UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MARVELL SEMICONDUCTOR, INC.,
Petitioner,

v.

CREDO TECHNOLOGY GROUP LTD.,
Patent Owner.

Case IPR2025-01218
U.S. Patent No. 10,877,233

PATENT OWNER'S REPLY IN SUPPORT OF ITS REQUEST FOR DISCRETIONARY DENIAL

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Patent Trial and Appeal Board
U.S. Patent and Trademark Office
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TABLE OF CONTENTS

TABLE OF EXHIBITS

Exhibit	Description
2001	Credo's Corrected Unopposed Motion to Partially Terminate the Investigation by Withdrawing Allegations With Respect to U.S. Patent No. 10,877,233, 337-TA-1446
2002	Credo's and Fish & Richardson P.C.'s Opposition to Non-Party Marvell Semiconductor, Inc.'s Motion to Disqualify, 337-TA-1446 (public version)
2003	In re Certain Active Electrical Cables and Components Thereof, Inv. No. 337-TA-3814, Complaint (Mar. 13, 2025).
2004	"Credo Introduces PAM4 DSP for High Performance Data Centers and Enterprise Networks," March 17, 2021, https://credosemi.com/credo-introduces-pam4-dsp-for-high-performance-data-centers-and-enterprise-networks/
2005	"AEC Applications," https://credosemi.com/products/hiwire-aec/applications/
2006	"Credo Introduces 800G HiWire ZeroFlap AECs to Support AI Backend Networks," October 10, 2024, available at https://s205.q4cdn.com/511065572/files/doc_news/2024/10/credo-introduces-800g-hiwire-zeroflap-aecs-to-support-ai-backend-networks.pdf
2007	"CREDO Receives Cabling Installation & Maintenance Innovators 2019 Gold Award for HiWire™ Active Electrical Cables (AEC)," October 1, 2019, https://credosemi.com/news/credo-receives-cabling-installation-maintenance-innovators-2019-gold-award-for-hiwire-active-electrical-cables-aec/
2008	"Credo Files AEC Patent Infringement Complaint Against Amphenol, Molex, TE Connectivity, and Volex with United States International Trade Commission," March 13, 2025, https://investors.credosemi.com/news-events/news/news-details/2025/Credo-Files-AEC-Patent-Infringement-Complaint-Against-Amphenol-Molex-TE-Connectivity-and-Volex-with-United-States-International-Trade-Commission/default.aspx
2009	Order No. 21 Granting Corrected Motion to Terminate the Investigation by Withdrawing Allegations With Respect to U.S. Patent No. 10,877,233, 337-TA-1446
2010	Order Granting Defendant Molex, LLC's Unopposed Motion to Stay, April 23, 2025, Civil Action No. 25-cv-316, Dist. Del.

Exhibit	Description
2011	Order Granting Defendant TE Connectivity PLC's Unopposed Motion to Stay Pending ITC Determination, Apr. 16, 2025, Civil Action No. 25-cv-00297, E.D. Tex.

I. INTRODUCTION

In its request for denial of institution (Paper 6), Credo stated the facts that "Marvell by itself does not infringe the '233 Patent," "Marvell faces no legal threat of infringement," "Marvell does not make AEC systems," and "Marvell's parts have many uses other than AEC systems." Paper 6 at 2, 8. Each of these statements is true, unambiguous, and applies solely to Petitioner Marvell. These statements also weigh in favor of denying institution. In response, Petitioner attempts to expand these statements into twisted interpretations that strain credulity. Credo files this short reply solely to correct Petitioner's mistaken narrative.

II. ARGUMENT

As part of the case narrowing procedures in the ITC Investigation, Credo withdrew its infringement allegations as to the '233 Patent in favor of pursuing infringement claims as to the other two asserted patents. Ex-2001. Credo has also publicly stated that Petitioner Marvell by itself does not infringe the '233 Patent. Ex-2002, 1. As Marvell faces no threat of infringing the '233 Patent, institution of the present proceedings would only serve as an inefficient use of the Board's

resources. *See generally* Stewart Memo.[1] Conversely, denying institution here would conserve Board resources and also help protect the integrity of the patent system as a whole. *See id.*

Rather than withdraw its now-moot challenge, Marvell manufactures controversy where there is none. For example, Marvell criticizes Credo for "not [withdrawing] its infringement allegations in district court, [and] not [taking] any action to dismiss with prejudice its claims for infringement based on the '233 patent in the two pending cases against Marvell's customers." Paper 7 at 12-13. The simple answer here is that those district court proceedings are stayed pending completion of the ITC Investigation. *See* Ex-2010, Ex-2011. As Marvell surely knows, until the ITC Investigation is complete and the district courts lift the stays, Credo has no ability to take substantive action in the district court cases. *See* 28 U.S.C. § 1659(a) (indicating that the stay of a district court action based on a parallel ITC Investigation shall remain in place "until the determination of the Commission becomes final").

[1] Memorandum to All PTAB Judges from Coke Morgan Stewart Regarding the Interim Processes for PTAB Workload Management (March 26, 2025) ("Stewart Memo").

Marvell also offers inconsistent statements, on one hand stating that "[Credo] has refused to confirm that its public statements evidence a covenant not to sue Marvell and its customers on the '233 patent" (Paper 7 at 12), while also stating two sentences later that "Credo has offered a covenant not to sue Marvell directly for infringement of the '233 patent" (Paper 7 at 13). The truth is that Credo has not offered Marvell a covenant not to sue because that is unnecessary and would be pointless. As Credo unambiguously stated in its opening brief—and has since confirmed directly with Marvell—"Marvell by itself does not infringe the '233 Patent." Paper 6 at 2. The '233 patent poses no threat to Marvell, and thus there is no need for Credo to offer Marvell a covenant not to sue. For the same reason, institution of the present proceeding would be an inefficient use of judicial resources. There is simply no live dispute for the Board to resolve.

III. CONCLUSION

For all of these reasons, and those identified in its opening brief (Paper 6), Credo respectfully requests denial of the Petition.

Date: November 24, 2025

Respectfully submitted,

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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e)(4), I hereby certify that on November 24, 2025, a true and correct copy of the foregoing was served by electronic mail upon the following counsel of record for Petitioners:

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