

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MONOLITHIC POWER SYSTEMS, INC.,

Petitioner,

v.

REED SEMICONDUCTOR CORP.,

Patent Owner.

Case No. IPR2026-00165
U.S. Patent No. 7,960,955

**PATENT OWNER'S SUR-REPLY IN SUPPORT OF ITS
PRELIMINARY RESPONSE TO PETITION**

Patent Owner's Exhibit List

Exhibit	Description
Ex. 2001	Order Granting Joint Motion for Entry of Scheduling Order Deadlines - Case No. W-25-CV-00449-ADA
Ex. 2002	Judge Albright's Statistics Regarding Motion to Transfer Venue for Convenience
Ex. 2003	Plaintiff's Preliminary Invalidity Contentions - Case No. 6:25-cv00449-ADA-DNM
Ex. 2004	2025.03.26 Memorandum to PTAB Judges Regarding Interim Processes for PTAB Workload Management
Ex. 2005	ROHM Integrated Report 2024
Ex. 2006	Monolithic Power Systems 10-K for FYE December 31, 2008
Ex. 2007	Monolithic Power Systems 10-Q for QE March 31, 2010
Ex. 2008	Rohm 60V Synchronous Step-down Switching Regulator (Controller Type) – BD9611MUV Datasheet
Ex. 2009	Rohm 3.9 to 30V, 2ch Synchronous Rectification Step-Down Controller – BD9015KV-M Datasheet
Ex. 2010	Rohm 4.5V to 18V Input, 3.0A Integrated MOSFET 1ch Synchronous Buck DC/DC Converter – BD9D320EFJ Datasheet
Ex. 2011	Preliminary Invalidity Contentions (Excerpts pages 1, 37-43)
Ex. 2012	MPS Proposed Claim Terms
Ex. 2013	Preliminary Invalidity Contentions (Excerpts pages 1, 6-18)

Pursuant to the Board's March 23, 2026 email authorization (Ex. 3001), Patent Owner hereby submits this Sur-Reply in support of its Preliminary Response.

Petitioner's Reply is a last-minute attempt to recast the procedural histories of the IPR and District Court proceedings and walk back contradictory positions it took in both. An objective analysis of the facts confirms that Petitioner only withdrew its District Court argument that claim terms require construction *after* Patent Owner's Preliminary Response identified the inconsistent positions and that Petitioner still has not withdrawn its District Court indefiniteness positions. The Board should not permit Petitioner to take contradictory positions and then seek to retract them once caught doing so. Petitioner's gamesmanship of the IPR process favors denial.

First, the record establishes Petitioner's inconsistent claim interpretations. The Petition unambiguously argued that "[n]o express constructions are necessary" and the claims should be given their "ordinary meanings as understood by POSITAs." Paper 1 at 10; *see also* Ex. 1003, ¶ 27 (expert stating same). Inherent in these statements are Petitioner's positions that: (1) no term, including the Challenged Claims' preamble, required construction; and (2) the claim terms all had readily understood "ordinary meanings." Patent Owner's February 5 Discretionary Denial Request noted that Patent Owner expected Petitioner to include "broader or different prior art and § 112 arguments" in Petitioner's invalidity contentions, which were due that same day, and if Petitioner were to do so, it would favor denial. Paper 6 at 10-

11. Patent Owner was correct. That same day, Petitioner served its invalidity contentions, and as expected, included broader and different prior art-based invalidity theories and § 112 arguments, including alleging that seven terms from the Challenged Claims—namely, four terms of claim 1, one term of claim 7, one term of claim 8, and one term of claim 9—“fail to inform those skilled in the art with reasonable certainty about the scope of the claimed inventions.” Exhibit 2011 at p. 4-6; *see also* Ex. 2013 (asserting broader and different prior art theories). In addition, on February 26, Petitioner served its District Court “Proposed Claim Terms for Construction” and asserted that two terms from claim 1 “should be construed by the Court.” Exhibit 2012. In view of these facts, Petitioner cannot credibly dispute that it knowingly advanced inconsistent positions in the Petition and District Court. Indeed, Petitioner continued to do so months after it filed the Petition and after Patent Owner’s Discretionary Denial Request argued that taking inconsistent positions would favor denial. Petitioner also had the opportunity to explain these inconsistencies in its March 5 Discretionary Denial Opposition, but chose not to do so. Paper 7. Its eleventh-hour effort to do so now is gamesmanship.

Second, the record also establishes that (1) Petitioner withdrew its inconsistent District Court claim construction proposals only after Patent Owner raised the issue in its Discretionary Denial Request and (2) Petitioner still has not withdrawn its indefiniteness arguments. In line with its Discretionary Denial Request, Patent

Owner's March 6 Preliminary Response identified Petitioner's "materially different claim interpretation positions" as warranting denial. Paper 7 at 3-9. Two days later, on March 8, Petitioner emailed stating that it "drops 'power supply voltage' from its list of terms to be construed." Ex. 1019 at 2. And four days later, Petitioner proposed the preamble be formally construed as limiting. *Id.* at 1. This chronology shows that Petitioner knowingly took inconsistent positions in the District Court and only attempted to mitigate those inconsistencies after Patent Owner identified them. Regardless, Petitioner's current District Court argument that the preamble must be construed as limiting is contrary to the Petition, which asserts "[n]o [] constructions are necessary" and never identifies the preamble as limiting. Paper 1 at 10.

Moreover, Petitioner's suggestion that it has withdrawn its inconsistent indefiniteness positions is misleading. It has never stated this in writing, and instead argues that it *implicitly* withdrew (or waived) its positions because the District Court's OGPs require it to disclose extrinsic evidence it may rely on and raise indefiniteness issues in its opening brief. Paper 9 at 1-2. But failing to disclose supporting extrinsic evidence is not the same as withdrawing an argument, and Petitioner's opening claim construction brief is not due until April 2. Ex. 2001. These arguments too reflect eleventh-hour gamesmanship. The Petition should be denied.

Dated: March 31, 2026

Respectfully Submitted,

/s/ Andrew J. Gray IV

Andrew J. Gray IV, Reg. No. 41796

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of **PATENT OWNER'S SUR-REPLY IN SUPPORT OF ITS PRELIMINARY RESPONSE and EXHIBITS 2013-2014** are being served on March 31, 2026, via email pursuant to 37 C.F.R. § 42.6(e), to counsel for Patent Owner as addressed below:

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