

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 IPR2025-01487
Patent 9,972,381

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

TABLE OF CONTENTS

I.	INTRODUCTION	1
II.	ARGUMENT	2
A.	Multiple Compelling Reasons Support a Merits Review.....	2
1.	The '381 Patent Is the Product of Severe Examination Errors...	2
i.	Concerning Peculiarities and Inconsistencies in the File Wrapper Reveal Low-Quality Examination.....	2
ii.	The Examiner's Useless Search Queries Prevented a Thorough Prior Art Investigation	4
iii.	By Failing to Consider Prior Art Cited in Predecessor Family Members, the Examiner Overlooked Grundy	5
2.	Infineon's Settled Expectations Against Assertion Accrued When MOSAID Abandoned Its Allegations [REDACTED]	7
3.	Institution Will Narrow the Parallel Litigation.....	9
i.	The Board Will Reach a Final Decision Before Trial	9
ii.	Infineon's <i>Sotera+</i> Stipulation Will Eliminate Wasteful Duplicative Efforts.....	10
4.	Infineon's Repeated Efforts to Conserve Agency, Judicial, and Party Resources Support a Merits Review	10
B.	MOSAID's Discretionary Denial Arguments Are Unavailing	13
1.	MOSAID, a Foreign Patent Assertion Entity Using the United States Patent System to Siphon Value from the United States Semiconductor Industry, Does Not Have Settled Expectations Against a Merits Review.....	13
2.	MOSAID's Abusive Licensing Tactics and Failure to Cite Material Prior Art Undercuts Any Settled Expectations MOSAID May Have Had as the Owner of an Old Patent.....	15

- i. Abusive Licensing Tactics.....15
 - ii. Failure to Cite Material Prior Art 17
- 3. [REDACTED] 18
- III. CONCLUSION.....19

LIST OF EXHIBITS

INFINEON-1001	U.S. Patent 9,972,381 (the “381 Patent”)
INFINEON-1002	U.S. Patent 9,972,381 File History
INFINEON-1003	Expert Declaration of Dr. Carl Sechen
INFINEON-1004	Curriculum Vitae of Dr. Carl Sechen
INFINEON-1005	U.S. Patent App. Pub. 2004/0148482 to Grundy et al. (“Grundy”)
INFINEON-1006	U.S. Patent App. Pub. 2005/0204091 to Kilbuck et al. (“Kilbuck”)
INFINEON-1007	Wiley Electrical and Electronics Engineering Dictionary, 2004 (excerpts)
INFINEON-1008	T. Tanaka <i>et al.</i> , “A quick intelligent page-programming architecture and a shielded bitline sensing method for 3 V-only NAND flash memory,” in <i>IEEE Journal of Solid-State Circuits</i> , vol. 29, no. 11, pp. 1366-1373, Nov. 1994, doi: 10.1109/4.328638 (“Tanaka”)
INFINEON-1009	P. Cappalletti <i>et al.</i> , “Flash Memories,” Kluwer Academic Publishers, 1999 (excerpts) (“Cappalletti”)
INFINEON-1010	Complaint, <i>Mosaid Techs. Inc. v. Infineon Techs. AG et al.</i> , W.D. Tex., filed March 25, 2025
INFINEON-1011	September 24, 2025 Stipulation
INFINEON-1012	Voluntary Search Disclosure Declaration
INFINEON-1013 — INFINEON-1033	RESERVED

INFINEON-1034	Manual of Patent Examining Procedure, Chapter 600, Ninth Edition, Rev.08.2017
INFINEON-1035	Manual of Patent Examining Procedure, Chapter 700, Ninth Edition, Rev.08.2017
INFINEON-1036	Manual of Patent Examining Procedure, Chapter 900, Ninth Edition, Rev.08.2017
INFINEON-1037	U.S. Patent App. Pub. 2012/0226929
INFINEON-1038	“Patent Public Search - Advanced Search overview,” retrieved from https://www.uspto.gov/sites/default/files/documents/Advanced-search-overview-QRG-Patent-Public-Search.pdf
INFINEON-1039	https://web.archive.org/web/20151028000601/https://www.uspto.gov/video/cbt/section2/index.htm (slide 14)
INFINEON-1040	U.S. Patent 8,654,601
INFINEON-1041	Micron DDR SDRAM Unbuffered DIMM datasheet 2004.
INFINEON-1042	Docket Navigator, Time to Milestones, Judge Alan D. Albright (generated September 20, 2025)
INFINEON-1043	Excerpts from LegalMetric District Report, Texas Western District Court, in Patent Cases (January 2000-July 2025)
INFINEON-1044	<i>Neonode Smartphone LLC, v. Samsung Elecs. Co. Ltd.</i> , 6:20-cv-00507-ADA, Document 70 (WDTX Mar. 22, 2023)
INFINEON-1045	<i>Viasat, Inc. v. Kioxia Corp.</i> , 6:21-cv-01231-ADA, Document 242 (WDTX Oct. 17, 2024)

INFINEON-1046	Declaration of Terence P. Woodsome (CONFIDENTIAL – ATTORNEYS’ EYES ONLY)
INFINEON-1047	Infineon Stipulations in IPR2025-01171, IPR2025-01456, and IPR2025-01489
INFINEON-1048	Email dated September 19, 2025, Subject: “Efficiency Proposal re MOSAID v. Infineon”
INFINEON-1049	Press Release: Department of Justice, Federal Trade Commission to Hold Workshop on Patent Assertion Entity Activities, Archives, U.S. Department of Justice, https://www.justice.gov/archives/opa/pr/departments-justice-federal-trade-commission-hold-workshop-patent-assertion-entity-activities (accessed October 5, 2025)
INFINEON-1050	Canadian Patents Database, Search Results, Query: “current-owner:(MOSAID) AND (current-status:Patents),” https://www.ic.gc.ca/opic-cipo/cpd/eng/search/results.html?query=current-owner%3A%28MOSAID%29+AND+%28current-status%3APatents%29&start=1&num=10&type=advanced_search&newSearch=0 (generated October 5, 2025)
INFINEON-1051	MOSAID Technologies Website, Patent Licensing page, https://mosaid.com/patent-category/semiconductor-process-portfolio/ (accessed October 5, 2025)
INFINEON-1052	United States–Canada Income Tax Convention
INFINEON-1053	U.S. Patent 10,224,098
INFINEON-1054	U.S. Patent 10,679,695
INFINEON-1055	U.S. Patent 11,017,849
INFINEON-1056	<i>MOSAID Technologies v. Freescale Semiconductor, Inc. et al.</i> , 6:11-cv-00173-LED, Document 91 (EDTX October 13, 2011)

- INFINEON-1057 *MOSAID Technologies v. Freescale Semiconductor, Inc. et al.*, 6:11-cv-00173-LED, Document 100 (EDTX November 17, 2011)
- INFINEON-1058 Declaration of Dr. Martin Bayerl (CONFIDENTIAL – ATTORNEYS’ EYES ONLY)
- INFINEON-1059 Complaint in *MOSAID Technologies Inc. v. Infineon Technologies AG, et al.*, Case No. 1:25-cv-00358 (WDTX March 10, 2025)

**All emphasis is added in this brief.*

I. INTRODUCTION

Examining patents is hard, and mistakes are bound to happen. Issuing the '381 patent was a mistake. It was allowed without amendment, without rejection, and without meaningful scrutiny because the Examiner ignored the rules. Office guidelines demand a thorough search of the prior art before allowance, but the Examiner did the opposite. The prosecution record shows that he deemed the claims allowable before returning to submit a handful of ineffective search queries. Office guidelines also require review of all prior art cited in related predecessor patents, but the Examiner did not do so. As a result, he missed the best prior art.

Not only was the '381 patent's issuance wrong, but so is its ongoing assertion against Infineon. MOSAID raised and *abandoned* its infringement allegations [REDACTED], giving Infineon every reason to believe the dispute was over for good.

[REDACTED] and later filing suit, is a prejudicial disruption of Infineon's settled expectations.

In addition, this case is an opportunity for the Director to reiterate that foreign entities should not have settled expectations that their coercive litigation schemes will benefit from discretionary denial merely because the patents they assert are old. Just as the Director recently instituted review on another of MOSAID's old asserted patents in IPR2025-01171, Infineon respectfully asks the Director to do so here.

II. ARGUMENT

A. Multiple Compelling Reasons Support a Merits Review

1. The '381 Patent Is the Product of Severe Examination Errors

The '381 patent faced no scrutiny at the Office. Never amended or rejected, its claims reached allowance in just two months. INFINEON-1002, 29–36, 141–143. And the remarkably short file wrapper is riddled with peculiarities, inconsistencies, and other signs of slipshod examination that undermine the integrity of our patent system. *Infra*, §II.A.1.i–iii. Worse, the '381 patent's untested claims are now being harnessed by a foreign entity with aims to extract value from the United States semiconductor industry. *Infra*, §II.B.1. Given the stakes, and because the Examiner never did so, a thorough merits review by the Board is now essential.

i. Concerning Peculiarities and Inconsistencies in the File Wrapper Reveal Low-Quality Examination

On March 9, 2018, the Examiner mailed a first-action Notice of Allowance blessing the '381 patent's claims in their original, unamended form. INFINEON-1002, 29–36. Appended with the Notice of Allowance, were several other examiner-generated documents, including a page of Search Notes (*id.*, 38), an Issue Classification form (*id.*, 40–42), and an EAST Search History printout (*id.*, 43–45).¹

¹ Note that “EAST” refers to the Examiner's Automated Search Tool.

As its title suggests, the Issue Classification form is a document that a patent examiner prepares “[w]hen an application is passed to issue” to “indicate the class and subclass in which the patent should be classified.” INFINEON-1036, 32. After an examiner performs the necessary classification exercise on each of the “allowed claims,” they must “stamp and sign [their] name” as an indication “that the review has been made.” *Id.* The Examiner who sent the ’381 patent to issue signed the Issue Classification form on “2/26/2018.” INFINEON-1002, 40–42. That same day, according to the page of Search Notes, the Examiner purportedly conducted an “East search, Prior art search, [and] Inventor name search.” INFINEON-1002, 38.

The Search Notes page raises two concerning inconsistencies. For one, there is no sign anywhere in the file wrapper that the alleged “East search” was actually performed on the indicated date of February 26, 2018. INFINEON-1002, 38. In fact, the EAST Search History printout is contrary evidence because the query time stamps identify completely different dates—a single query on February 21, 2018 and all of the remaining queries on March 5, 2018. *Id.*, 43–45.

The March 5th time stamps are particularly troublesome because they occurred more than a week after the Examiner signed the Classification Form on February 26th. *Compare* INFINEON-1002, 43–45, *with id.*, 40–42. The implications are severe: It suggests the Examiner *already knew* he would send the ’381 patent to issue *before* he submitted virtually all of his search queries. In other words, the empty

result of the so-called search was pre-determined. And that is the only plausible way to make sense of the Examiner's otherwise inexplicably ineffective search queries, as detailed below.

ii. The Examiner's Useless Search Queries Prevented a Thorough Prior Art Investigation

An examiner is supposed to "conduct a thorough search of the prior art." INFINEON-1036, 41, 48; *see also id.*, 45 ("comprehensive search"); 37 C.F.R. 1.104 ("the examiner shall...make a thorough investigation of the available prior art"). Doing so is not optional; it is a "must." *Id.*, 41.

Unfortunately, a review of the Examiner's search queries in EAST reveals he did not meet the Office's rigorous standards by a longshot. To start, nearly half of the queries submitted during the "Prior Art" portion of the search were limited to patent documents that are related predecessors to the '381 patent. INFINEON-1002, 43–45 (query reference numbers S151 through S153 and S165 through S176). Simply looking up family members is hardly a thorough vetting of the prior art.

The Examiner's remaining queries were not significantly better. For example, one query was "20120226929," which is the number of an irrelevant published application that has nothing to do with the '381 patent's claimed flash memory. INFINEON-1002, 43 (query S150); INFINEON-1037. Two other queries included relevant keywords—i.e., "flash," "block," "page," "clock," and "signal"—but they were hamstrung by requiring all of those words to appear in the same sentence.

INFINEON-1002, 43 (queries S154 and S155 using the “with” operator); INFINEON-1038, 6 (explaining that “[t]erms joined with WITH must occur within the same sentence”); INFINEON-1039. Minutes later, the Examiner narrowed those already-narrow queries even further by stacking on additional keywords and cross-referencing various classifications. INFINEON-1002, 43–44 (queries S156 through S164, which all reference S154 or S155).

Pertinent art like the Petition’s Grundy reference would not have surfaced in the Examiner’s futile queries. Indeed, queries that narrow would fail to return the ’381 patent’s own specification. It is no surprise the Examiner came up empty. By contrast, a competent and comprehensive search, like the one Infineon did, would have uncovered ample prior art to compel a rejection and prevent issuance of the ’381 patent’s invalid claims. INFINEON-1012.

iii. By Failing to Consider Prior Art Cited in Predecessor Family Members, the Examiner Overlooked Grundy

The Office guidelines are clear: “The examiner *must* consider prior art which was cited and considered in [a] parent application.” INFINEON-1036, 40; *see also* INFINEON-1034, 215 (“The examiner of the continuing application *will* consider information which has been considered by the Office in a parent application.”). And “[w]here the cited prior art of a parent application has been reviewed, this fact should be made of record.” INFINEON-1036, 40. Like any other aspect of the search, the record of a parent prior art review is recorded in the “Official Correspondence

‘Search Notes.’” INFINEON-1035, 371–376. More specifically, examiners are instructed to make an entry “in the ‘SEARCH NOTES’ box” that includes “the application number of [the] parent application, followed by ‘refs. checked’ or ‘refs. ck’ed,’” INFINEON-1035, 374–376.

There are ten prior patents in the ’381 patent’s priority claim, some having hundreds of considered prior art references listed on their face. *E.g.*, INFINEON-1040 (US 8,654,601), Pages 1–5 (56). The Examiner was duty-bound to consider these references, and had he done so, corresponding entries in the Search Notes would have confirmed it. But no such entries exist.

US CLASSIFICATION SEARCHED			
Class	Subclass	Date	Examiner
365	185.11, 185.12, 185.17, 185.33, 189.05, 189.15, 221, 233.1, 239	2/26/2018	GA

* See search history printout included with this form or the SEARCH NOTES box below to determine the scope of the search.

SEARCH NOTES		
Search Notes	Date	Examiner
East search, Prior art search, Inventor name search	2/26/2018	GA

INTERFERENCE SEARCH			
US Class/ CPC Symbol	US Subclass / CPC Group	Date	Examiner
Interference search		2/26/2018	GA

**No Parent
Patent Prior
Art Entries**



INFINEON-1002, 38.

Disregarding a necessary component of the prescribed search procedure was an obvious an error, and a material one in this case. As shown below, if the Examiner had considered the prior art cited during prosecution of the ’381 patent’s ancestors, he would have encountered Grundy, a highly pertinent and invalidating reference.

A series of horizontal black bars of varying lengths, representing redacted text. The bars are arranged in a list-like fashion, with some bars spanning the width of the page and others being shorter. The bars are solid black and have a uniform thickness.

[REDACTED]

[REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

“Whether this sequence is fairly viewed as a tacit withdrawal of [MOSAID’s infringement allegations], or as misleading silence with respect to [those allegations], the result is the same, for it was reasonable for [Infineon] to infer that [MOSAID] was not continuing the accusation of infringement[.]” *Aspex Eyewear, Inc. v. Clariti Eyewear, Inc.*, 605 F.3d 1305, 1311 (Fed. Cir. 2010) (finding equitable estoppel after years of silence). Thus, consistent with longstanding principles of equity, Infineon developed strong settled expectations against being sued on the ’381 patent. Those expectations support a merits review of Infineon’s Petition.

3. Institution Will Narrow the Parallel Litigation

i. The Board Will Reach a Final Decision Before Trial

The Board’s projected final written decision date is March 10, 2027, nearly a month *before* the District Court’s scheduled trial date of April 5, 2027. EX2006, 6. And Judge Albright’s median time to trial is about 26 months, which projects an even later date of May 2027.² INFINEON-1042, 1. Given that Judge Albright has previously stayed (and severed) portions of a district court case that pertain to claims found unpatentable by the Board before trial, institution presents an opportunity to significantly narrow the number of patents presented to a jury. INFINEON-1044, 1 (“[T]he Court severs and stays Neonode’s claims for infringement of the ’993 Patent against Samsung pending resolution of the appeal from the PTAB’s Final Written Decision”); INFINEON-1045, 2–5 (although “[t]rial was set to begin with[in] weeks of this motion,” “the Court will exercise its discretion to stay this case pending the resolution of the IPR appeal”). In a three-patent litigation on complex semiconductor technology, taking the ’381 patent off the jury’s plate would be a meaningful step towards simplification.

² Judge Albright’s *average* time to trial is even longer—33 months. EX1043, 4. Moreover, Infineon has moved to transfer the district court case.

ii. Infineon’s *Sotera+* Stipulation Will Eliminate Wasteful Duplicative Efforts

Infineon’s *Sotera+* stipulation leaves only two types of prior art invalidity grounds available for the district court trial—(1) grounds consisting of system prior art that does not correspond to any of the asserted IPR references; and (2) grounds consisting of such system art paired with printed publications that are not the asserted IPR references. INFINEON-1011. Infineon’s invalidity contentions list only four prior art systems, none of which has a material connection to this IPR. EX2025, 12.

MOSAID’s claim that Infineon’s *Sotera+* stipulation is “carefully worded” to “seek[] two bites at the apple” is irrelevant conjecture. Br. at 13. Note, for example, MOSAID’s failure to allege that even one of the four systems in Infineon’s contentions bears any resemblance to the Grundy and Kilbuck references in the Petition’s sole obviousness ground. See Br. at 13–14. These systems cannot be reviewed via IPR and have no relationship to any of the prior art at issue in this IPR. The likelihood of duplicative efforts and inconsistent outcomes from institution is vanishingly small.

4. Infineon’s Repeated Efforts to Conserve Agency, Judicial, and Party Resources Support a Merits Review

Although MOSAID criticizes Infineon for not filing IPR challenges sooner, now is the only reasonable and efficient time to do so given the circumstances that

MOSAID created by launching a licensing “campaign” against Infineon that

See EX2022, 7-8, 11; INFINEON-1046, ¶19. Even if spending years and millions of dollars to challenge [REDACTED] was feasible (which it was not), doing so would have been ineffective and incredibly wasteful.

INFINEON-1046, ¶¶20–21. In the end, MOSAID filed suit on just *six* of the

████████████████████ Compare EX2004, ¶7, and INFINEON-1059, ¶7, with EX2022, 7–8. Challenging everything MOSAID identified would have produced more than a dozen needless post-grant proceedings. Besides, MOSAID would have just flaunted another set of patents and continued harassing Infineon until it got what it wanted—an eight-figure payday. INFINEON-1046, ¶22.

MOSAID is far from the only patent assertion entity who holds hundreds or thousands of United States patents and brandishes ██████████ in simultaneous licensing campaigns aimed at different targets to extract royalties. There are several of these entities operating in the United States, many of them based in foreign jurisdictions like MOSAID. If every target of such a campaign were to launch immediate post-grant challenges, the Office would be overwhelmed with petitions.

Given MOSAID's approach, Infineon could do little more than

INFINEON-1046, ¶23. As discussed (*supra*, §II.A.2), and then abruptly reversed course, ultimately filing suit more than

Although MOSAID's unpredictable litigation tactics are beyond Infineon's control, Infineon can and has sought to conserve resources for the Board, the District Court, and the parties. To start, Infineon did not file IPRs against all six of MOSAID's asserted patents, but instead selected the four patents where a challenge based on printed publications before the PTAB would be most sensible and effective (Case Nos. IPR2025-01171, -01456, -01487, -01489). In all four IPRs, Infineon submitted broad *Sotera*+ prior art stipulations to avoid overlapping issues and any risk of inconsistent decisions (*supra*, II.A.3.ii). INFINEON-1047.

More, Infineon took the extraordinary additional step of offering a compromise to immediately terminate all four IPRs in exchange for MOSAID narrowing its district court assertions to one patent of its choosing per district court case. INFINEON-1048. "This consolidated approach will save time, conserve resources, and avoid jury confusion from presenting multiple unrelated patents on complex semiconductor technology against the same Accused Product. MOSAID, meanwhile, will retain control of selecting the specific patent and claims that go to trial." *Id.* MOSAID responded to Infineon's offer but has yet to accept.

Infineon has consistently pursued opportunities to conserve resources and avoid burdening the Board with unnecessary post-grant petitions. These efforts support institution.

B. MOSAID’s Discretionary Denial Arguments Are Unavailing

1. MOSAID, a Foreign Patent Assertion Entity Using the United States Patent System to Siphon Value from the United States Semiconductor Industry, Does Not Have Settled Expectations Against a Merits Review

MOSAID cannot reasonably have strong settled expectations that a United States government agency will assert the power of its discretion to refuse even a preliminary merits review of patent rights that a *foreign* entity openly wields against the domestic semiconductor industry.

MOSAID, a private company with undisclosed ownership, is a longstanding patent assertion entity (PAE) based in Canada. EX2004, ¶¶3–6; INFINEON-1049, 1–2 (listing MOSAID’s Vice President as a speaker at the FTC’s 2012 “Workshop on Patent Assertion Entity Activities”). [REDACTED]

[REDACTED] Notably, despite being a Canadian company, records from the Canadian Patent Office suggest MOSAID holds no active patents at all in Canada. INFINEON-1050, 1. [REDACTED]

[REDACTED] backed by the strong United States court system and financially sheltered by an international tax treaty. INFINEON-1051, 1 (“All MOSAID patents are available for review at the U.S. Patent Office”); INFINEON-1052, 63 (“Payments for the use of, or the right to use any patent...arising in a Contracting States and beneficially owned by a resident of the other Contracting State shall be taxable only in that other State[.]”).

[REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED]

To summarize, MOSAID establishes its home base in Canada and reaches across the northern border [REDACTED]

[REDACTED]

MOSAID’s attack on Infineon is no different. Infineon has been a trusted partner and contributor to the United States semiconductor industry for years, injecting billions of dollars directly into the domestic economy, creating thousands of jobs for Americans, strengthening domestic semiconductor technology development, [REDACTED]

[REDACTED]

[REDACTED]

████████████████████ and they are used extensively in the United States for applications ranging from IoT consumer products to devices with integrated AI systems. INFINEON-1046, ¶¶11–14.

To be sure, the law does not prevent or even discourage foreign PAEs like MOSAID from extracting value via patent licensing or litigation against companies like Infineon who are highly invested and aligned with the United States semiconductor industry. Nevertheless, such a foreign entity *should not expect* that the United States government will refuse to conduct even a preliminary merits review of the underlying patent rights powering such a scheme.

2. MOSAID’s Abusive Licensing Tactics and Failure to Cite Material Prior Art Undercuts Any Settled Expectations MOSAID May Have Had as the Owner of an Old Patent

i. Abusive Licensing Tactics

To the extent MOSAID has any legitimate settled expectations regarding the ’381 patent (which it does not), they are rendered moot by MOSAID’s abusive licensing negotiation tactics.

██

██

██

██

██

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] *see Brulotte v. Thys Co.*, 379 U.S. 29, 32 (1964) (“[W]e conclude that a patentee’s use of a royalty agreement that projects beyond the expiration date of the patent is unlawful per se.”).

Patent	Expiration Date
7,111,179	20 Jan 2023
7,596,710	27 Jan 2023
7,051,306	07 May 2024
7,945,885	07 May 2024
8,782,590	07 May 2024
6,294,904	04 Aug 2019
6,353,876	12 Mar 2018
6,489,834	16 Mar 2021
7,157,895	12 Oct 2024
7,349,448	27 Apr 2026
7,465,974	08 Sep 2022
8,063,417	01 Mar 2022
6,587,383	19 Mar 2022
7,685,393	07 Dec 2027
8,427,897	30 Dec 2025
9,972,381	30 Dec 2025
10,224,098	30 Dec 2025
10,140,028	15 Feb 2028
6,017,801	13 Jan 2018
6,223,331	30 Jul 2018
7,316,973	10 Nov 2025

MOSAID’s expectation that it can harass the domestic semiconductor industry with unfair patent licensing campaigns launched from across the northern border absent any and all oversight from the United States Government does not support denial.

ii. Failure to Cite Material Prior Art

MOSAID’s purported “settled expectations” are further eroded by its habit of

[REDACTED]

[REDACTED] *See* 37 C.F.R. § 156 (outlining the “duty to disclose” that serves the “public interest” and promotes “the most effective patent examination”).

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Unfortunately, this is not a one-time occurrence, MOSAID was accused of doing the very same thing years ago when it asserted a set of patents against NVIDIA. INFINEON-1056, 21–30 (¶¶57–105); INFINEON-1057, 2–10. There, as here, it came to light that NVIDIA identified a pre-existing product including the accused functionality, and MOSAID decided not to tell the Office about it when pursuing downstream continuations. *Id.* MOSAID cannot credibly expect the Office to shield its patents from a merits review when MOSAID refuses to follow the rules and abide its duty of disclosure.

3.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

III. CONCLUSION

This case is an important one that must be decided on the merits. The '381 patent issued because the Examiner's search was perfunctory, misguided, and incomplete. If that were not reason enough—and it is—a merits review is warranted because Infineon's settled expectations that MOSAID abandoned its infringement allegations outweigh any expectation MOSAID might have that a foreign PAE can conduct abusive licensing campaigns from across the border with no oversight by the United States government agency that granted the asserted patent rights in the first place. For all these reasons, Infineon respectfully asks the Director to enter this case into the preliminary merits phase.

Respectfully submitted,

Dated: December 9, 2025

/Kenneth Wayne Darby Jr./

Kenneth Wayne Darby Jr., Reg. No. 65,068

David M. Hoffman, Reg. No. 54,174

Nicholas W. Stephens, Reg. No. 74,320

John-Paul Fryckman, Reg. No. 62,880

Fish & Richardson P.C.

60 South Sixth Street, Suite 3200

Minneapolis, MN 55402

T: 202-783-5070

F: 877-769-7945

Counsel for Petitioner

CERTIFICATE OF SERVICE

Pursuant to 37 CFR §42.6(e)(4), the undersigned certifies that on December 9, 2025, a complete and entire copy of this Petitioner's Opposition and its supporting exhibits were provided via email, to the Patent Owner by serving the email correspondence addresses of record as follows:

Parham Hendifar
Kenneth J. Weatherwax
LOWENSTEIN & WEATHERWAX LLP
hendifar@lowensteinweatherwax.com
weatherwax@lowensteinweatherwax.com
MOSAID_IPRs@lowensteinweatherwax.com

/Crena Pacheco/
Crena Pacheco
Fish & Richardson P.C.
60 South Sixth Street, Suite 3200
Minneapolis, MN 55402
Tel: 202-783-5070
Fax: 877-769-7945
pacheco@fr.com