

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 IPR2025-01489
Patent 7,349,448

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

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LIST OF EXHIBITS

EX1001	U.S. Patent No. 7,349,448 to Chang (“the ’448 Patent”)
EX1002	Excerpts from the Prosecution History of the ’448 Patent (“the Prosecution History”)
EX1003	Declaration and Curriculum Vitae of Dr. Andrew Wolfe
EX1004	U.S. Pat. No. 5,572,535 to Carl Pixley <i>et al.</i> (“Pixley”)
EX1005	U.S. Pub. No. 2003/0056080 to Mitsuhiro Watanabe (“Watanabe”)
EX1006	U.S. Pub. No. 2002/0144211 to Fadi Maamari <i>et al.</i>
EX1007	U.S. Pub. No. 2002/0057103 to Tony Ngai <i>et al.</i>
EX1008	U.S. Pat. No. 4,363,978 to Gary L. Heimbigner
EX1009	U.S. Pat. No. 4,782,250 to Robert D. Adams <i>et al.</i>
EX1010	Ken Martin, <i>Digital Integrated Circuit Design</i> (2000)
EX1011	Richard F. Tinder, <i>Engineering Digital Design</i> (2000)
EX1012	September 24, 2025 Stipulation
EX1013	Voluntary Search Disclosure Declaration
EX1014	Manual of Patent Examining Procedure, Chapter 900, Rev. 5, Aug. 2006
EX1015	Manual of Patent Examining Procedure, Chapter 700, Rev. 5, Aug. 2006
EX1016	U.S. Pat. No. 7,023,844 to Gilbert Wolrich <i>et al.</i>
EX1017	“Combinational Building Blocks” (pages 1–6). Retrieved from www.ece.msstate.edu/~reese/EE3714/combblocks/combblocks.pdf via https://web.archive.org/
EX1018	U.S. Pat. No. 5,936,424 to Steven P. Young <i>et al.</i>

- EX1019 UK Intellectual Property Office Patent No. GB2404825A to Edward Chang
- EX1020 UK Intellectual Property Office Application Details GB2404825
- EX1021 Declaration of Terence P. Woodsome (CONFIDENTIAL – ATTORNEYS’ EYES ONLY)
- EX1022 Docket Navigator, Time to Milestones, Judge Alan D. Albright (generated September 20, 2025)
- EX1023 *Neonode Smartphone LLC, v. Samsung Elecs. Co. Ltd.*, 6:20-cv-00507-ADA, Document 70 (WDTX Mar. 22, 2023)
- EX1024 *Viasat, Inc. v. Kioxia Corp.*, 6:21-cv-01231-ADA, Document 242 (WDTX Oct. 17, 2024)
- EX1025 Excerpts from LegalMetric District Report, Texas Western District Court, in Patent Cases (January 2000-July 2025)
- EX1026 Complaint in *MOSAID Technologies Inc. v. Infineon Technologies AG, et al.*, Case No. 1:25-cv-00436 (WDTX March 25, 2025)
- EX1027 Infineon Stipulations in IPR2025-01456, and IPR2025-01487, IPR2025-01171
- EX1028 Email dated September 19, 2025, Subject: “Efficiency Proposal re MOSAID v. Infineon”
- EX1029 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)
- EX1030 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)

- EX1031 MOSAID Technologies Website, Patent Licensing page,
<https://mosaid.com/patent-category/semiconductor-process-portfolio/> (accessed October 5, 2025)
- EX1032 United States–Canada Income Tax Convention

**All emphasis is added in this brief.*

I. INTRODUCTION

This case shows what happens when the safeguards of our patent system are treated as suggestions rather than obligations during examination. The '448 patent did not emerge from the kind of rigorous vetting that the Office's examination guidelines demand. It issued because the Examiner, in a series of hurried searches totaling *less than an hour*, failed to use all the tools at his disposal, overlooked critical prior art teachings, and misunderstood the very claims he allowed. Making matters worse, the Applicant withheld foreign prosecution details that would have revealed the ubiquity of claim features the Examiner erroneously deemed key to patentability. The result of these mishaps is a patent that never should have issued.

Not only was the '448 patent's issuance wrong, but so is its assertion against Infineon. MOSAID raised and *abandoned* its infringement allegations [REDACTED] giving Infineon every reason to believe the dispute was over for good. [REDACTED]

[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 '448 Patent Is the Product of Severe Examination Errors

i. The Examiner's Cursory Search Ignored Multiple Office Guidelines

An examiner is supposed to “conduct a thorough search of the prior art.” EX1014, 48; *see also id.*, 51 (“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.*

It requires “obtain[ing] a thorough understanding of the invention,” carefully noting “what the claims do *not* call for, as well as what they do require.” EX1014, 47 (original emphasis). Next, “three reference sources *must* be considered—domestic patents (including patent application publications), foreign patent documents, and nonpatent literature,” none of which can be eliminated absent ample “justif[ication].” *Id.* Although “[t]ext search can be powerful,” “it is rare that a text search alone will constitute a thorough search of patent documents.” *Id.*, 49. Accordingly, “[s]ome combination of text search with other criteria, in particular [patent] classification, would be a normal expectation in most technologies.” *Id.* The Examiner’s prior art search against the application that led to the '448 patent (“the '885 application”) did not meet the Office’s rigorous standards by a longshot.

The Examiner conducted a single search session before deeming multiple of the '885 application's claims allowable in a first Non-Final Office Action. EX1002, 50, 58–61. The session exclusively used the Examiner's Automated Search Tool (EAST) and failed to include a classification patent search or a meaningful search of nonpatent literature. *Id.*, 58 (annotated below); EX1001, (58).¹ As discussed, these omissions were a significant breach of protocol. EX1014, 48–49.

[illegible]

EX1002, 58 (annotated).

¹ EAST provides searchable access to full-text United States patent literature, foreign patent abstracts and indexes, and certain pre-2000 technical disclosures from IBM.

Not only did the Examiner leave multiple stones unturned, but he also barely glanced at the one he lifted. The “EAST Search History” shows the first query submission at 3:43 a.m. and the last one *just twenty-one minutes later* at 4:04 a.m. EX1002, 59–61. How could anyone thoroughly vet the prior art in less time than an episode of Seinfeld? This search was rushed and cursory, not thorough.

Yet another sign of a job half-finished is that the Examiner’s specific text search strings on EAST do not match the scope of the ’885 application’s claims. For example, all of the text strings include the keyword “multiplex\$4,” but pending independent claim 8—now issued and asserted against Infineon—did not explicitly recite multiplexing. *Compare* EX1002, 59–61 (queries L8, L13, L16, and L20), *with id.*, 189–90.² Similarly, all of the text strings include the keyword “select\$4,” but pending independent claim 9 contained no selection/selecting requirement. *Id.* And none of the text strings would have identified the Pixley reference (EX1004) featured in the Petition. *Cf.* EX1013 (detailing Infineon’s more careful and comprehensive search). It is no surprise that the Examiner’s narrow text searching on EAST did not locate the best prior art: He did not possess the required “thorough understanding of the invention.” EX1014, 47.

² See *infra*, Note 3.

Although the Examiner used EAST two more times after his initial indication of patentability, the damage was already done, and his subsequent searches were equally cursory and flawed. *See* EX1002, 19–20 (a five-minute session of queries between 4:58 p.m. and 5:03 p.m.), 21–23 (a nine-minute session of queries between 2:49 p.m. and 2:58 p.m.); *see also* EX1015, 80 (explaining that it is “unusual to reject a previously allowed claim”).

ii. The Examiner’s Reasons for Allowance Are Erroneous

The first Non-Final Office Action from the Examiner included an anticipation rejection of pending claims 1–3 and 14–17 over “Wolrich et al U.S. Patent Number 7,023,844,” an offer that claims 4–7 and 18–20 “would be allowable if rewritten in independent form,” and a statement that “[c]laims 8–13 are allowed.” EX1002, 49–50. The only hint for why he deemed the claims allowable is that “[the] prior art fails to teach the Multiplexer circuit comprising first and second *tri state driver* [sic] that enable if a data connection exclusion signal is asserted.” *Id.* But the Examiner’s suggestion that tri-state drivers somehow distinguish the art was just plain wrong.

The Examiner missed, for example, Wolrich’s teachings about “*tri state steering logic*.” EX1016, 2:54–57. And even beyond Wolrich, other prior art of record showed how it was well-known that one “way to *drive* a line or bus from multiple sources” is to “[u]se a *TRISTATE* buffer.” EX1017, 2; EX1002, 39–40 (applicant listing EX1017 in a late information disclosure statement), 144 (an

applicant-cited prior art European patent discussing a “*tri-state* switch” in the context of a “multiplexor”), 165 (the ’885 application admitting that “*tristate* MUXs have been employed in an attempt to address routing congestion caused by large numbers of routing wires”); EX1018, 1:38–55 (an applicant-cited U.S. patent reference explaining that chips having “a *tristate* buffer structure for alternately placing multiple signals onto one bus line are available in the XC4000 and SC5200 families of devices available from Xilinx, Inc.”).

Worse, the Examiner’s reasons for allowance, like his search, reveals a clear failure to carefully analyze the claims. For example, neither of pending claims 4 and 8 explicitly recite the “tri state driver” limitation singled out in the Examiner’s reasons for allowance. EX1002, 50, 187–189.³ That means the Examiner allowed these claims for no apparent reason. Infineon is now left holding the bag for the Examiner’s costly mistake, facing licensing demands and an infringement suit based

³ As discussed below, Infineon seeks a district court construction limiting claims 4 and 8 to that which the Examiner mistakenly thought was patentable. *Infra*, §II.C. This construction is fully consistent with Infineon’s Petition, which shows in the prior art the same kind of distributed multiplexor logic using *tri-state drivers* that the ’448 patent discloses. *Id.* MOSAID, for its part, seeks to exploit the Examiner’s confusion by opposing Infineon’s construction.

on patent claims that should not have issued. Infineon respectfully asks the Director for an opportunity to set things right by allowing the Board to conduct the kind of thorough merits review that should have occurred during prosecution but did not.

iii. The Applicant Withheld Key Foreign Prosecution Information That Would Have Aided the Examiner

Although not readily apparent from the face of the '448 patent or its file wrapper, the Applicant tried but failed to obtain a counterpart foreign patent from the United Kingdom Intellectual Property Office (UKIPO). This GB counterpart application underwent examination in parallel with the '885 application, had multiple prior art references cited against its substantially similar claim set, and yet was never allowed to issue. *See* EX1019 (GB2404825), pp.20–34; EX1020 (Application Details), 1–5. It was “Terminated” less than two months before the '448 patent issued. *Compare* EX1020, 1–2, *with* EX1001, Cover.

During prosecution of the '885 application before the Office, the Applicant chose not to fully and timely disclose the relevant details of the unsuccessful parallel foreign prosecution. For example, three times, the Applicant submitted information disclosure statements identifying prior art purportedly “cited for first the first time in a communication from a foreign patent office in a counterpart foreign application” but failed to include the communication itself. EX1002, 62–63, 68–70, 137–139.

Such communications would have put the cited prior art references in context, deepening the Examiner’s understanding of their relevance to the '885 application’s

claims. Had the Examiner better understood, he would not have overlooked that these references show the ubiquity of using tri-state drivers in the context of multiplexing, and the '448 patent would not have issued. *See supra* §II.a.1.ii (discussing EX1002, 144; EX1018, 1:38–55). By withholding information that would have aided the Examiner in conducting a more effective investigation and potentially prevented the '448 patent's claims from issuing (like at the UKIPO), the Applicant compounded the Examiner's costly mistakes.

Although the Applicant did the Office no favors during prosecution, MOSAID asks the Director to now protect the resulting '448 patent from a merits review. But that just doesn't add up.

2. Infineon's Settled Expectations Against Assertion Accrued When MOSAID Abandoned Its Allegations [REDACTED]

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] *see also Peters v. Active*

Mfg. Co., 129 U.S. 530, 537 (1889) (“That which infringes, if later, would anticipate, if earlier.”). [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 ’448 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, just six weeks behind the District Court’s scheduled trial date of January 25, 2027. EX2006, 6. And that assumes the district court case stays exactly on schedule, which history speaks against.⁴ Judge Albright’s median time to trial is about 26 months, which projects a May 2027 trial date that lags the Board by *two months*.⁵ EX1022, 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. EX1023, 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”); EX1024, 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, taking the ’448 patent off the jury’s plate would be a meaningful step towards simplification. What’s more, the opportunity to simplify

⁴ Infineon has moved to transfer the district court case to a more convenient forum.

⁵ Judge Albright’s *average* time to trial is even longer—33 months. EX1025, 4.

and narrow the district court case is now substantially increased because the Director recently instituted review against another of MOSAID's asserted patents in Case No. IPR2025-01171. The Board will also resolve that case before any jury trial. So instead of three unrelated patents on different aspects of complex semiconductor technology, the jury could and *should* hear a trial on just one.

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. EX1012. 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 Pixley and Watanabe references in the Petition's sole obviousness ground. See Br. at 13–14. If there is a jury trial on the '448 patent, the crux of the invalidity case will likely be Infineon's own PSOC™1 product or ARM's AMBA product. Br. at 13; EX2025, 12; EX2008, 4–5. These products 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 involved [REDACTED]

[REDACTED] *See* EX2022, 7-8, 11; EX1021, ¶22. 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. EX1021, ¶¶23–24. In the end, MOSAID filed suit on just six of the [REDACTED]

[REDACTED] *Compare* EX2004, ¶7, and EX1026, ¶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. EX1021, ¶25.

MOSAID is far from the only patent assertion entity who holds hundreds or thousands of United States patents and brandishes [REDACTED] 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 [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] EX1021, ¶26. As discussed (*supra*, §II.A.2), [REDACTED]
[REDACTED], and then abruptly reversed course, ultimately filing suit
more than [REDACTED]

[REDACTED]

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, IPR2025-01456, IPR2025-01487, IPR2025-01489). 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). EX1027. 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. EX1028. "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 acknowledged and 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 also 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; EX1049, 1–2 (listing MOSAID’s Vice President as a speaker at the FTC’s 2012 “Workshop on Patent Assertion Entity Activities”). [REDACTED]

[REDACTED]

[REDACTED]

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

EX1030, 1. [REDACTED]

[REDACTED]

[REDACTED] backed by the strong United States court system and financially sheltered by an international tax treaty. EX1031, 1 (“All MOSAID patents are available for review at the U.S. Patent Office”); EX1032, 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]

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]

[REDACTED] and they are also used extensively in the United States for applications ranging from IoT consumer products to devices with integrated AI systems. EX1021, ¶¶9–18.

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 Undercut Any Settled Expectations MOSAID May Have Had as the Owner of an Old Patent

To the extent MOSAID has any legitimate settled expectations regarding the ’448 patent (which it does not), they are rendered moot by MOSAID’s abusive licensing negotiation tactics.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[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.

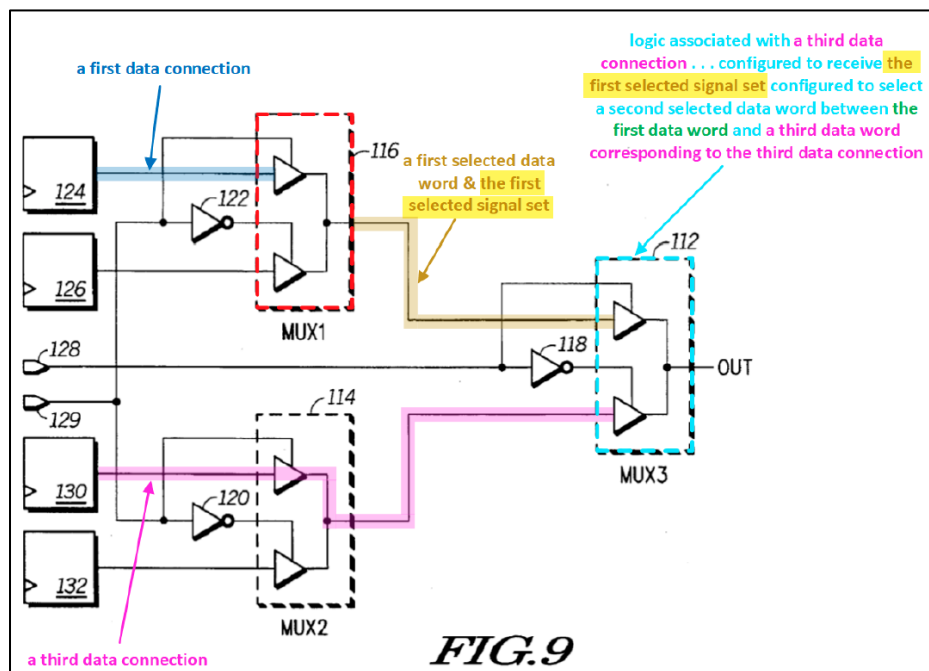
C. Infineon's District Court Claim Constructions Match the Petition

Infineon's obviousness analysis in this IPR and its district court claim constructions are fully consistent, and MOSAID does not argue otherwise. Instead, MOSAID carps procedurally about Infineon having not reconciled the two in a petition that predates the complained-of claim construction brief by nearly two months. *See Br.* at 17–20. But those procedural complaints fall flat because Infineon's Petition accurately states that “[n]o formal claim constructions are necessary [in this IPR] because...the prior art teaches each limitation under any reasonable construction” (*Pet.*, 8); and because this brief is the appropriate time and vehicle for Infineon to further expound in answer to MOSAID's unfounded critique.

Infineon's district court position that the “logic” terms in claim 8 should be construed under § 112 ¶ 6 merely proposes a plain-meaning interpretation of the claimed function and a corresponding structure of “the various [distributed multiplexor logic] stages (elements 204/205/206) as shown in [the '448 patent's] Figure 4.” *EX2007*, 25–28 (explaining how the logic stages comprise data connection tri-state drivers). The Petition addresses both. Indeed, multiple

distributed stages of multiplexor logic using tri-state drivers is exactly what Infineon relies on when mapping the Pixley-Watanabe combination to the '448 patent's claims. *E.g.*, Pet., 8–23, 27–35, 48–50. MOSAID does not argue otherwise.

Infineon's indefiniteness argument also does not impact the Petition. That a “claim [is] indefinite for purposes of determining when infringement occurs...does not speak to whether the claim is also invalid for obviousness.” *Samsung Elecs. Am., Inc. v. Prisia Eng'g Corp.*, 948 F.3d 1342, 1355 (Fed. Cir. 2020). Here, the indefiniteness problem is that “the first selected signal set” lacks antecedent basis. EX2007, 29–30. And while that means the precise outer edges of the claim are undefined, it does not prevent mapping to a disclosure like Pixley's that lands at the heart of the claim. *See* Pet., 48–50. Here, too, MOSAID does not argue otherwise.



Pet., 49 (annotating EX1004, Figure 9).

III. CONCLUSION

This case is an important one that must be decided on the merits. The '448 patent issued because the Examiner spent less than an hour searching for prior art and did not follow Office guidelines while doing so. The Applicant could have pointed the Examiner in the right direction by submitting communications from the foreign patent office that rejected substantially similar claims, but it decided not to. 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

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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:

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