

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ONEPLUS TECHNOLOGY (SHENZHEN) CO., LTD.

Petitioner

v.

PANTECH CORPORATION

Patent Owner

IPR2025-00637

U.S. PATENT 9,763,283

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

LIST OF EXHIBITS

Exhibit	Description
EX1001	U.S. Patent No. 9,763,283 to Jung <i>et al.</i>
EX1002	Prosecution History of U.S. Patent No. 9,763,283
EX1003	Declaration of Dr. Robert Akl
EX1004	U.S. Patent No. 10,631,222 to Dudda <i>et al.</i>
EX1005	U.S. Provisional Application No. 61/754,322 in the name of Dudda <i>et al.</i>
EX1006	International Patent Application Publication No. 2014/110813 in the name of Lin <i>et al.</i>
EX1007	U.S. Patent Application Publication No. 2011/0134774 in the name of Pelletier <i>et al.</i>
EX1008	“LTE; Evolved Universal Terrestrial Radio Access (E-UTRA); Physical Layer Procedures (3GPP TS 36.213 version 11.0.0 Release 11),” ETSI TS 136 213 V11.0.0 (2012-10), available at https://www.etsi.org/deliver/etsi_ts/136200_136299/136213/11.00.00_60/ts_136213v110000p.pdf
EX1009	“LTE; Evolved Universal Terrestrial Radio Access (E-UTRA) and Evolved Universal Terrestrial Radio Access Network (E-UTRAN); Overall Description; Stage 2 (3GPP TS 36.300 version 11.3.0 Release 11),” ETSI TS 136 300 V11.3.0 (2012-11), available at https://www.etsi.org/deliver/etsi_ts/136300_136399/136300/11.03.00_60/ts_136300v110300p.pdf
EX1010	“LTE; Evolved Universal Terrestrial Radio Access (E-UTRA); Medium Access Control (MAC) Protocol Specification (3GPP TS 36.321 version 11.0.0 Release 11),” ETSI TS 136 321 V11.0.0 (2012-10), available at https://www.etsi.org/deliver/etsi_ts/136300_136399/136321/11.00.00_60/ts_136321v110000p.pdf
EX1011	E. Dahlman <i>et al.</i> , “4G LTE/LTE Advanced for Mobile Broadband,” 1st ed. Elsevier, 2011
EX1012	U.S. Patent No. 9,814,075 to Kim <i>et al.</i>
EX1013	U.S. Patent Application Publication No. 2012/0281548 in the name of Lin <i>et al.</i>
EX1014	U.S. Patent Application Publication No. 2013/0028069 in the name of Pelletier <i>et al.</i>

Exhibit	Description
EX1015	U.S. Patent No. 9,118,452 to Park <i>et al.</i>
EX1016	<i>Pantech Corp. et al. v. Oneplus Tech. (Shenzhen) Co., Ltd.</i> , 5:24-cv-00038-RWS-JBB (E.D. Tex.), Dkt. No. 47, First Amended Docket Control Order
EX1017	A. Atayero, <i>et al.</i> , “3GPP Long Term Evolution: Architecture, Protocols and Interfaces,” International Journal of Information and Communication Technology Research, Volume 1, No. 7, November 2011
EX1018	Declaration of Zhe Wang
EX1019	Declaration of Jia Hui Jiang
EX1020	Correspondence with Patent Owner dated May 22, 2025
EX1021	<i>Pantech Corp. et al. v. Oneplus Tech. (Shenzhen) Co., Ltd.</i> , 5:24-cv-00038-RWS-JBB (E.D. Tex.), Dkt. No. 1, Complaint for Patent Infringement
EX1022	<i>Pantech Corp. et al. v. Oneplus Tech. (Shenzhen) Co., Ltd.</i> , 5:22-cv-00069-RWS (E.D. Tex.), Dkt. No. 6, First Amended Complaint for Patent Infringement
EX1023	<i>Pantech Corp. et al. v. Oneplus Tech. (Shenzhen) Co., Ltd.</i> , 5:22-cv-00069-RWS (E.D. Tex.), Dkt. No. 223, Redacted Amended Joint Final Pretrial Order
EX1024	“Albright Worried Multipatent Trials Ask Too Much Of Jurors,” Law360 (Dec. 18, 2020), at https://www.law360.com/articles/1337976/albrightworriedmultipatent-trials-ask-too-much-of-jurors
EX1025	<i>Sonos Inc. v. D&M Holdings, Inc.</i> , 1:14-cv-01330-WCB (D. Del.), Dkt. No. 418, Discovery Dispute Letter Brief
EX1026	<i>Pantech Corp. et al. v. Oneplus Tech. (Shenzhen) Co., Ltd.</i> , 5:24-cv-00038-RWS-JBB (E.D. Tex.), Plaintiff’s Patent Infringement Contentions
EX1027	USPTO Recordation of Patent Assignment Document, Reel: 052662 Frames: 0609-0638
EX1028	<i>Pantech Corp. v. Oneplus Tech. (Shenzhen) Co., Ltd.</i> , 5:25-cv-00089 (E.D. Tex.), Dkt. No. 1, Complaint for Patent Infringement
EX1029	Docket Navigator Statistics for Judge Schroeder in E.D. Tex
EX1030	<i>Pantech Corp. et al. v. Oneplus Tech. (Shenzhen) Co., Ltd.</i> , 5:24-cv-00038-RWS-JBB (E.D. Tex.), Dkt. No. 12, Joint Motion to Stay

Exhibit	Description
	Proceedings
EX1031	<i>Pantech Corp. et al. v. Oneplus Tech. (Shenzhen) Co., Ltd.</i> , 5:22-cv-00069-RWS (E.D. Tex.), Dkt. No. 259, Verdict Form
EX1032	<i>Pantech Corp. et al. v. Oneplus Tech. (Shenzhen) Co., Ltd.</i> , 5:22-cv-00069-RWS (E.D. Tex.), Dkt. No. 499, Final Judgment
EX1033	<i>Pantech Corp. et al. v. Oneplus Tech. (Shenzhen) Co., Ltd.</i> , 5:22-cv-00069-RWS (E.D. Tex.), Dkt. No. 502-1, Redacted Version of Court's Order (Dkt. No. 498)
EX1034	<i>Pantech Corp. v. OnePlus Tech. (Shenzhen) Co., Ltd.</i> , 5:24-cv-00038-RWS-JBB, (E.D. Tex.), Dkt. No. 85, Order
EX1035	<i>Pantech Corp. v. OnePlus Tech. (Shenzhen) Co., Ltd.</i> , 5:24-cv-00038-RWS-JBB, (E.D. Tex.), Dkt. No. 86, Third Amended Docket Control Order

All emphases in quotations are added unless otherwise noted.

Shortly after Petitioner filed its Opposition, the court in the parallel litigation, *sua sponte*, modified the schedule by extending certain deadlines and *vacating* the trial date. *See* EX1034; EX1035. Specifically, the court reset the pretrial conference to April 28, 2026 (EX1035, 1) and ordered that “jury selection and trial date will now be set following the pretrial conference.” EX1034. Thus, there is currently *no* trial date. EX 1035, 1 (trial date is “TBD”).

The court explained that the adjustments are intended to resolve issues pretrial to ensure trial presentations are fully developed and efficiently delivered. EX1034. This is understandable, given that the litigation involves eight patents from eight different families, each relating to distinct aspects of sophisticated 4G/5G technologies. *See* DD Opp. 14-16; *see also*, *Shenzhen Tuozhu Tech. Co. Ltd. v. Stratasys, Inc.*, IPR2025-00531, Paper 10 at 3 (Director July 17, 2025). Since *no* trial is scheduled and Petitioner intends to seek a stay, trial is unlikely to occur before **Judge Schroeder’s** median time-to-trial—December 2026—two months after the projected FWD date in October 2026. DD Opp. 32-34. Conversely, the Eastern District of Texas’s median-time-to-trial data (EX2002, 35) cited by Patent Owner is inapplicable because it projected a trial date (January 2026) that falls *before* the scheduled pretrial conference date (April 28, 2026). DD. Req. 6. Under *Fintiv* factor 2, these facts weigh heavily against discretionary denial. *See RØDE Microphones LLC v. Zaxcom, Inc.*, IPR2025-00557, Paper 11 at 2 (Director July 17, 2025).

Respectfully submitted,

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CERTIFICATION UNDER 37 C.F.R. § 42.24

This Petitioner's Supplemental Brief in Opposition to Patent Owner's Request for Discretionary Denial complies with the requirements of 37 C.F.R. § 42.24. As calculated by the word count feature of Microsoft Word, it contains 244 words, excluding the parts exempted by § 42.24.

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CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing **Petitioner's Supplemental Brief in Opposition to Patent Owner's Request for Discretionary Denial and Exhibits 1034-1035** were served on July 22, 2025, via email, as agreed to by counsel of record for the Patent Owner, at the following.

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Dated: July 22, 2025

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