

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LUXOTTICA OF AMERICA INC. AND META PLATFORMS, INC.,
Petitioners,

v.

SOLOS TECHNOLOGY LIMITED,
Patent Owner.

Case IPR2026-00412
Patent 11,082,055

PATENT OWNER'S DISCRETIONARY DENIAL BRIEF

TABLE OF CONTENTS

	Page
I. INTRODUCTION	1
II. INSTITUTION SHOULD BE DISCRETIONARILY DENIED.....	2
A. Petitioners Have Not Justified Two Parallel Petitions, And The - 00412 Should Be Denied If Only One Proceeds.....	2
1. At Most, One Petition Should Be Considered.....	3
2. At Minimum, The -00412 Should Be Denied Because It Layers Multiple PTAB Challenges Onto Claims Already Being Tested In The District Court.....	8
B. Petitioners’ Staggered IPR Strategy Undermines The Office’s Settled Expectations Doctrine And Policy Against Inconsistent Claim Constructions.....	13
1. Petitioners Cannot Erode Settled Expectations By Challenging Newer Patents First.	14
2. Petitioners Should Stipulate To Their No-Claim- Construction Position And Forgo Indefiniteness In District Court.....	16
C. Institution Would Be An Inefficient Use Of The Board’s Resources.....	19
III. CONCLUSION	20

TABLE OF AUTHORITIES

	Page(s)
AGENCY DECISIONS	
<i>Amazon.com, Inc. v. Audio Pod IP, LLC</i> , IPR2025-00768, Paper 15 (Aug. 14, 2025)	19
<i>Amgen Inc. v. Bristol-Myers Squibb Co.</i> , IPR2025-00601, Paper 9 (July 24, 2025) (informative)	14, 15
<i>Dabico Airport Sols. Inc. v. AXA Power ApS</i> , IPR2025-00408, Paper 21 (June 18, 2025) (informative)	14, 15
<i>Intas Pharms. Ltd. v. Atossa Therapeutics, Inc.</i> , IPR2025-00799, Paper 12 (Aug. 29, 2025)	10
<i>Magnolia Med. Techs., Inc. v. Kurin, Inc.</i> , IPR2026-00097, Paper 17 (May 14, 2026) (precedential)	16, 19
<i>PacifiCorp v. Birchtech Corp.</i> , IPR2025-00687, Paper 40 (Jan. 12, 2026) (precedential)	4, 7, 12
<i>Revvo Techs., Inc. v. Cerebrum Sensor Techs., Inc.</i> , IPR2025-00632, Paper 20 (Nov. 3, 2025) (precedential)	16
<i>Samsung Elecs. Co. v. Headwater Rsch. LLC</i> , IPR2025-00481, Paper 9 (Aug. 4, 2025)	11
<i>Samsung Elecs. Co. v. iCashe, Inc.</i> , IPR2025-00641, Paper 12 (Aug. 14, 2025)	19

<i>Terumo BCT Inc. v. Haemonetics Corp.</i> , IPR2025-01374, Paper 20 (May 12, 2026) (informative)	16, 17, 18
<i>Tesla, Inc. v. Intellectual Ventures II LLC</i> , IPR2025-00340, Paper 18 (Nov. 5, 2025) (informative)	16, 17

STATUTES

35 U.S.C. § 112(f)	17
35 U.S.C. § 286	14

OTHER AUTHORITIES

Coke M. Stewart, Memorandum re. Interim Processes for PTAB Workload Management (Mar. 26, 2025)	14
Patent Trial & Appeal Bd., <i>Trial Practice Guide</i>	12
USPTO, <i>Interim Director Discretionary Process</i>	10

EXHIBIT LIST	
2001	Declaration of Nathan Lowenstein in Support of Notice of Intent [Lowenstein Decl.]
2002	Declaration of Colette Woo in Support of Notice of Intent [Woo Decl.]
2003	Declaration of Dennis Courtney in Support of Notice of Intent [Courtney Decl.]
2004	Declaration of Jameson Pasek in Support of Motion for <i>Pro Hac Vice</i> Admission [Pasek Decl.]
2005	Complaint, <i>Solos Tech. Ltd. v. Meta Platforms, Inc. et al.</i> , No. 1:26-cv-10304 (D. Mass.) [Complaint]
2006	Exhibit 7 to the Complaint, <i>Solos Tech. Ltd. v. Meta Platforms, Inc. et al.</i> , No. 1:26-cv-10304 (D. Mass.) [Complaint-Ex. 7]
2007	Exhibit 9 to the Complaint, <i>Solos Tech. Ltd. v. Meta Platforms, Inc. et al.</i> , No. 1:26-cv-10304 (D. Mass.) [Complaint-Ex. 9]
2008	Coke M. Stewart, Memorandum re. Interim Processes for PTAB Workload Management (Mar. 26, 2025) [Process Memorandum]
2009	Chart of Settled Expectations Decisions [Settled Expectations Chart]

I. INTRODUCTION

Institution should be discretionarily denied. Though Patent Owner asserts only four claims of the '055 patent, Petitioners filed two petitions challenging thirty claims. Their first-ranked IPR2026-00412 (“-00412”) Petition alone presents eleven grounds and three separate families of challenges to the same ten claims. Petitioners nevertheless invoke the petition word limit to justify a second proceeding. But their asserted need for more words reflects their own choices—to challenge twenty-six unasserted claims while preserving multiple alternative attacks on claims 1–10. The Office’s parallel-petition policy does not contemplate using a second petition to expand the word count in that manner. At most, one petition should be considered. *See* Section II.A.1, *infra*.

And if only one petition proceeds, it should not be the -00412. That Petition does not merely challenge the four asserted '055 claims; it mounts three separate families of prior-art attacks against each one. Claims 1 and 5 face four grounds each, and claims 7 and 10 face six. Those repeated PTAB attacks would come on top of district-court §§ 102 and 103 challenges that Petitioners remain free to pursue, even under their own stipulation. The Petition in IPR2026-00420 (“-00420”), by contrast, challenges only unasserted claims through a single family of grounds. Petitioners nevertheless rank the -00412 first without explaining why the Office should prefer the petition that repeatedly attacks claims already being litigated. *See* Section II.A.2,

infra.

Other considerations independently favor denial. Petitioners have challenged the newer patents-in-suit first while leaving the two oldest patents—now in force for more than seven and six years—unchallenged, preserving the possibility of later invoking earlier institutions to support challenges to patents with stronger settled expectations. They also seek institution on asserted claims without committing to maintain in district court their position that no express construction is necessary and without forgoing indefiniteness. The Office should not reward either form of strategic flexibility. *See* Sections II.B.1–2, *infra.*

Finally, the burden of the -00412 is disproportionate to what it could accomplish. The Board would adjudicate eleven grounds against ten claims, including three separate families of challenges to the four asserted claims, while this proceeding could remove at most one patent from a five-patent district-court case. Even success in all pending IPRs would leave the two oldest patents outside those proceedings. The substantial Board resources required for that limited simplification further favor denial of the -00412. *See* Section II.C, *infra.*

II. INSTITUTION SHOULD BE DISCRETIONARILY DENIED.

A. Petitioners Have Not Justified Two Parallel Petitions, And The -00412 Should Be Denied If Only One Proceeds.

Petitioners have not justified two petitions challenging the '055 patent. At

most, one should be considered. And if the Director permits one petition to proceed, it should not be the -00412. That Petition presents eleven grounds and three separate families of challenges to every asserted '055 claim already subject to validity adjudication in district court. The -00420, by contrast, presents a single family of grounds directed entirely to unasserted claims. Thus, Petitioners' first-ranked petition combines substantial duplication within the IPR itself with duplication of a validity dispute already proceeding in another forum. The considerations that counsel against permitting two petitions therefore also counsel against preserving the -00412 if only one proceeding is allowed.

1. At Most, One Petition Should Be Considered.

The Office should consider, at most, one of Petitioners' parallel petitions challenging the '055 patent. The Trial Practice Guide provides that "one petition should be sufficient to challenge the claims of a patent in most situations" because multiple petitions may impose a "substantial and unnecessary burden on the Board and the patent owner" and raise fairness, timing, and efficiency concerns. TPG, § II.D.2.¹ Multiple petitions are therefore "rare[ly]" justified, such as where "the patent owner has asserted a large number of claims in litigation" or a priority dispute requires materially different prior-art theories. *Id.* *PacifiCorp* likewise recognizes

¹ Available at <https://www.uspto.gov/patents/ptab/trial-practice-guide>.

that multiple petitions may effectively expand the permitted word count and impose unnecessary burdens where petitioners could instead select among their challenges. *PacifiCorp v. Birchtech Corp.*, IPR2025-00687, Paper 40, 2–4 (Jan. 12, 2026) (precedential).

Petitioners have not shown that two proceedings are necessary here. They divided thirty claims between the -00412, which challenges claims 1–10, and the -00420, which challenges twenty additional claims. Petitioners rank the -00412 first. Ranking, 1. Their principal explanation is that all thirty claims cannot adequately be addressed within one petition’s word limit, particularly because the five challenged independent claims involve different subject matter. *Id.*, 2–3. Petitioners ultimately assert that presenting all thirty claims in one petition is “not practicable” without sacrificing necessary claim-specific analysis. *Id.*, 5.

This is not, however, the situation identified in the Trial Practice Guide where Patent Owner has put an unusually large number of claims at issue. Solos asserts only claims 1, 5, 7, and 10 of the ’055 patent, all of which are challenged in the -00412. Ex. 2007 [Complaint-Ex. 9] (identifying asserted claims 1, 5, 7, and 10 of the ’055 patent). The remaining twenty-six challenged claims are not asserted. Petitioners were free to challenge additional claims, but their decision to expand the dispute from four asserted claims to thirty challenged claims does not establish the “rare” circumstance requiring two proceedings.

Their own filings show that the two-petition structure effectively expands the word count available for alternative attacks on the same claims. The -00412 devotes eleven grounds to ten claims. Grounds 1–3, built around Moquin and Swanson, challenge every claim except claim 6; Grounds 4–7, built around Liu, challenge all ten claims; and Grounds 8–11, built around Andersen and Swanson, again challenge all ten claims. Pet., 12. The result is three to seven separate grounds against *each* challenged claim: claims 1–5 each face four grounds, claim 6 three, claims 7–8 six, claim 9 seven, and claim 10 six. Petitioners thus consumed much of the first Petition presenting multiple separate challenges to the same ten claims—including seven separate grounds against claim 9—and then invoked the word limit to justify a second petition.

The Ranking Paper does not explain why Petitioners needed to preserve those alternative paths. It reproduces the eleven grounds and characterizes the two-petition structure as “logical” and “streamlined.” Ranking, 3–5. But it never explains why Petitioners needed three separate Moquin-, Liu-, and Andersen-based challenges to the same claims before seeking a second petition’s worth of words. Its observation that no prior-art combination or challenged claim is identical across the two petitions does not answer the extensive alternative challenges within the -00412 itself. *Id.*, 3–4.

Furthermore, Petitioners’ limited explanations for narrower fallback grounds

do not fill in that gap. Grounds 6–7 add Swanson “[t]o the extent” Patent Owner disputes that Grounds 4–5 establish the claimed computer-readable-storage-medium/program-code implementation. Pet., 59–61. Ground 10 similarly adds Noujaim “[t]o the extent” Patent Owner disputes Andersen’s disclosure of a delay greater than a baseband sampling period. *Id.*, 80–81. Those explanations identify why Petitioners included those particular fallback theories. They do not explain why Petitioners needed to retain three separate families of challenges—Moquin-based, Liu-based, and Andersen-based—to substantially the same ten claims. Neither the Petition nor the Ranking Paper identifies any contingency requiring all three.

The amount of space devoted to those alternatives is substantial. The Moquin-based Grounds 1–3 occupy pages 14–36 of the -00412, while the Andersen-based Grounds 8–11 occupy pages 61–82—together, more than forty pages. Yet Petitioners could have omitted both groups without dropping a single challenged claim because Grounds 4–5 themselves challenge claims 1–10. Pet., 12, 36–59. And those two grounds, together with Grounds 1–2 of the -00420, cover all thirty challenged claims. Pet., 12; -00420 Pet., 9. Thus, just four of Petitioners’ thirteen grounds cover the entire challenged claim set. That does not establish that those four grounds, as presently drafted, could simply be combined verbatim within the 14,000-word limit. But it does show that the length of Petitioners’ two chosen papers does not establish that two petitions’ worth of words were necessary to challenge thirty

claims. Their own filings suggest that all thirty claims may well have fit within a single petition had Petitioners selected among their alternative grounds and consolidated common analysis. At minimum, Petitioners cannot justify a second petition by treating every alternative attack they chose to preserve as necessary to challenge the claims.

Nor does Petitioners' reliance on differences among the independent claims resolve the problem. Those differences may require different prior art and claim-specific analysis. But the -00420 itself challenges twenty claims—including four independent claims and claim 46's six means-plus-function limitations—through only two grounds. -00420 Pet., 5–9. Petitioners also repeatedly incorporate earlier analyses where the claims share limitations. *See, e.g., id.*, 38–51. Their own second Petition therefore demonstrates that materially different claims can be addressed through common grounds and incorporated analysis while preserving treatment of the limitations that actually differ.

PacifiCorp is therefore particularly instructive. There, petitioners relied on alternative priority-date positions to justify multiple petitions, but the Director observed that they nevertheless had room to present numerous grounds within each petition and concluded that multiple proceedings were unwarranted. *PacifiCorp*, 3–4. The same word-count concern applies here. Petitioners found room for eleven grounds against ten claims in the -00412 alone. Their asserted need for a second

petition cannot be assessed without considering how they elected to use the words available in the first. Petitioners cannot establish a need for a second proceeding by using the first to preserve multiple alternative challenges and then pointing to the resulting word count.

Petitioners thus ask the Office to adjudicate two distinct patentability cases concerning thirty claims when the underlying litigation puts only four claims at issue. The challenged claims may warrant different analyses, but Petitioners have not shown that those differences required two petitions after selection among alternative grounds and consolidation of common analysis. At most, one petition should therefore be considered on the merits. As explained below, Petitioners' ranking does not dictate which petition should receive that consideration, and the circumstances favor denying their first-ranked -00412 Petition.

2. At Minimum, The -00412 Should Be Denied Because It Layers Multiple PTAB Challenges Onto Claims Already Being Tested In The District Court.

If the Director determines that one petition should receive consideration on the merits, it should not be the -00412. The -00412 Petition presents 11 grounds and *three* separate families of challenges to the same ten claims. And those repeated PTAB challenges would come on top of the district-court litigation, where the four asserted '055 claims are already subject to the myriad validity challenges that remain available there. The -00420, by contrast, presents only one family of grounds, based

on Adams and Nguyen, and none of its twenty challenged claims is being adjudicated in any other forum. Petitioners' ranking therefore favors the petition that layers multiple alternative PTAB challenges onto claims already being tested from multiple angles in another forum.

As explained in Section II.A.1, the -00412 presents three separate families of challenges built around Moquin, Liu, and Andersen. Each family attacks all four asserted claims. Claims 1 and 5 each face four grounds, while claims 7 and 10 each face six. Pet., 12. The -00420 presents a markedly different structure: Adams and Nguyen challenge eighteen of its twenty claims in a single ground, with Noujaim added in Ground 2 for claims 35 and 40. -00420 Pet., 9.

The district-court overlap with the -00412 Petition is complete at the claim level. The -00412 challenges every '055 patent claim asserted in district court—claims 1, 5, 7, and 10. Ex. 2007 [Complaint-Ex. 9]; Pet., 12. By contrast, none of the twenty claims challenged in the -00420 is asserted. Thus, whichever other issues remain in the district court, selecting the -00412 necessarily creates parallel adjudication involving the same four claims; selecting the -00420 does not. And the -00412 would require the Board to adjudicate multiple alternative grounds against each of those same asserted claims.

Intas Pharms. Ltd. v. Atossa Therapeutics, Inc. confirms that the absence of parallel adjudication is an efficiency consideration. There, the Office declined

discretionary denial in part because the parties were not involved in a parallel proceeding concerning the challenged patents and there was therefore “no concern of inconsistent outcomes or significant duplication of efforts resulting from two proceedings operating in parallel.” IPR2025-00799, Paper 12, 2–3 (Aug. 29, 2025). Here, that duplication concern sharply distinguishes the two petitions: the twenty claims challenged in the -00420 are not before the district court, while every asserted ’055 claim is challenged in the -00412.

Petitioners’ stipulation does not cure the duplication created by the -00412. The Office expressly considers whether a stipulation “materially reduces overlap between the proceedings” and cautions that, where other invalidity theories remain, “a stipulation may not be particularly meaningful because the efficiency gained in an AIA proceeding will be limited.” USPTO, *Interim Director Discretionary Process*, § I.D. Petitioners’ stipulation leaves untouched other validity challenges—including §§ 101 and 112 and §§ 102 and 103 theories based on system art or other non-IPR art that does not rely on a reference that is part of the grounds. Pet., 83.

Headwater confirms that such a limited stipulation does not eliminate the duplication concern. There, Samsung similarly agreed not to pursue combinations of the petition art with unpublished system art or other prior art. The Office still denied institution because parallel adjudication created “significant duplication of effort, additional expense for the parties, and a risk of inconsistent decisions.”

Samsung Elecs. Co. v. Headwater Rsch. LLC, IPR2025-00481, Paper 9, 2 (Aug. 4, 2025). The same concern is acute here. Petitioners' stipulation removes only certain prior-art theories from the district court; it does not remove claims 1, 5, 7, and 10 from that case or end the validity dispute over those claims. Petitioners remain free to challenge those same claims under §§ 101 and 112 and under §§ 102 and 103 theories based on system art or other non-IPR art that does not rely on a Petition reference, while the district court must still address the scope of those claims and the validity defenses that remain. Institution of the -00412 would therefore place the same four asserted claims on two parallel validity tracks: the district court would continue adjudicating the validity challenges that remain there, while the Board would adjudicate four separate grounds against asserted claims 1 and 5 and six separate grounds against asserted claims 7 and 10, spread across three distinct families of prior-art challenges. The -00420 does not create that same overlap because none of its twenty challenged claims is asserted. The stipulation therefore does not justify preserving the -00412; the cross-forum duplication remains, compounded by the -00412's own repeated attacks on the same claims.

That same duplication also undermines Petitioners' unexplained decision to rank the -00412 first. Their Ranking Paper explains why they want both petitions instituted, but identifies no reason the Office should prefer the -00412 if only one proceeds. Ranking, 1–5. Nor does the Trial Practice Guide make Petitioners' first

choice controlling; it requires a ranking to assist the Office in deciding which petition, if any, should proceed. TPG, § II.D.2. The efficiency considerations here point the other way. The -00412 presents three alternative families of challenges to asserted claims already subject to validity adjudication in another forum, while the -00420 challenges a different, unasserted claim set through a single family of grounds. *PacifiCorp* does not suggest otherwise. Its direction to consider the first-ranked petition arose where the parallel petitions challenged the same claims under alternative priority dates. *PacifiCorp*, 3–4. It did not address the materially different choice presented here, where the first-ranked petition itself creates the greater duplicative burden.

The choice is therefore not between two otherwise equivalent petitions. The -00412 asks the Board to adjudicate three alternative families of challenges to claims already being litigated, including four separate grounds against asserted claims 1 and 5 and six against asserted claims 7 and 10. The -00420 does not duplicate any asserted claim and presents its twenty-claim challenge through only two grounds. If only one petition receives consideration on the merits, those differences provide a clear reason to deny the -00412 notwithstanding Petitioners' ranking. The Director should therefore deny the -00412 Petition regardless of whether the -00420 ultimately warrants institution.

B. Petitioners' Staggered IPR Strategy Undermines The Office's Settled Expectations Doctrine And Policy Against Inconsistent Claim Constructions.

Petitioners' IPR campaign should be considered as a whole. Petitioners have elected to challenge the newest patents-in-suit first while postponing challenges to the oldest patents for which settled expectations are strongest. The Office should not reward that sequencing by allowing Petitioners to build a collection of IPR proceedings against newer patents that they may later invoke to support institution against older patents whose settled expectations have only grown stronger during the delay. This would create a perverse incentive for petitioners to postpone challenges to older patents rather than bring them promptly. *See* Section II.B.1 *infra*.

Petitioners are also attempting to preserve flexibility with respect to claim construction in district court. In the instant Petition, Petitioners maintain that no express claim construction is necessary and do not indicate that any claim terms could be indefinite. Yet Petitioners have not committed to those positions in district court. If Petitioners wish to obtain institution on that basis, they should stipulate that they will maintain their no-express-construction position and not argue indefiniteness in district court. Otherwise, the Office should deny institution rather than permit Petitioners to obtain IPR review now while preserving different claim-scope positions for later. *See* Section II.B.2, *infra*.

1. Petitioners Cannot Erode Settled Expectations By Challenging Newer Patents First.

The Office considers the parties’ “settled expectations,” including “the length of time the claims have been in force.” Ex. 2008 [Process Memorandum] 2. There is no bright-line rule, but “the longer the patent has been in force, the more settled expectations should be.” *Dabico Airport Sols. Inc. v. AXA Power ApS*, IPR2025-00408, Paper 21, 3 (June 18, 2025) (informative) (analogizing to the six-year standard under 35 U.S.C. § 286). “Strong settled expectations” have been consistently found for patents that had been in force for seven and six years, but not (on that record) for one that had been in force for three years. *See Amgen Inc. v. Bristol-Myers Squibb Co.*, IPR2025-00601, Paper 9, 2–3 (July 24, 2025) (informative); *see also* Ex. 2009 [Settled Expectations Chart] (showing dozens of decisions denying institution on account of settled expectations as to patents issued six or more years ago).

Petitioners’ filing sequence is therefore significant. In the same district court complaint, Patent Owner asserted five patents against the same accused products. Ex. 2005 [Complaint] ¶¶ 43–47. Petitioners first challenged the newest patent—the ’339 patent in IPR2026-00376, which issued in February 2025—and soon thereafter filed petitions against Patent Owner’s patents 11,082,055 and 11,871,174. *See generally Meta Platforms, Inc. v. Solos Tech. Ltd.*, IPR2026-00412, Paper 4 (filed

Aug. 7, 2026); IPR2026-00420, Paper 1 (filed Aug. 7, 2026); IPR2026-00413, Paper 3 (filed Aug. 14, 2026). Only after Patent Owner filed its first POPR did Petitioners challenge U.S. Patent No. 10,651,866, issued May 12, 2020, and Petitioners still have not challenged the oldest patent-in-suit: U.S. Patents Nos. 10,306,389, issued May 28, 2019. Ex. 2005 [Complaint] ¶¶ 43–44; IPR2026-00512, Paper 3 (filed Sept. 29). These patents have now been in force for more than seven and six years, respectively—the periods numerous decisions have found sufficient to create strong settled expectations. *See* Ex. 2009 [Settled Expectations Chart].

Nothing required Petitioners’ sequencing. All five patents were asserted from the outset. Petitioners knew of all five patents, but chose to challenge the newer patents first, while delaying challenges to the patents carrying the strongest settled expectations. This choice cannot diminish the settled expectations associated with the older patents—and should not later advantage Petitioners if they invoke institutions obtained against newer patents as a reason why additional review of the older patents would be an efficient use of Office resources. Otherwise, petitioners accused of infringing multiple patents could postpone challenges to older patents-in-suit, build a collection of instituted proceedings against newer patents, and then invoke those proceedings as a reason why the institution of later challenges would be an efficient use of resources. This outcome would reward the same delay in filing IPR petitions that should strengthen settled expectations under *Dabico* and *Amgen*.

The Director’s recent precedential guidance confirms that discretionary denial analysis should not examine each petition in isolation, but should consider how the IPR process is being used. *Magnolia Med. Techs., Inc. v. Kurin, Inc.*, IPR2026-00097, Paper 17, 2–8 (May 14, 2026) (precedential), for example, explains that discretion in institution serves “fairness, efficiency, and predictability” and guards against use of AIA review for litigation leverage rather than as an alternative means of resolving patentability disputes. Although Petitioners were entitled to select which patents to challenge, they should not receive an advantage from postponing challenges to patents for which settled expectations are strongest. This consideration weighs in favor of discretionary denial.

2. Petitioners Should Stipulate To Their No-Claim-Construction Position And Forgo Indefiniteness In District Court.

The Director has made clear that an IPR petitioner may not pursue unexplained, inconsistent positions about claim scope before the Board and district court. *See, e.g., Revvo Techs., Inc. v. Cerebrum Sensor Techs., Inc.*, IPR2025-00632, Paper 20, 3–5 (Nov. 3, 2025) (precedential); *Tesla, Inc. v. Intellectual Ventures II LLC*, IPR2025-00340, Paper 18, 3–4 (Nov. 5, 2025) (informative); *Terumo BCT Inc. v. Haemonetics Corp.*, IPR2025-01374, Paper 20, 3–5 (May 12, 2026) (informative). This rule applies both to offering differing claim constructions across forums, and to asserting no construction is necessary before the Board while asserting

indefiniteness in district court. *See Tesla*, 3–4; *see also Terumo*, 3–5.

Petitioners have filed three IPR petitions challenging claims asserted in the district court.² In all three, Petitioners identify no term requiring express construction and identify no indefiniteness issues. Pet., 11; IPR2026-00376, Paper 2, 7; IPR2026-00413, Paper 3, 12–13. Yet Petitioners have not committed to maintaining those positions in district court. *Terumo* illustrates why the Office should obtain that commitment before institution. There, the petitioner advanced inconsistent district-court indefiniteness positions one week after institution, prompting the Director to vacate institution and deny the petitions. *Terumo*, 2–5. The Office should require Petitioners’ commitment now rather than institute a proceeding it may later have to terminate for inconsistent claim-scope positions.

² In the -00420, Petitioners challenge unasserted claims of the ’055 patent—and propose constructions, but only of means-plus-function limitations. *See* IPR2026-00420, Paper 1, 5–9 (proposing constructions of six terms in claim 46 of the ’055 patent); Ex. 2007 [Complaint-Ex. 9] (identifying asserted claims 1, 5, 7, and 10 of the ’055 patent); Ex. 2006 [Complaint-Ex. 7] (stating that “Plaintiff does not presently contend that any asserted claim limitation is governed by 35 U.S.C. § 112(f)”). Rule 42.104(b)(3) specifically requires identification of corresponding structure for means-plus-function limitations.

Patent Owner does not yet know Petitioners' district court positions because claim construction has not begun. Only Petitioners know whether they intend to maintain those positions. But the Office need not institute first and find out later. If Petitioners seek institution on the position that no express construction is necessary for the claims challenged here, they should stipulate that they will not argue otherwise in district court and will not assert that those claims are indefinite. If Petitioners will not make that commitment, the Petition should be denied.

Petitioners' position in the related -00376 IPR confirms why a pre-institution stipulation is warranted. There, Petitioners contend that a statement that no express construction is necessary merely addresses what is necessary to resolve the IPR grounds, and expressly disclaim any waiver of district-court defenses. -00376 Opp., 10-11. Petitioners essentially admit that they seek institution while expressly preserving the ability to take materially different claim-scope positions after the Office commits its resources. *Terumo* demonstrates the consequence of waiting until that inconsistency materializes—the petitioner asserted indefiniteness only one week after institution, requiring the Director to vacate institution and terminate the proceedings. *Terumo*, 2–5. Requiring Petitioners to commit to consistent positions now avoids precisely that waste.

C. Institution Would Be An Inefficient Use Of The Board's Resources.

Institution would add eleven PTAB grounds without resolving the five-patent district-court dispute. The district court action asserts five patents against the same accused products. *See* Ex. 2005 [Complaint] ¶¶ 5, 43–47. This proceeding alone could remove, at most, one patent from the five-patent case. Even success in all of Petitioners' pending IPRs would leave the two oldest patents-in-suit outside those proceedings. *See* Section II.B.1, *supra*. The Office has denied institution where litigation involving other asserted patents would continue notwithstanding the IPR, reasoning that Board review under those circumstances “would be an inefficient use of Board resources.” *Amazon.com, Inc. v. Audio Pod IP, LLC*, IPR2025-00768, Paper 15, 3 (Aug. 14, 2025); *see also Samsung Elecs. Co. v. iCashe, Inc.*, IPR2025-00641, Paper 12, 3 (Aug. 14, 2025).

That limited potential benefit stands in stark contrast to the resources institution would require. The Petition presents eleven grounds challenging ten claims. Pet., 12. Claims 1–5 each face four grounds; claim 6 faces three; claims 7 and 8 each face six; claim 9 faces seven; and claim 10 faces six. *Id.* The Director has emphasized that “Congress intended AIA reviews to narrow disputes—not create another forum where litigation can be expanded.” *Magnolia*, 3–4. The -00412 would do the latter: it would add three families of PTAB challenges to the

four asserted '055 claims already subject to validity challenges in district court. *See* Section II.A.2, *supra*. Here, institution would require the Board to adjudicate eleven overlapping grounds—including numerous alternative combinations of Moquin, Swanson, Liu, Andersen, Dean, and Noujaim—to remove, at most, one patent from a five-patent litigation. The substantial resources required to adjudicate these overlapping grounds, compared with the limited simplification this proceeding could achieve, strongly favor denial of the -00412.

III. CONCLUSION

For these reasons, Patent Owner respectfully requests discretionary denial of the -00412 Petition.

Respectfully submitted,

/ Kenneth J. Weatherwax /

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Date: October 13, 2026

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 DISCRETIONARY DENIAL BRIEF

EXHIBITS 2005-2009

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