

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

KRISP TECHNOLOGIES INC.,
Petitioner

v.

SANAS.AI INC.,
Patent Owner

Inter Partes Review Case No. IPR2026-00273
U.S. Patent No. 12,125,496

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

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I. INTRODUCTION

Krisp is using the *Inter Partes* Review process in the manner Congress and the Office intended—as a true alternative to district court litigation and to determine whether a recently issued patent was improvidently granted.

There is no scheduled trial date, an institution decision will occur before the district court’s *Markman* hearing, the district court has not invested any resource in prior art-based invalidity questions, and Petitioner has provided a broad *Sotera* stipulation removing any possibility of overlap, including based on prior art systems. Under these types of facts, the Office has recently found the AIA review to function as intended. *Tesla, Inc. v. Bulletproof Property Mgmt., LLC*, IPR2026-00204, Paper 14 at 2–3 (Director June 15, 2026) (“*Tesla*”) (“The absence of a scheduled trial date and Petitioner’s broad stipulation reduces the concern of inconsistent outcomes or significant duplication of efforts, and allows this AIA review to function as an alternative to the co-pending litigation.”). Patent Owner’s request is fundamentally premised on speculation regarding future district court events. With no scheduled trial date, and a district court that will not even schedule a trial until after the *Markman* hearing, Patent Owner asks the Office to deny review based on a hypothetical future schedule that does not exist. Thus, this case is distinctly unlike cases where the Board has denied institution based on an imminent trial or substantial district court investment in overlapping validity issues.

Further, the '496 Patent issued in 2024, went from filing to allowance in under three months, received no office actions, and none of the relevant audio processing prior art references were identified during prosecution. Accordingly, consideration of this IPR on the merits would serve the stated, central purpose of IPRs. *Magnolia Medical Techs., Inc. v. Kurin, Inc.*, IPR2026-00097, Paper 17 at 2 (Director May 14, 2026) (“the central purpose of IPRs is to determine whether the patent at issue may have been improvidently granted and whether and to what extent that right should continue to be recognized by all.”).

Patent Owner attempts to overcome these facts and policy rationales—which strongly favor referral—by dressing up the procedural posture in the district court, non-patent claims at issue in the district court case, and other irrelevant considerations. However, if anything, these considerations also weigh towards referral because if the Office grants institution, then Petitioner’s broad *Sotera* stipulation will remove a large number of issues from the district court, thus allowing the district court to focus on the non-patent claims and further judicial economy.

Accordingly, Krisp respectfully requests the Office deny Patent Owner’s Request for Discretionary Denial of Institution.

II. THE PETITION IS AN EARLY CHALLENGE TO CORRECT A VERY RECENT AND IMPROVIDENTLY GRANTED PATENT

The Director recently emphasized that the “central purpose” of IPRs is determining whether a patent may have been improvidently granted. *Magnolia*, at 2.

Few cases present that concern more strongly than this one. Here, the application which recently issued as the '496 Patent went from filing to allowance in under three months with no office actions and no reasonable examination. EX1002, 54, 125. Reviewing the patentability of the '496 Patent directly serves “the central purpose of IPRs[,] to determine whether the patent at issue may have been improvidently granted and whether and to what extent that right should continue to be recognized by all.” *Magnolia*, at 2. Nor should timing dissuade the Board from reviewing these legitimate concerns. The Board will resolve patentability before the Northern District of California. There is no scheduled trial date, and available statistics indicate a Final Written Decision will significantly predate trial. Further, there are no settled expectations for the '496 Patent which issued in late 2024.

A. The Board Will Resolve Patentability Before the District Court

There is no scheduled trial date. *See* EX2010. Further, a trial date will not be scheduled until after the *Markman* hearing which is currently set for October 22, 2026. Accordingly, even if not pushed back—which is a regular occurrence in the Northern District of California—an institution decision will predate even the scheduling of a trial date in this case. This alone weighs strongly against discretionary denial. “The absence of a scheduled trial date and Petitioner’s broad stipulation reduces the concern of inconsistent outcomes or significant duplication of efforts, and allows this AIA review to function as an alternative to the co-pending

litigation.” *Tesla*, at 2–3. Patent Owner bears the burden of showing any concerns regarding duplicative proceedings justify discretionary denial. Here, however, Patent Owner cannot identify any scheduled trial date, much less one expected to occur before the Board’s Final Written Decision. Under these circumstances, concerns regarding inefficiency, inconsistent outcomes, or duplication of effort are highly speculative.

Trial statistics for patent cases in the Northern District of California indicate trial will likely occur (at the earliest) around January 2028—months after the October 2027 FWD deadline. *See* EX1055, 9.¹ Moreover, as Patent Owner points out, there are numerous other complex non-patent claims in the district court litigation, including trade secret misappropriation, false advertising, and various unfair competition claims. Thus, it is likely that the time to trial will be extended even further than the average for patent cases. These facts weigh strongly against discretionary denial and the concerns addressed by *Fintiv* factor 2.

B. There are No Settled Expectations Warranting Discretionary Denial

Patent Owner has no settled expectations in the ’496 Patent because it issued in October 2024, about 1.5 years prior to the filing of the Petition. Paper 7 (“Request”), 14. Further, the Petition was filed less than nine months after the district

¹ Petitioner used the most conservative and lowest statistic of 30 months, but as the exhibit shows, time to trial would likely much longer.

court litigation commenced. This Petition is a timely challenge to recently issued claims. As such, Patent Owner cannot show settled expectations to justify discretionary denial.

Attempting to rebut the clear absence of settled expectations provided by the short length of time the claims have been in effect, Patent Owner purports “[s]ettled expectations arise where a challenged patent, even if not long in force, is part of a portfolio that has been established or known to the Petitioner.” Request, 14–15. However, Patent Owner’s cited cases addressed a starkly different situation than the one at hand. Namely, in each case, the petitioner was aware of the patents at issue *for over 10 years*. *NKT Photonics Inc. v. Omni Continuum LLC*, IPR2025-00839, Paper 10 at 2 (Director Sep. 4, 2025) (petitioner first aware of challenged patent as early as 2012, petition filed in 2025); *iRhythm Techs., Inc. v. Welch Allyn, Inc.*, IPR2025-00363, Paper 10 at 3 (Director June 6, 2025) (petitioner aware of challenged patent as early as 2013, petition filed in 2024). Accordingly, Patent Owner’s argument is misplaced. *Tesla*, at 4 (“Petitioner . . . brought an early challenge to each patent in the above-captioned proceedings . . . within two years of issuance.”).

Citation of the ’496 Patent on the face of two Krisp Patents (U.S. Patent Nos. 12,205,609 and 12,223,979) also fails to show that “Petitioner remained aware for years of Patent Owner’s innovations and its developing patent portfolio” to warrant

settled expectations in this case. Request, 15. The Information Disclosure Statements that cited the '496 Patent were filed on October 30, 2024, which is far removed from the 10 years of knowledge that provided settled expectations in *NKT Photonics* and *iRhythm Techs*. Here, Petitioner filed its challenge on recently issued patents promptly after Patent Owner accused Petitioner of infringement.

The '496 Patent is recently issued, Petitioner did not delay after suit was filed, and Patent Owner identifies no sufficient reason to convert a recently issued patent into a settled expectation. Referral is appropriate.

C. The '496 Patent Received Little to No Prosecution

During the extremely fast 3-month prosecution of the '496 Patent, the examiner performed a single prior art search resulting in no relevant art. EX1002, 72–124. As such, the examiner did not issue a single office action, and the '496 Patent went straight to allowance without facing a single challenge. The Office and the public have a strong interest in ensuring that the '496 Patent was not “improvidently granted” due to insufficient examination. *Magnolia*, at 2. Because the Petition presents substantial prior art questions that were not meaningfully tested during examination (or ever, by any forum), referral advances the public’s interest in the economy.

Such an insufficient examination—i.e., failing to identify even the most basic prior art addressing the broad subject matter in the '496 Patent, demonstrates that

the most relevant prior art teachings were not meaningfully considered before issuance. The prosecution history reflects that the challenged claims were allowed without a prior art rejection. Under these circumstances, Board review would directly serve the Office’s interest in determining whether the challenged claims were improvidently granted. “[I]t is an appropriate use of Office resources to review” where “Petitioner appears to show a material error by the Office.” *Anthony Inc. v. Controltec, LLC*, IPR2025-00559, Paper 9 (Director Rev. July 16, 2025).

The Examiner’s stated reason for allowance was that the prior art did not teach, disclose or suggest the limitation to “apply a second neural network to the low-dimensional representations of the input speech frames to generate target speech frames” as found in claim 1. EX1002, 130. But that allowance rationale rested on a materially deficient search. The recorded search notes show only a single search session, and the substance of that search focused on narrow variants of “reduced-dimensional” and “low-dimensional.” EX1002, 73–124. The Examiner did not search for the broader—and very well-known—technical methods of dimensionality reduction that are expressly called out in the specification, such as “Principal Component Analysis” (“PCA”) and “Linear Discriminant Analysis” (“LDA”). *Id.*

Had the Examiner searched for the specification’s own terminology, the Examiner would have identified prior art, including *Chen* (EX1006), teaching the very dimensionality-reduction techniques used to form low-dimensional speech

representations. Further, two-neural-network systems for noise reduction and audio enhancement (as broadly claimed in the '496 Patent) were also well-known in the art, for example Dantrey (EX1004) and Strake (EX1005), which form the grounds of the Petition. Thus, the Examiner failed to consider if the basic and broad elements in the '496 Patent were known in the art. Referral is again appropriate.

III. PETITIONER'S BROAD *SOTERA* STIPULATION CONFIRMS PETITIONER IS USING THE PTAB AS A TRUE ALTERNATIVE

Petitioner's timely filed² and broad *Sotera* stipulation confirms that Petitioner is using the IPR process exactly as intended: "to provide a quick and cost-effective alternative to district court patent litigation for resolving disputes over patent validity." *Magnolia*, at 2. First, the language of the stipulation removes any overlap concern. Second, resolving patentability at the PTAB would materially simplify the district court litigation. Third, the district court has invested no effort in prior art validity questions. Finally, the Board's technical experience is particularly valuable for the '496 Patent. Accordingly, Petitioner's broad stipulation—and the district court's total lack of investment into prior art invalidity questions—strongly supports referral. *Tesla*, at 2–3 ("The absence of a scheduled trial date and Petitioner's broad stipulation reduces the concern of inconsistent outcomes or significant duplication

² Patent Owner's "delayed" stipulation argument is misplaced. Request, 8, n.1. There are no timing concerns as the stipulation is based on the future institution decision. Patent Owner presents no reason or authority why the timing of Petitioner's stipulation would make it ineffective.

of efforts, and allows this AIA review to function as an alternative to the co-pending litigation.”).

A. Petitioner’s Broad Sotera Stipulation Removes Any Overlap Concern

Petitioner timely filed a broad *Sotera* stipulation that eliminates any overlap between this IPR and the district court litigation. *See Fintiv* factor 4. Krisp thoroughly stipulated it would not bring any overlapping claims, including based on overlapping prior art systems and prior art systems in combination with any ground reference:

Krisp will not pursue in this district court litigation against the claims challenged in IPR2026-00273: (1) the specific grounds raised in IPR2026-00273; (2) any other grounds that could have reasonably been raised before the PTAB in that instituted proceeding (i.e., any ground that could have reasonably been raised under §§ 102 or 103 on the basis of prior art patents or printed publications); (3) any system prior art which is described in the prior art patents or printed publications used as ground references in IPR2026-00273; or (4) any ground asserting a combination of system prior art with any reference asserted as part of a ground raised in IPR2026-00273.

EX1051, 2.

Such a broad stipulation goes above and beyond what the Office has recently determined to be a “broad” and sufficient stipulation. *Tesla*, at 2–3 (“Petitioner also stipulates that it will not advance in the parallel litigation any ground that reasonably could have been raised in an *inter partes* review (‘IPR’) and any other ground based on a combination of system art with any prior art reference asserted as the basis of a

ground in each IPR.”). Petition has not brought any §§ 102 and 103 challenges at the district court, and Petitioner’s broad *Sotera* stipulations confirms Petitioner will not bring any such challenges which could create any overlap. USPTO Memorandum Dated March 24, 2025 (*Sotera* Memorandum Guidance), 2–3. Petitioner’s stipulation therefore strongly supports referral for merits review because it ensures that this IPR will serve as a true alternative to district court litigation.

B. Resolving Patentability at the PTAB Will Materially Simplify the District Court Litigation

Referral would also materially simplify the district court litigation. As Patent Owner identifies, the district court litigation case involves several non-patent claims including trade secrets, false advertising, and unfair competition. On top of these claims are Sanas’s patent infringement claims for six asserted patents. Accordingly, Sanas’s patent claims amount to a significant portion of a large district court case. Krisp has challenged all six Sanas asserted patents at the PTAB. Board review of the IPR Petitions (including the present Petition) would therefore eliminate overlapping §§ 102 and 103 issues, and Board review of the PGRs would eliminate overlapping §§ 101, 102, 103, and 112 issues, thus significantly reducing the burden on the court and the parties.

Patent Owner’s reliance on *Motorola Sols., Inc. v. Stellar, LLC*, IPR2024-01205, Paper 19 (PTAB Mar. 28, 2025), is misplaced. There, the Director determined that because the petitioner did not give up the “combinations of the prior

art asserted in these [IPR] proceedings with unpublished system prior art,” the IPR proceeding would not be a “true alternative” to litigation. *Motorola Sols.*, at 3–4. That concern is absent here because Krisp’s stipulation specifically surrenders “any system prior art which is described in the prior art patents or printed publications used as ground references [and] any ground asserting a combination of system prior art with any reference asserted as part of a ground raised in [the IPR].” EX1051, 2. Accordingly, referral will allow the PTAB to resolve patentability and allow the district court to focus largely on the non-patent claims.

C. The District Court Has Invested No Effort in Deciding Prior Art Validity

The district court has invested little effort in actual validity questions. Further, the district court has invested no effort in deciding prior art-based invalidity questions, and the time for the district court to do so will not even be scheduled until after an institution decision is due in this IPR.

This Office routinely finds that there is insignificant investment in the litigation where—as here—the institution decision predates the *Markman* hearing. *See e.g., Am. Airlines, Inc. v. Intellectual Ventures I LLC*, IPR2025-00785, Paper 11 at 3 (Director Aug. 29, 2025) (finding little investment in the litigation based on Petitioners’ argument that *Markman* would occur after institution); *cf. Nissan Motor Co., Ltd. v. Longhorn Auto. Grp. LLC*, IPR2025-01089, Paper 10 at 2 (Director Oct. 17, 2025) (finding meaningful investment because *Markman* was scheduled prior to

institution deadline). The district court will not conduct the *Markman* hearing until roughly a month after institution (October 22, 2026). EX2010, 2. Accordingly, *Fintiv* factor 3 strongly favors a merits referral.

The district court’s single³ determination of a Motion to Dismiss under 35 U.S.C. § 101 does not mean the court has invested any effort into the §§ 102/103 issues presented to the Board. Most importantly, the district court’s § 101 ruling did not address any issue that could be presented in this proceeding. Patent eligibility under § 101 and patentability under §§ 102 and 103 involve distinct legal standards, distinct evidentiary records, and distinct inquiries. Indeed, the Board lacks authority to consider § 101 in this IPR, further confirming that the district court’s ruling addressed issues wholly outside the scope of this proceeding. Thus, even accepting Patent Owner’s characterization of the district court proceedings, the court has not invested resources in adjudicating any issue that overlaps with the prior art challenges presented here. This is not a case where “Petitioner first contested validity of the challenged in the district court under the same grounds that could have been

³ Patent Owner egregiously mischaracterizes the procedural posture surrounding Petitioner’s Motion to Dismiss in the district court. Request, at 6 (citing EX2004; EX2005; EX2007; EX2008). EX2004 and EX2005 had nothing to do with Sanas’ six asserted patents at issue in the Petitions—they regarded a motion to dismiss the non-patent claims. And EX2007 was a one-paragraph discussion about the posture of Federal Rules of Civil Procedure 12(b)(6) and 12(c).

presented to the office.” *Magnolia*, at 10. Nor has the district court “expended substantial resources . . . on the issues presented in the Petition.” *Id.*

D. The Board’s Technical Experience is Particularly Valuable for the ’496 Patent

Additionally, the Board’s technical expertise is particularly valuable for the patents at issue in Krisp’s Petitions. There are six challenged patents which involve various aspects of audio processing where the level of ordinary skill in the art includes an advanced degree in computer engineering, computer science, electrical engineering, or a related field. The Board’s composition of judges who have both the requisite technical and legal expertise, in addition to the number of six challenged patents, makes the PTAB the best forum to resolve prior art-based invalidity questions for the challenged patents. *Am. Airlines*, IPR2025-00785, at 3 (the Board “is better suited to review a large number of patents involving diverse subject matter.”); *see Tesla, Inc. v. Intellectual Ventures II LLC*, IPR2025-00217, Paper 9 at 2–3 (Director June 13, 2025) (“*Tesla IP*”).

In sum, the district court has not invested any resources into the questions the PTAB would resolve, the district court will not even set a time to do so until after the institution decision in this IPR, and Petitioner’s broad *Sotera* stipulation ensures the district court will never adjudicate overlapping issues with this IPR—issues the Board’s experience is particularly geared to resolve. Referral is strongly favored.

IV. OTHER CONSIDERATIONS DO NOT FAVOR DENIAL

Faced with a set of facts which clearly favor referral, Patent Owner attempts to advance several irrelevant positions. These positions are primarily irrelevant and, regardless, fail to overcome facts such as no scheduled trial date, a recently issued patent, no proper prosecution, Petitioner's broad *Sotera* stipulation, and an institution decision before the *Markman* hearing.

A. *Magnolia* Supports Institution, Not Denial, on These Facts

Patent owner urges the Board to discretionarily deny institution because the '496 Patent is part of a "broader, advanced litigation" with a series of other patent and non-patent claims that would make a stay in this the litigation unlikely. Request, 1. Patent Owner further argues that a stay is unlikely because the district court has already denied a motion to dismiss addressing a § 101 challenge. Request, 10–11. However, "the mere existence of co-pending litigation in and of itself may not necessarily raise concerns," and none of the claims in the co-pending litigation meet the concerns laid out in *Magnolia*. *Magnolia*, at 3–4. *Magnolia*'s concern was duplication of patent-validity adjudication, not the existence of additional causes of action proceeding in parallel. Because the trade secret, false advertising, and unfair competition claims do not present any patentability issues, their existence does not create the inefficiencies *Magnolia* sought to avoid.

Contrary to Patent Owner's suggestion, *Magnolia* does not establish a broad rule favoring discretionary denial whenever parallel litigation exists. Rather,

Magnolia involved an extraordinary procedural posture in which trial had already occurred, the jury had already considered validity, and the petitioner sought Office review after extensive adjudication of overlapping issues. The present case occupies the opposite end of the spectrum. No trial date has been set, the district court has not adjudicated any prior art-based invalidity challenge, and Petitioner’s broad *Sotera* stipulation eliminates any realistic risk of overlapping validity determinations. The non-patent claims and unrelated patent claims have no relation to those concerns. Additionally, as addressed above, Petitioner provided a comprehensive and broad *Sotera* stipulation that alleviates all risk of substantive overlap with this proceeding. As such, this IPR would be “a quick and cost-effective alternative to district court patent litigation for resolving disputes over patent validity.” *Magnolia*, at 2.

Furthermore, Patent Owner’s reliance on the existence of non-patent claims actually underscores why institution would promote efficiency. Because the parallel litigation includes trade-secret, false-advertising, and unfair-competition claims, eliminating overlapping patent validity disputes through Petitioner’s broad *Sotera* stipulation would allow the district court to focus its resources on the numerous issues that will remain regardless of the outcome of this proceeding. Institution therefore narrows—not expands—the issues requiring district court adjudication.

B. Petitioner Did Not Engage in Improper Expert Gap Filling

Patent Owner is wrong that “the Petition depends heavily on expert testimony to supply missing elements of its invalidity theories[.]” Request, 19. Indeed, every limitation is directly mapped, and Patent Owner does not identify any allegedly missing limitation which could be filled by the expert. *iRhythm Techs.*, at 2 (the patent owner did “not identify any portions of the expert testimony that suggest Petitioner is using its expert to fill gaps in the prior art.”).

Patent Owner’s main argument appears to be that there are a certain number of references and motivations to combine used in Petitioner’s § 103 combination. Request, at 19–20. However, this is not a valid discretionary denial, or merits, consideration. Patent owners cannot IPR-proof their patents by claiming combinations of well-known prior art concepts in obvious ways. Indeed, this is why 35 U.S.C. § 103 exists. If Patent Owner has any true issue with Petitioner’s motivations to combine (which are currently unstated), referral on the merits is the appropriate mechanism to resolve such disputes.

C. Patent Owner’s “Offshoring” Arguments Are Misplaced

Patent Owner’s position that discretionary denial is favored under the Director’s March 11, 2026 Memorandum (“Memo”) should be rejected. The Memo addresses whether products accused of infringement are produced in the United States, the extent a patent owner’s products are manufactured in the United States,

and whether petitioner is a small business. The Memo seeks to address the long-term trend of U.S. companies moving operations overseas (i.e., offshoring). Memo., 1-2.

This case does not present the type of offshoring concerns identified in the March 11, 2026 Memorandum. Both parties maintain significant United States operations and both participate in global technology markets with employees outside the United States. The relevant inquiry is not whether a party has employees outside the United States, but whether discretionary denial would advance the policy concerns identified in the Memorandum. On the present record, Patent Owner has not shown that those concerns support denial.

Indeed, Patent Owner conducts its business in much the same way for which it chides Petitioner. The record evidence establishes that since its founding Sanas has materially shifted operations outside the United States. Sanas's SVP of Engineering & Managing Director, Nitesh Varshney, stated that as of November 20, 2025, Sanas has close to 100 employees in India while only 75 outside India. EX1052 (audio file of video available at <https://www.youtube.com/watch?v=B8MlRKodVhg>), 43:31-43:46. On that testimony alone, even assuming all of those 75 are in the U.S., that is only about 43% of Patent Owner's workforce. And that assumption is likely overstated as Mr. Varshney also stated that Sanas' scientists are based in a variety of other countries such as "Spain, Austria, Germany, Poland, [and] Korea" along with the U.S. and

India. *Id.*, at 27:40-28:14. With work spread between a variety of other nations, the number of U.S.-based employees is likely much lower than 43%.

Nor does the record not support Patent Owner's assertion that Sanas's technical leadership and development activity remain centered in the United States. For example, Mr. Varshney himself is based out of Bengaluru, India, and is both Sanas' SVP of Engineering and Managing Director. EX1053, 1; EX1054, 1. Mr. Varshney described a wide variety of development teams based in India:

We have a team which works on neural networks. We have a team which works on machine learning. We have a team which takes care of inference, taking our model from initial speech chunks to making a continuous stream. We have a team which works on our management platform which makes it scalable to 100 million users going forward. We have a team which works on our app delivery mechanisms by which our algorithms can work on tiny desktops without taking any speech out of their environment.

EX1052, at 45:38-46:17 (cleaned up). Sanas may have been founded in the United States and may maintain some U.S.-based roles, but those facts do not justify any application of the March 11, 2026 Memorandum that would favor this Patent Owner.

Similarly, Petitioner was founded in the United States and is just as much, if not more, United States-centric than Patent Owner:

- U.S. incorporation and headquarters
- Over 20 U.S.-based employees including Chief Commercial Officer, EVP of Licensing and Partnerships, Senior Directors of Sales and

Customer Experience, and Directors of Corporate Marketing and
Channel Partnerships

- U.S.-based operations including sales, customer success, channel partnerships, corporate marketing, and licensing functions
- U.S.-owned intellectual property including U.S. patents
- U.S.-based commercial decisions including customer acquisition, pricing, channel strategy, and partnership licensing

Accordingly, the March 11, 2026 Memorandum does not favor discretionary denial.

D. Other Fintiv Factors do Not Favor Discretionary Denial

Fintiv Factor 1 (existence of a stay) is neutral. Neither party has requested a stay in the district court litigation. Where a stay has neither been requested nor granted, “[t]his factor does not weigh for or against discretionary denial.” *Apple Inc. v. Fintiv, Inc.*, IPR2020-00019, Paper 15 at 12 (PTAB May 13, 2020) (*Fintiv II*). As Patent Owner notes in its Request, “[i]n the absence of specific evidence, [the Board] will not attempt to predict’ whether a district court will grant a stay (*see Sand Revolution II, LLC v. Continental Intermodal Group-Trucking LLC*, IPR2019-01393, Paper 24 at 7 (PTAB Jun. 16, 2020) (informative))[.]” Request, 10. The Board generally “decline[s] to infer, based on actions taken in different cases with different facts, how the District Court would rule should a stay be requested[.]” *Fintiv II*, 12. Accordingly, because a stay has neither been requested nor granted,

this factor does not weigh for or against discretionary denial.

Patent Owner's reliance on *Int'l Test Sols., Inc. v. Mipox Int'l Corp.*, No. 16-CV-00791-RS, 2017 WL 1316549 (N.D. Cal. Apr. 10, 2017) is misplaced. The stay in that case was denied without prejudice primarily because the PTO had "not yet acted" on the petitions filed a "little more than one week before a dispositive *Markman* hearing" and the court expressly stated the movant "may renew the motion if the PTAB grants any of its IPR petitions." *Id.* at *1–4. In fact, *Int'l Test Sols* stated "Courts in this district favor granting stays" for example "[w]here discovery has not yet been completed and a trial date has not been set[.]" *Id.* at *2. Such would be the case here where an intuition decision will predate both the close of discovery and the scheduling of a trial date.

Fintiv Factor 5 (same petitioner and defendant) weighs in favor of a merits referral. *Fintiv* Factor 5 follows *Fintiv* Factor 2 (trial date proximity) in how it is weighted for or against discretionary denial. *See, e.g., BOE Tech. Grp. Co., Ltd. v. Optronix Scis. LLC*, IPR2024-01130, Paper 16 at 13 (PTAB Jan. 27, 2025) (Factor 5 follows Factor 2). Thus, because *Fintiv* Factor 2 strongly favors referral, *Fintiv* Factor 5 also favors referral or, at the very least, is neutral.

V. CONCLUSION

For the foregoing reasons, Petitioner respectfully requests this IPR be referred to the merits panel and that IPR of the Challenged Claims be instituted.

Respectfully submitted,

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APPENDIX OF EXHIBITS

Exhibit 1001	U.S. Patent No. 12,125,496 (“’496 Patent”)
Exhibit 1002	Prosecution History of the 12,125,496 Patent
Exhibit 1003	Declaration of Christopher Schmandt
Exhibit 1004	U.S. Patent No. 12,412,590 to Dantrey et al. (“ <i>Dantrey</i> ”)
Exhibit 1005	WIPO Publication No. 2020/199990 to Strake et al. (“ <i>Strake</i> ”)
Exhibit 1006	U.S. Patent No. 10,867,616 to Chen et al. (“ <i>Chen</i> ”)
Exhibit 1007	U.S. Patent Application Publication No. 2021/0241780 to Quillen (“ <i>Quillen</i> ”)
Exhibit 1008	Martin Ernst Heckmann, et al., <i>A Hierarchical Framework for Spectro-Temporal Feature Extraction</i> , Speech Communication, vol. 53, no. 5, pp. 736 - 752, 2011. (“ <i>Heckmann</i> ”)
Exhibit 1009	R. E. Crochiere, <i>A Weighted Overlap-Add Method of Short-Time Fourier Analysis/Synthesis</i> , IEEE Transactions on Acoustics, Speech, and Signal Processing, Vol. ASSP-28, No. 1, February 1980 (“ <i>Crochiere</i> ”)
Exhibit 1010	Christopher Schmandt, <i>Voice Communication with Computers Conversational Systems</i> , Van Nostrand Reinhold, (1994) (“ <i>Schmandt</i> ”)
Exhibit 1011	U.S. Patent Application Publication No. 2024/0098218 to Nguyen et al. (“ <i>Nguyen</i> ”)
Exhibit 1012	Martinek, R.; Ladrova, M.; Sidikova, M.; Jaros, R.; Behbehani, K.; Kahankova, R.; Kawala-Sterniuk, A. <i>Advanced Bioelectrical Signal Processing Methods: Past, Present and Future Approach—Part II: Brain Signals</i> , Sensors 2021, 21, 6343. https://doi.org/10.3390/s21196343 (“ <i>Martinek</i> ”)
Exhibit 1013	Casey O’Callaghan, <i>Pitch</i> , http://caseyocallaghan.com/research/papers/Pitch.pdf (“ <i>O’Callaghan</i> ”)
Exhibit 1014	W. Q. Zheng, J. S. Yu, Y. X. Zou, <i>An Experimental Study of Speech Emotion Recognition Based on Deep Convolutional Neural Networks</i> , International Conference on Affective Computing and Intelligent Interaction (ACII) (2015) (“ <i>Zheng</i> ”)
Exhibit 1015	Xuechuan Wang, Douglas O’Shaughnessy, <i>Improving the Efficiency of Automatic Speech Recognition by Feature Transformation And Dimensionality Reduction</i> , 10.21437/Eurospeech.2003-204 (2003) (“ <i>Wang</i> ”)

Exhibit 1016	Shuhua Gao, Xiaoling Wu, Cheng Xiang, and Dongyan Huang, Development of a Computationally Efficient Voice Conversion System on Mobile Phones, https://doi.org/10.1017/ATSIP.2018.23 (2018) (“Wu”)
Exhibit 1017	U.S. Patent Application Publication No. 2020/0066296 to Sargsyan et al. (“Sargsyan”)
Exhibit 1018	Su-Hyun Han , Ko Woon Kim, SangYun Kim , Young Chul Youn, <i>Artificial Neural Network: Understanding the Basic Concepts without Mathematics</i> , Dement Neurocognitive Disord. 2018 Sep;17(3):83-89 (“Han”)
Exhibit 1019	Maurya Vijayaramachandran, and Siddique Afraaz N, <i>Impact of Hidden Layer in Artificial Neural Networks</i> , IOSR Journal of Engineering, Vol. 10, Issue 11, November 2020, Series -I, 33-38 (“Siddique”)
Exhibit 1020	Maad M. Mijwel, Adam Esen and Aysar Shamil, <i>Overview of Neural Networks</i> , Babylonian Journal of Machine Learning, 1:2, April 2019 (“Mijwel”)
Exhibit 1021	Antonia Creswell, Tom White, Vincent Dumoulin, Kai Arulkumaran, Biswa Sengupta, and Anil A Bharath, <i>Generative Adversarial Networks: An Overview</i> , 1710.07035v1 [cs.CV] 19 Oct 2017 (“Creswell”)
Exhibit 1022	Weikuan Jia, Meili Sun, Jian Lian, and Sujuan Hou, <i>Feature Dimensionality Reduction: A Review</i> , Complex & Intelligent Systems (2022) 8:2663–2693 (“Jia”)
Exhibit 1023	Hyun Ah Song and Soo-Young Lee, <i>Hierarchical Data Representation Model - Multi-layer NMF</i> , arXiv:1301.6316v3 [cs.LG] 18 Mar 2013 (“Song”)
Exhibit 1024	Premananda B S and Dr. Uma B V, <i>Speech Enhancement Algorithm to Reduce the Effect of Background Noise in Mobile Phones</i> , International Journal of Wireless & Mobile Networks (IJWMN) Vol. 5, No. 1, February 2013 (“Premananda”)
Exhibit 1025	Yi Xu, <i>Prosody, Tone, and Intonation</i> , Routledge Handbook of Phonetics. W. F. Katz and P. F. Assmann: Routledge, New York. pp. 314-356 (2019) (“Xu”)
Exhibit 1026	PCT Publication No. 2022/168102 to Keshet et al. (“Keshet”)
Exhibit 1027	Tal Peer and Timo Gerkmann, <i>Phase-Aware Deep Speech Enhancement: It’s All About The Frame Length</i> , arXiv:2203.16222v2 [eess.AS] 4 Oct 2022 (“Peer”)
Exhibit 1028	U.S. Patent No. 12,106,749 to Prabhavalkar et al. (“Prabhavalkar”)

Exhibit 1029	Qifeng Zhu and Abeer Alwan, <i>On the Use of Variable Frame Rate Analysis in Speech Recognition</i> , 2000 IEEE International Conference on Acoustics, Speech, and Signal Processing, 3, 1783-1786 (2000) (“ <i>Zhu</i> ”)
Exhibit 1030	Qi Li, <i>An Auditory-Based Transform for Audio Signal Processing</i> , 2009 IEEE Workshop on Applications of Signal Processing to Audio and Acoustics (“ <i>Li</i> ”)
Exhibit 1031	U.S. Patent No. 7,328,153 to Wells et al. (“ <i>Wells</i> ”)
Exhibit 1032	U.S. Patent No. 10,796,686 to Arik et al. (“ <i>Arik</i> ”)
Exhibit 1033	U.S. Patent Application Publication No. 2003/0088408 to Thyssen et al. (“ <i>Thyssen</i> ”)
Exhibit 1034	U.S. Patent Application Publication No. 2005/0066209 to Kee et al. (“ <i>Kee</i> ”)
Exhibit 1035	Abdullah Zaini Alsheibi, <i>Unsupervised Learning Algorithm for Noise Suppression and Speech Enhancement Applications</i> , Electronic Theses and Dissertations. 2168. https://digitalcommons.du.edu/etd/2168 (2023) (“ <i>Alsheibi</i> ”)
Exhibit 1036	U.S. Patent Application Publication No. 2015/0371655 to Gao (“ <i>Gao</i> ”)
Exhibit 1037	U.S. Patent No. 10,561,361 to Quatieri et al. (“ <i>Quatieri</i> ”)
Exhibit 1038	U.S. Patent No. 9,195,649 to Neuhauser et al. (“ <i>Neuhauser</i> ”)
Exhibit 1039	European Patent Application Publication No. 0756172 to Demmin et al. (“ <i>Demmin</i> ”)
Exhibit 1040	U.S. Patent No. 6,269,351 to Black (“ <i>Black</i> ”)
Exhibit 1041	U.S. Patent Application Publication No. 2017/0193066 to Zhu et al. (“ <i>Guo</i> ”)
Exhibit 1042	Takuma Okamoto, Tomoki Toda, Yoshinori Shiga, and Hisashi Kawai, <i>Real-Time Neural Text-To-Speech with Sequence-To-Sequence Acoustic Model and WaveGlow or Single Gaussian WaveRNN Vocoders</i> , Interspeech 2019 (“ <i>Okamoto</i> ”)
Exhibit 1043	Haohe Liu et al., <i>VoiceFixer: A Unified Framework for High-Fidelity Speech Restoration</i> , Interspeech 2022 (“ <i>Liu</i> ”)
Exhibit 1044	Leyuan Sheng et al., <i>Reducing sover-smoothness in speech synthesis using Generative Adversarial Networks</i> , IEEE 2018 (“ <i>Sheng</i> ”)
Exhibit 1045	Declaration of Mina Ching, Records Request Processor at the Internet Archive (“ <i>Ching</i> ”)
Exhibit 1046	Francois Waldner et al., <i>Deep learning on edge: extracting field boundaries from satellite images with a convolutional neural network</i> , February 4, 2020 (“ <i>Waldner</i> ”)

Exhibit 1047	Patrik O. Hoyer, <i>Non-Negative Sparse Coding</i> , Neural Networks Research Centre Helsinki University of Technology (“ <i>Hoyer</i> ”)
Exhibit 1048	Haohe Liu et al., <i>VoiceFixer: Toward General Speech Restoration with Neural Vocoder</i> , October 5, 2021 (“ <i>VoiceFixer</i> ”)
Exhibit 1049	Declaration of June Munford dated March 18, 2026 regarding public availability of <i>Heckmann</i> (“ <i>Munford-Heckmann</i> ”)
Exhibit 1050	Declaration of June Munford dated March 24, 2026 regarding public availability of <i>Liu</i> (“ <i>Munford-Liu</i> ”)
Exhibit 1051	Petitioner’s Stipulation
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**CERTIFICATE OF SERVICE ON PATENT OWNER
UNDER 37 C.F.R. § 42.105**

Pursuant to 37 C.F.R. §§ 42.6(e) and 42.105(b), the undersigned certifies that on June 25, 2026, a complete and entire copy of this *Opposition to Patent Owner's Request for Discretionary Denial* and Exhibits was served via electronic filing with the Board and via Electronic Mail on the following practitioners of record for Patent Owner:

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Respectfully submitted,

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