR2025-01456
Patent 10,140,028

**PETITIONER'S AUTHORIZED REPLY TO
PATENT OWNER'S PRELIMINARY RESPONSE**

I. INTRODUCTION

Mirroring its failed request for discretionary denial, MOSAID argues for the second time in its preliminary response that Infineon's petition and district court claim construction positions are inconsistent. POPR, 3–8; DD Req., 18–20; Paper 21. But this complaint contains no more truth now than it did then, and MOSAID's desire to relitigate an already-considered issue does not justify a different outcome.

II. ARGUMENT

Timing. MOSAID's first critique that the petition does not explicitly address Infineon's district court claim construction positions ignores the timeline of events. POPR, 3–8. MOSAID fails to mention that claim construction briefing at the district court had not yet begun when Infineon filed the petition on August 29, 2025. Infineon had only reserved a list of terms by then, not crystallized its constructions, and the parties did not exchange constructions until September 11, 2025.

Indefiniteness. Next, again repeating its failed request for discretionary denial, MOSAID says the petition necessarily conflicts with Infineon's district court indefiniteness position on the terms “positive clock input signal” and “negative clock input signal” in dependent claim 2. POPR, 5–6; DD Req., 18–20. Yet as Infineon explained, the petition's Grounds 1A–1B can be evaluated regardless of whether dependent claim 2 is indefinite because Cole expressly discloses a *positive* clock input signal labeled “xxStb**P**” and a *negative* clock input signal labeled “xxStb**N**.”

Opp., 18-19 (citing EX1005, [0026], FIG. 2A); Pet., 50; EX1003, ¶128. In short, the problems with detecting infringement of claim 2’s positive/negative clock signal requirements in an accused device do not apply to Cole’s express and verbatim matching disclosure. *Id.* As before, MOSAID fails to argue otherwise.

Clock Output Signal. MOSAID’s inconsistency argument on the “clock output signal” term has it backwards. POPR, 7–8. Infineon’s petition *prevents* inconsistency by providing distinct grounds to address the parties’ respective anticipated constructions of “clock output signal.” Pet., 28 n.3. This approach allows the Board to reach a final written decision that is completely consistent with whichever party’s construction the district court adopts at *Markman*.

Grounds 1B/1D track Infineon’s district court construction of “clock output signal” as a “synchronous periodic signal used to synchronize system operations”—or alternatively, a “periodic signal that synchronizes system operations,” or simply a “synchronous periodic signal.” EX2007, 7, 11. These grounds rely on Grundy’s teachings that the clock input/output signals 172 on clock line 152 are synchronous, periodic, and used to synchronize operations ranging from data/signal transfers to memory interface operations and state machine transitions. EX1009, [0043], [0047], [0084], [0088], [0097], cls. 12–14 (“synchronism with...the clock signal”), FIGs. 5A–5B, 6; Pet., 57–64, 66–70. Tellingly, MOSAID fails to identify any alleged inconsistency between Grounds 1B/1D and Infineon’s district court constructions.

Infineon's petition was also transparent that additional and alternative Grounds 1A/1C were based on MOSAID's anticipated district court construction, as gleaned from its infringement allegations. Pet., 28 n.3. Grounds 1A/1C merely ensure that MOSAID does not gain an unfair advantage if the district court later adopts its broader construction, consistent with the Director's guidance in *Revvo*. See IPR2025-00632, Paper 20 at 5 (Director Nov. 3, 2025) (precedential) ("if...the district court declines to adopt the narrow construction, the party would have sufficient reason for advancing the broader-court-adopted construction in a proceeding before the Board"); see also *Sterner Lighting, Inc. v. Allied Elec. Supply, Inc.*, 431 F.2d 539, 544 (5th Cir.1970) ("A patent may not, like a 'nose of wax,' be twisted one way to avoid anticipation and another to find infringement.").

Stipulation. To further ensure consistency between this IPR and the district court case, Infineon stipulates that it will: (1) submit this reply brief to the district court for consideration during *Markman*; (2) submit to the Board and abide in this IPR by any constructions reached by the district court; (3) withdraw claim 2 from this proceeding if deemed indefinite by the district court; and (4) withdraw Grounds 1A and 1C from this proceeding if the district court adopts Infineon's construction of "clock output signal." See *Caption Health, Inc. v. University of British Columbia*, IPR2025-01422, Paper 15 at 3 (Director Dec. 18, 2025) ("Petitioner's stipulation, therefore, resolves any potential inconsistency[.]").

Respectfully submitted,

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/Kenneth Wayne Darby Jr./

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CERTIFICATE OF SERVICE

Pursuant to 37 CFR §42.6(e)(4), the undersigned certifies that on January 12, 2026, a complete and entire copy of this Petitioner's Authorized Reply to Patent Owner's Preliminary Response was provided via email, to the Patent Owner by serving the email correspondence addresses of record as follows:

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