

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

META PLATFORMS, INC.,
Petitioner,

v.

MULLEN INDUSTRIES LLC,
Patent Owner.

Case No. IPR2025-00745
U.S. Patent No. 9,662,582

**PATENT OWNER MULLEN INDUSTRIES LLC'S
REPLY TO PETITIONER'S OPPOSITION TO MOTION TO DISMISS**

The Board has broad discretion to dismiss a petition and terminate a trial where appropriate, including terminating the proceeding without final written decision when a patent owner has disclaimed all claims at issue. 37 C.F.R. § 42.71(a) (“The Board may take up petitions or motions for decisions in any order, may grant, deny, or dismiss any petition or motion, and may enter any appropriate order.”); 37 C.F.R. § 42.72 (“The Board may terminate a trial without rendering a final written decision, where appropriate....”). Here, granting Mullen’s motion to dismiss is appropriate, because Mullen filed statutory disclaimers on all challenged claims for the sole purpose of avoiding unnecessary burden and expense for the Board and the parties. The parties are engaged in district court litigation (*Mullen Industries LLC v. Meta Platforms, Inc.*, Case No. 1-24-cv-00354 (W.D. Tex.)), in which Mullen asserts numerous claims of the patents at issue in Meta’s IPRs (IPR2025-00702, IPR2025-00703, IPR2025-00737 through IPR2025-00746). Meta’s petitions challenge only a subset of the asserted claims in the district court litigation. Thus, although Mullen believes that the challenged claims are valid, Mullen elected to disclaim the challenged claims and proceed with its district court case on its remaining asserted claims in order to expedite that case.

Meta argues that Mullen’s Motion should instead be construed as a request for adverse judgment under 37 C.F.R. § 42.73(b). Under the current circumstances, the Board should decline to treat Mullen’s disclaimer as a request for adverse

judgment. For example, in *Unified Patents Inc. v. Data Scape Ltd.*, after institution of the IPR, the patent owner filed a disclaimer of all challenged claims after the Federal Circuit affirmed a district court decision invalidating all claims of the challenged patent under 35 U.S.C. § 101. *Unified Patents Inc. v. Data Scape Ltd.*, IPR2019-011115, Paper 27 (PTAB July 17, 2020). Although the patent owner had disclaimed all challenged claims such that no claim remained in the trial, the Board terminated the proceedings under § 42.72 instead of entering adverse judgment against the patent owner under §42.73(b). *Id.* (“Under these circumstances, with no claims remaining to be challenged, we determine that it is appropriate to terminate this *inter partes* review [under 37 C.F.R. § 42.72].”). Similarly, here, the circumstances warrant termination under § 42.72.

Accordingly, Mullen respectfully requests that the Board grant Mullen’s motion to dismiss.

Dated: November 21, 2025

Respectfully submitted,

/s/ Peter F. Snell

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CERTIFICATE OF SERVICE

I certify that a copy of this Patent Owner's Motion to Dismiss is being served
by electronic mail on the following counsel of record:

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