

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

**PATENT OWNER'S AUTHORIZED SURREPLY TO
PETITIONER'S REPLY**

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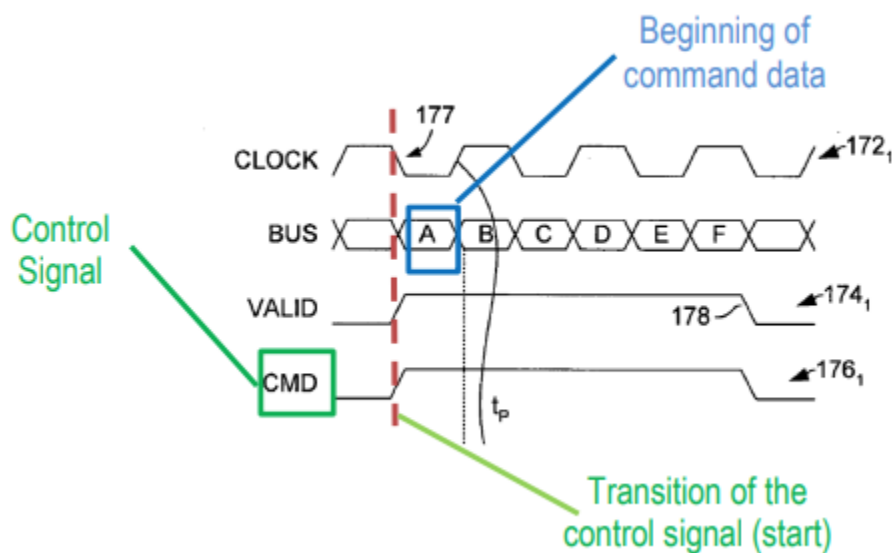
Petitioner’s arguments confirm that institution should be denied.

Petitioner first argues that when it filed its petition on August 29, 2025, it “had only reserved a list of terms” proposed for construction in the district court, and had not yet “crystallized” its constructions. Reply, 1. But Petitioner does not cite any support for its implicit position that a district court’s schedule somehow limits or qualifies an IPR petitioner’s obligation to identify “[h]ow [each] challenged claim is to be construed.” 37 C.F.R. § 42.104(b)(3). Nor does the district court’s schedule obviate the Office’s goal of “minimiz[ing] inconsistency in claim construction between forums.” *See Revvo Techs., Inc. v. Cerebrum Sensor Techs., Inc.*, IPR2025-00632, Paper 20, 4 (Nov. 3, 2025) (precedential) (“*Revvo*”).

Petitioner was aware of the terms it would propose for construction by the time it filed its IPR. The record includes analysis relating the cited art to the ’381 patent and other patents, served on Patent Owner on August 15—*before* Petitioner filed its IPRs—with sections relating to the terms in the ’381 patent it later argued about in district court and here. *See e.g.*, Ex. 2025 [Petitioner’s-Preliminary-Invalidity-Contentions] 33–34 (making arguments relating to a “control signal wherein a transition of the control signal ... indicates a beginning of command data being received” in the sense of the ’381 patent), 40–41 (making arguments relating to a “clock output signal” in the sense of the ’381 patent). Taken to their logical conclusion, Petitioner’s timing arguments would suggest that “minimiz[ing]

inconsistency in claim construction between forums” only matters if a district court scheduling order happens to require “crystalliz[ing] [] constructions” prior to filing an IPR. Such a policy would not “further the Office’s goal of ‘providing greater predictability and certainty in the patent system.’” *Revvo*, 4 (quoting 83 Fed. Reg. at 51,342–43).

Petitioner then turns to its construction of a transition of a control signal. Petitioner’s district court position is that “the plain language requires that the control signal transition contemporaneously with the *beginning* of data *being* received—nothing earlier, nothing later,” Ex. 2007 [Opening-Claim-Construction-Brief] 8–9 (emphasis in original). The Petition supposedly evidences this in Grundy as illustrated by Petitioner as follows:



Pet., 33. In reply, Petitioner dismisses a visually discernible and still-unexplained

gap between the dotted red line (indicating what Petitioner terms a “transition of the control signal”) and the blue box (indicating what Petitioner terms a “[b]eginning of command data”) as “nonsense.” Reply, 2. The Petition, of course, fails to explain why this is “nonsense”; we have only Petitioner’s say-so now.

Finally, Petitioner offers a stipulation “[t]o ensure consistency between this IPR and the district court case.” Reply, 3. Petitioner’s stipulation only confirms that a gap exists between Petitioner’s district court arguments and the Petition. Given that the district court has yet to hold a *Markman* hearing, Petitioner’s proposal to “abide in this IPR by any constructions reached by the district court”—whatever those may be—is unlike the stipulation in *Caption Health* in that it does not give the Board any present guidance on how to construe the terms prior to the institution of trial. *Cf. Caption Health, Inc. v. University of British Columbia*, IPR2025-01422, Paper 15, 3 (Dec. 18, 2025) (accepting petitioner’s “consent” to the use of a district court proposal “as a stipulation to construe” a term “as Petitioner proposed in district court”). Because “it is the petition, not the Board’s ‘discretion,’ that defines the metes and bounds of an inter partes review,” *Koninklijke Philips N.V. v. Google LLC*, 948 F.3d 1330, 1336 (Fed. Cir. 2020), the Director should not allow Petitioner to declare, by stipulation, that IPR proceedings initiated without a clear statement of how a petitioner interprets claim terms, can somehow later conform to what might happen in a district court. The Director should instead deny institution.

Respectfully submitted,

Dated: January 15, 2026

By: /Kenneth Weatherwax/

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the following documents were served by electronic service, by agreement between the parties, on the date below:

**PATENT OWNER'S AUTHORIZED SURREPLY TO
PETITIONER'S REPLY**

The names and addresses of the parties being served are as follows:

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Respectfully submitted,

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Date: January 15, 2026