

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

**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 ’448 patent and other patents, served on Patent Owner on August 15—*before* Petitioner filed its IPRs—with sections relating to the terms in the ’448 patent that Petitioner later argued about in district court and here. *See e.g.*, Ex. 2025 [Petitioner’s-Preliminary-Invalidity-Contentions] 11 (identifying “Optimized Design of High Fan-In Multiplexers Using Tri-State Buffers” as prior art), 39–40 (making arguments relating to “multiplexing circuits comprising multiple stages (i.e. a first stage, second stage, third stage)”), 47 (arguing “the first selected signal set” is indefinite). 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 means-plus-function constructions. As the POPR demonstrated, Petitioner failed to disclose its district court construction that “the ‘first,’ ‘second,’ and ‘third’ stage logic[s]” “*must* be construed as means-plus-function limitations.” Ex. 2007 [Opening-Claim-Construction-Brief] 22 (emphasis added). In reply, Petitioner does not dispute that it did not disclose this position, did not identify the DML stages as corresponding structure, and did not attempt to reconcile its differing positions. *See* Reply, 1–3. Unsurprisingly, Petitioner does not dispute that it violated the Office’s rules “[w]here the claim to be construed contains a means-plus-function ... limitation ... the construction of the claim *must* identify the specific portions of the specification that describe the structure, material, or acts corresponding to each function.” 37 C.F.R. §§ 42.104(b)(3)–(4) (emphasis added).

Petitioner belatedly attempts to argue that “[t]he corresponding structure of claim 8’s first-data-connection logic does not require a tri-state driver because there is no claimed data-word-selection function.” Reply, 2. But this was not its district court position. As the POPR demonstrated, and Petitioner does not dispute,

Petitioner insists in the district court that the corresponding structure for the “logic associated with a first data connection” “*is*” DML stage 204, which includes “data connection tristate driver[] 408[.]” Ex. 2007 [Opening-Claim-Construction-Brief] 26–27; POPR, 7–12.

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. Univ. 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,

/ Michael Cosley /

Date: January 15, 2026