

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

AVANT LOCATION TECHNOLOGIES LLC,
Patent Owner.

IPR2025-01262
U.S. Patent No. 9,485,621

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

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I. Introduction

Institution of this IPR is a good use of Office resources because:

- **Apple had settled expectations of nonenforcement**: A sole inventor in Spain developed the '621 patent family and assigned it to a Spanish entity called Afirma Consulting & Technologies SL. The patent family is directed to mobile telephone network operations, which is not Apple's technology space. Further, the family sat idle for nearly a decade until it was assigned to another non-practicing entity: Avant Location Technologies, the Patent Owner here. Under these facts, Apple did not expect enforcement because there is no evidence Afirma ever commercialized, asserted, marked, licensed, or applied the family in Apple's technology space. And Avant's assertion that Apple received notice of the family in 2019 is incorrect.
- **Avant's litigation strategy renders *Fintiv* moot**. Avant sued Apple in EDTX but then dismissed the suit when it was transferred. Avant then re-filed its complaint in WDTX *after* this IPR was filed, meaning that a final written decision will issue almost **18 months** before trial. *Fintiv* is not an issue here.
- **The Examiner materially erred**: The Examiner issued prior art rejections for some claims in the family, while failing to do so for others with essentially identical scope and priority date. This inconsistent treatment of patentably indistinct claims is *prima facie* evidence of material error.

II. Apple's Settled Expectations of Nonenforcement

Avant alleges it has settled expectations based on the age of the '621 patent (9 years) and asserts that the situation is "exacerbated by the fact that Petitioner did have actual notice." DD Req. 10. As an initial matter, Apple did *not* have actual notice of the '621 patent family in 2019 as Avant asserts. Patent Owner's only support for this "actual notice" is a cite to its district court complaint, which alleges (without evidence) that Afirm "provided affirmative notice to Apple regarding Afirm's portfolio." See DD Req. 10-11 (citing Ex.2007 ¶25). When asked to provide the correspondence referred to in the complaint, Avant provided a single email sent to Michael Bertelson of the Kilpatrick Townsend law firm dated February 6, 2019. Apple reached out to Mr. Bertelson but he has no record or recollection of receiving such an email. Ex.1082 ¶¶4-6 (declaration of Michael Bertelson). He similarly has no record or recollection of forwarding any such email to anyone at Apple. *Id.* The Kilpatrick Townsend IT department confirms they have no record of Mr. Bertelson forwarding the alleged email to Apple. Ex.1089 ¶¶3-5 (declaration of IT Director). Mr. Bertelson has done limited work for Apple and has never held himself out as Apple's representative on patent acquisition or licensing issues. Ex.1082 ¶2. As such, Apple has moved to dismiss the allegation of pre-suit knowledge of the '621 patent family in the district court litigation for lacking any factual support in Avant's complaint. Ex.1090.

Apple had no reason to know of the '621 patent family's existence in 2019 and reasonably maintained settled expectations of nonenforcement, at least for the reasons below.

A. Apple did not expect enforcement because the '621 patent is outside of Apple's technology space.

Even if Apple had notice of the '621 patent in 2019 (it did not), it had no reason to expect enforcement because the patent describes technology outside of Apple's technology space. The '621 patent relates to mobile telephone network operations and describes its techniques as being "advantageous" to mobile network operators. Ex.1001, 2:15-20; 2:53-61. The context of the '621 patent is a "mobile telephone network" that utilizes "a large number of base stations" to "provide [] telecommunication service[s]." *See* Ex.1001, 1:30-37. The mobile network operator can employ the base stations to create "special areas" and charge users different "tariffs" depending on whether or not they are in a "special area." *See* Ex.1001, 11:12-33. This tariff concept is specifically recited in dependent claims 3 and 12.

Apple does not operate mobile telephone networks, configure base stations in such networks, or employ tariffs based on special areas. Ex.1075 (Apple's online storefront showing a lack of mobile network operations products). Nor does Apple possess or manage the infrastructure to conduct such operations. Ex.1001, 1:33-37 (explaining a mobile telephone network includes "a large number of base

stations”), FIG. 3 (showing base stations placed over a geographical area).

Apple thus had no reason to expect enforcement of the '621 patent because it is outside of Apple's technology space. *See Home Depot U.S.A., Inc. v. H2 Intellect LLC*, IPR2025-00480, Paper 11 (Director Sept. 4, 2025) (weight for referral when the petitioner did not have reason to anticipate assertion of the patent because the patent owner previously asserted it against technologies outside the petitioner's field).

B. Patent Owner has not commercialized, asserted, marked, licensed, or applied the '621 patent in Apple's technology space.

Avant does not point to any evidence that the '621 patent (or any member of its family) was ever commercialized, asserted, marked, publicly licensed, or applied during the decade it was assigned to Spanish consulting company Afirmia. *See generally* DD Req. The '621 patent family sat idle until Avant acquired it from Afirmia in May 2023. Ex.1083, 5 (showing May 2023 assignment). Shortly after that acquisition, Avant filed suit against Ecobee Technologies, a maker of smart thermostats (another product that Apple does not sell). *Avant Location Techs. LLC v. Ecobee Techs. ULC d/b/a Ecobee*, 2-23-cv-00354 (E.D. Tex. July 31, 2023) (“Ecobee Litigation”). Avant subsequently asserted members of the family against Samsung, Apple, and others in 2024. *E.g., Avant Location Techs. LLC v. Samsung Electronics Co., Ltd.*, 2-24-cv-00133 (E.D. Tex. Feb. 23, 2024). Prior to those 2024 assertions against Apple and Samsung, there is no evidence the '621 patent

was ever commercialized, asserted, marked, licensed, or otherwise applied in Apple's particular technology space. *See e.g., Intel Corporation v. Proxense LLC*, IPR2025-00327, Paper 12 (Director June 26, 2025) (weight towards referral when the patent is not commercialized, asserted, marked, licensed, or otherwise applied in petitioner's particular technology space).

Apple simply had no reason to know of or expect assertion of the '621 patent and its family. Apple thus had settled expectations of nonenforcement, which weigh heavily against discretionary denial.

III. The examination of the '621 patent was materially deficient.

Any settled expectations Avant may allege based on the age of the patent are outweighed by the materially deficient examination of the '621 patent family. *See, Anthony Inc. v. ControlTec, LLC*, IPR2025-00559, Paper 12 (Director July 16, 2025) (finding Examiner material error overcomes settled expectations).

Specifically, the Examiner issued prior art rejections for some claims in the family, while failing to do so for others with essentially identical scope and priority date.

This inconsistent treatment of patentably indistinct claims is *prima facie* evidence of material error.

A. The Examiner issued prior art rejections for some claims, while failing to do so for others with essentially identical scope and same priority date.

The '621 patent (outlined in purple) is part of a large patent family with ten

issued U.S. patents, a portion of which are shown below.

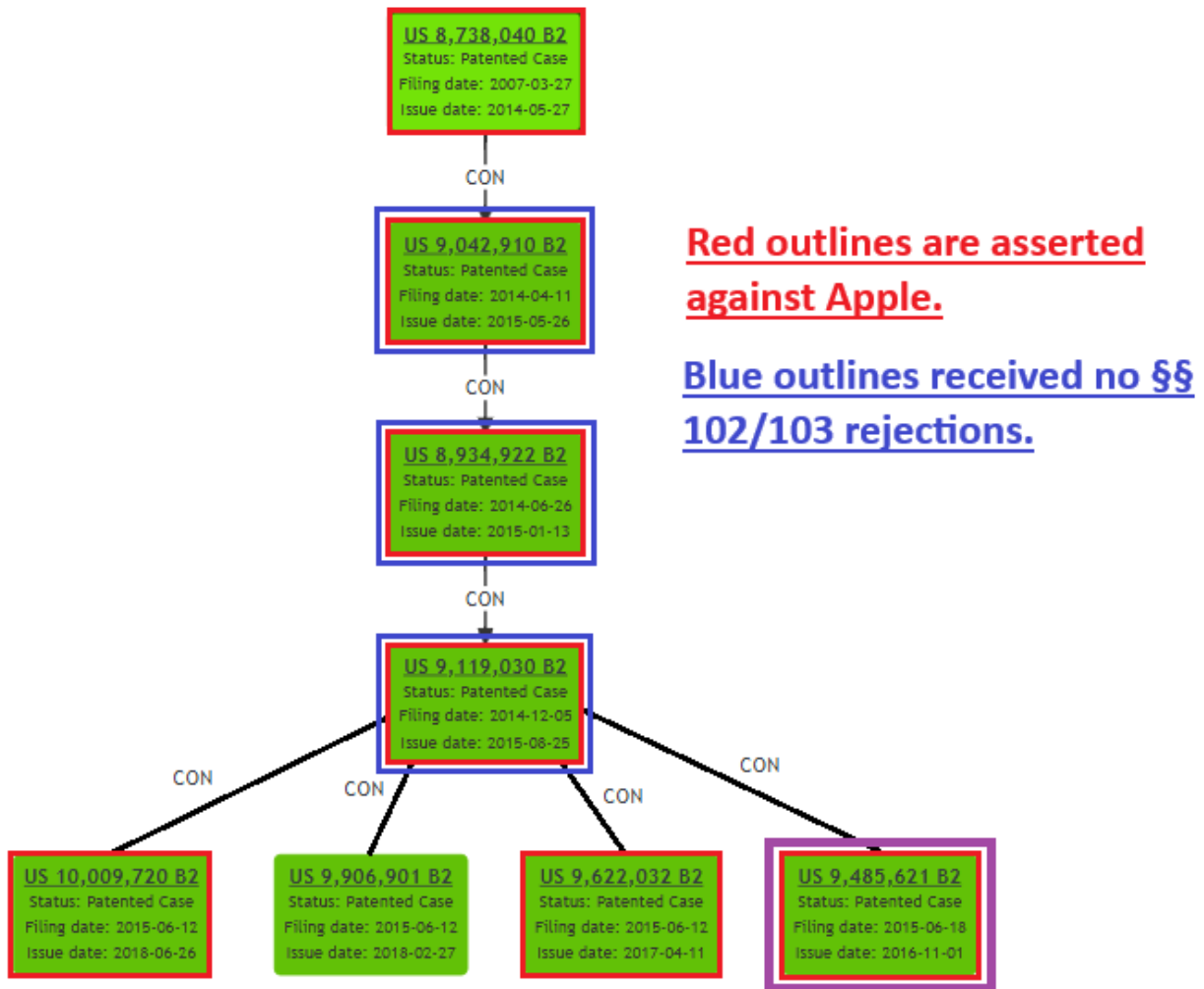


FIG. 1, Part of the '621 Patent Family

The family's national stage entry occurred with U.S. Patent No. 8,738,040 ("the '040 patent"). Once the Examiner allowed the '040 patent in 2014, the Applicant quickly filed three subsequent applications that same year ('910, '922, '030)—all of which were allowed *without a single §§ 102 or 103 rejection*. Ex.1077, 1-11, 12-18 (showing no prior art rejections for the '910 and '030

patents); Ex.1078 (prosecution history showing first action allowance for the '922 patent). This alone was error given the availability of novelty-destroying prior art, as illustrated in Apple's petitions challenging the '910, '922, and '030 patents. The subsequent examinations of the later '720, '621, and '901 patents underscore the seriousness of this error.

The Examiner found the pending claims of the '720, '621, and '901 patents "not patentably distinct" from the claims of the earlier '910, '922, '030 patents and issued non-statutory double patenting rejections (which were overcome with terminal disclaimers). Ex.1076, 4, 6; Ex.1085, 2-10. The Examiner, however, *also* identified prior art and rejected the newer pending claims, despite the claims being "not patentably distinct" from earlier claims that did *not* receive a prior art rejection. *See generally* Ex.1077, 1-11, 12-18 (showing no prior art rejections for the '910 and '030 patents); Ex.1078 (prosecution history showing first action allowance for the '922 patent). There is no justifiable reason why substantively identical claims would prompt prior art rejections in some instances (the '720, '621, and '901 patents) but not others (the '922, '030, and '910 patents). This inconsistency illustrates a *prima facie* case of materially deficient examination at least for the '922, '030, and '910 patents.

The Director routinely finds that this particular type of material error warrants referral. *See, e.g., ClearCorrect Operating, LLC v. Align Technology,*

Inc., IPR2025-00814, Paper 14 (Director Aug. 29, 2025) (finding persuasive material error when the examiner allowed claims but subsequently rejected substantially similar limitations in child applications); *Western Digital Technologies, Inc. v. Godo Kaisha IP Bridge 1*, IPR2025-00701, Paper 9 (Director Aug. 14, 2025) (finding persuasive material error when the examiner identified allowable subject matter in a parent patent but later rejected that same subject matter in a child application).

B. The Examiner's error permeates the family.

The Examiner's failure to issue any prior art rejections for the '910, '922, and '030 patents is a substantive error that permeates the family and warrants a global review.¹ Critically, the lack of prior art rejections early in the family erroneously signaled to the Applicant that the claimed concepts were novel, prompting the Applicant to pursue ever-broader claims in continuation applications without proper context. Had appropriate scrutiny been applied at the family's inception, claim scope of the '910 patent and all subsequent patents would have been substantially narrower. The materiality of this cascading error is illustrated by Petitioner's identification of invalidating art for the '922, '030, '720, '032, and

¹ As shown in FIG. 1, the '910 patent onward includes six of the seven asserted patents: '910, '922, '030, '720, '032, and '621.

'621 patents in its respective IPR petitions.

It is an appropriate use of Office resources to review and correct these material errors in examination of the '621 patent and its family.

C. Misspellings and improperly narrow search scope tainted prosecution.

Over *seven years* of prosecution spanning *ten issued patents*, the Examiner repeatedly misspelled *the same words* in their prior art search strings. This error began with the first filed '040 application in 2007. For example, the Examiner misspelled the word tariff as “tarif” and distinct as “distint.” Ex.1086 (showing '040 search history) (error at searches: S9-S15, S27-28, and many more). These errors were repeated throughout the family. Ex.1079 (showing '030 search history) (error at searches: L2, L5, S11-S15, and many more). In addition to the misspellings, the Examiner routinely employed paragraph-length search strings that were narrower than the claims' scope. Ex.1086 (e.g., searches L1, L2, L7, S37-39, S56-57, S73-S75, and many more). The misspellings combined with the narrow searches considerably limited the prior art discoverable by the Examiner. These shortcomings were brought into sharp relief when a new Examiner took over for the '720 and '032 prosecutions and immediately identified new prior art with broader searches. Ex.1087, 1, 21 (showing Successor Examiner); *compare* Ex.1088 (broad searches by Successor Examiner: S10-S13, S18-S19, S24-S34), *with* Ex.1086 (overly narrow searches by the Original Examiner: searches L1, L2, L7,

S37-39, S56-57, S73-S75, and many more).

In sum, the '621 patent and its family are deserving of the thorough merits review they did not receive during prosecution. Referral is thus warranted.

IV. Discretionary denial under *Fintiv* is not warranted.

Fintiv does not warrant denial because Patent Owner elected to dismiss its original complaint filed in the Eastern District of Texas and refile in the Western District of Texas *after* Petitioner filed this IPR. DD Req., 1 n.1. As such, a final written decision will issue *almost 18 months before* the expected trial date. Patent Owner's focus on the unrelated Ecobee Litigation in the Request is a red herring intended to distract from its own litigation strategy that renders *Fintiv* inapplicable here.

A. Factor 1 strongly favors institution: stay is highly likely.

Soon after Patent Owner refiled its complaint in WDTX on October 1, 2025, Apple filed a motion to stay based on this already-pending IPR. Ex.1084. Stay is highly likely because all three factors the district court considers favor a stay: (i) IPR will decide validity well before any trial in the parallel litigation; (ii) Petitioner filed this IPR three weeks before Patent Owner filed the parallel WDTX litigation; and (iii) Patent Owner (a non-practicing entity) will not be prejudiced by a stay. *Id.* This factor weighs strongly for referral. *Google LLC v. Withrow Networks Inc.*, IPR2025-00775, Paper 10 (Deshpande May 16, 2025) (weight towards referral

when petitioner provides evidence showing likelihood of a stay).

B. Factor 2 strongly favors institution: trial is not yet scheduled.

Due to the early stage of the parallel WDTX litigation, no trial date has been set, nor has the court issued a scheduling order. Moreover, the median time to trial from filing in the Western District Court of Texas is 35.6 months (Ex.1080, 2)—putting a hypothetical trial in September 2028, *almost 18 months after* the expected final written decision in March 2027. DD Req. 7 n.4.

Patent Owner alleges this factor favors denial because of “[t]he proximity of the Ecobee Litigation’s trial date to the Board’s projected statutory deadline for a Final Written Decision.” DD Req. 6-7. For support, Patent Owner cites ten PTAB decisions holding that denial is favored when a parallel jury trial is scheduled to occur prior to a FWD. *Id.* These cases, however, are inapplicable because they do not address the facts here. In all the cited cases, the petitioner was the defendant in the parallel proceeding or substantially related to the defendant. Here, Apple is *not* a party to the Ecobee Litigation, nor is it substantially related to Ecobee.

The PTAB treats this situation differently. When the petitioner is not a party to the parallel proceeding relied upon for discretionary denial, “*Fintiv* factor 2 weigh[s] strongly against exercise of discretion.” *Bose Corp. v. Koss Corp.*, IPR2021-00680, Paper 15 at 13-14 (PTAB Oct. 13, 2021) (citing *Owens Corning v. Kirsch Research and Development, LLC*, IPR2020-01389, Paper 11 at 11 (PTAB

Feb. 18, 2021)). The facts in *Owens Corning* parallel those here: “*Fintiv* factors 1 and 2 weighed strongly against exercise of discretion where the petitioner was not alleged to be a party in the parallel litigation scheduled for trial prior to the projected FWD deadline but was instead a defendant in a separate litigation that did not have a set trial date.” *Bose Corp.*, IPR2021-00680, Paper 15 at 14 (citing *Owens Corning*, Paper 11 at 11). Subsequent Board decisions further confirmed the critical distinction between related and unrelated parallel proceedings recognized by the *Owens Corning* panel. *See, e.g., Bose Corp.*, Paper 15 at 13-14 (explaining *Owens Corning*’s *Fintiv* factor 2 analysis); *Savant Technologies LLC v. Feit Electric Co.*, IPR2024-01357, Paper 17 at 9-12 (PTAB Mar. 5, 2025) (analyzing *Fintiv* factor 2 and giving less weight to litigation not involving the petitioner).

The Director should apply the principles espoused in *Owens Corning*, *Bose*, and *Savant* here. *Fintiv* factor 2 turns on whether the petitioner is a party in the parallel litigation cited by Patent Owner as a basis for discretionary denial. Here, because Apple is not a party to the Ecobee Litigation—and no trial date is set in the WDTX litigation to which Apple is a party—factor 2 weighs strongly against denial. *Google LLC v. Brodti Inc.*, IPR2025-00472, Paper 19 at 2 (PTAB June 25, 2025) (weight towards referral when no trial date is scheduled and median time to trial statistics suggest trial would begin significantly after the projected FWD).

C. Factor 3 weighs against denial: Minimal relevant investment and diligent filing.

Factor 3 weighs against discretionary denial because the WDTX proceeding involving both Petitioner and Patent Owner is in its infancy. Investment in the related proceedings has been minimal, as there is no scheduling order. *See generally* DD Req. Per *Fintiv*, “[i]f, at the time of the institution decision, the district court has not issued orders related to the patent at issue in the petition, this fact weighs against exercising discretion to deny institution.” *Fintiv*, 10. Here, given the lack of a scheduling order, there is no indication that *any* order will issue prior to institution. Factor 3 thus weighs against discretionary denial.

Despite this, Patent Owner inexplicably argues that the parties’ investment in the *unrelated* Ecobee Litigation weighs toward denial. DD Req. 8-10 (noting that “the parties have already exchanged infringement and invalidity contentions,” etc.). Patent Owner does not explain how actions in a different proceeding with a different defendant (Ecobee) before a different court (EDTX) have any bearing on this factor.

Patent Owner additionally alleges that the investment of the parties in the previous EDTX litigation—which was dismissed because Patent Owner filed in the incorrect venue—demonstrates investment in this proceeding. DD Req. 9; Ex.1081 (order dismissing as modified for improper venue). Patent Owner points to the fact that Apple and Patent Owner agreed to retain their “*own* confidential information”

from the previous litigation in an October email exchange. DD Req. 9-10 (citing Ex.2006) (emphasis added). That agreement is not the “smoking gun” Patent Owner suggests. It is unremarkable that each party would retain their *own* confidential information. In fact, the parties are required by the EDTX protective order to destroy or return the confidential information produced by the *other party*. Ex.2006, 2-4. Any investment in the now-dismissed EDTX litigation is therefore moot. This is especially true given that WDTX has different discovery procedures and practices than EDTX, and individual judges have their own rules with which the parties need to comply. Ex.2006, 3.

Even if the dismissed EDTX litigation were considered, this factor still strongly favors referral. The EDTX court addressed issues—such as improper venue and Apple’s motion to transfer—that have no application to the current case. Ex.1081. The parties did not file claim construction briefing, and fact discovery ceased at an early stage. Ex.1084, 12. For example, Patent Owner produced a mere 94 documents, most of which were public documents such as file histories and screenshots of Apple’s website. *Id.* No depositions of fact witnesses from either party were taken. *Id.* Thus, discovery essentially must start anew in the current WDTX litigation.

Since investment in the related WDTX parallel proceeding has been minimal, factor 3 weighs strongly against denial.

D. Factor 4 weighs strongly against denial: Petitioner's "Sotera Plus" stipulation and focused challenge.

Factor 4 weighs strongly against denial because Petitioner's *Sotera Plus* stipulation negates any worries of duplication in the pertinent WDTX parallel proceeding, and the Petition presents focused challenges to the '621 patent claims not present in the Ecobee litigation.

1. Petitioner's Sotera Plus stipulation negates duplicate litigation concerns in the parallel proceeding.

Patent Owner's speculation that Apple "likely" intends to reuse the Petition's same grounds and references in the parallel litigation is unavailing in light of Petitioner's broad *Sotera Plus* stipulation. DD Req. 6 n.3; Paper 6.

Apple's stipulation negates concerns that any issue before the Board in this proceeding will be relitigated in the parallel proceeding. *Fintiv* factor 4, therefore, weighs strongly against discretionary denial. *See, e.g., Tesla, Inc. v. Intellectual Ventures II LLC*, IPR2025-00217 Paper 9 at 2 (Director June 13, 2025) (finding that Tesla's broad *Sotera Plus* stipulation "counsel[s] against discretionary denial").

2. The Petition presents a focused challenge materially different from the Ecobee litigation.

Patent Owner ignores Petitioner's stipulation and focuses instead on the unrelated Ecobee litigation, alleging that "the Petition challenges the claims asserted in the Ecobee Litigation...under the same grounds." DD Req. 5. Not so.

The Request points to three prior art references applied in Petition—Putkiranta, Kraufvelin, and Rachabathuni—that are also listed in the Invalidity Contentions in the Ecobee Litigation (along with dozens of other references). *Id.* The Invalidity Contentions, however, do not present the same grounds using these references as the Petition. *See* Ex.2004, 20-26. Despite combining dozens of references in hundreds of different “exemplary obviousness combinations,” Putkiranta, Kraufvelin, and Rachabathuni are not combined or asserted in the same manner as the Petition. *See* Petition, 17 (Ground 1: Putkiranta and Kraufvelin; Ground 2: Putkiranta, Kraufvelin, and Granberg; Ground 3: Rachabathuni; Ground 4: Rachabathuni and Granberg). For example, with respect to the '621 patent, the Contentions list Putkiranta as a primary reference, but do *not* list Kraufvelin as a potential secondary combination reference. Ex.2004, 25 (“Putkiranta in combination with any of Kim, Merheb, Miriyala, Chithambaram, or Mannings; alternatively, further with any of Jokimies, Knauerhase, Rachabathuni, Titmuss, Tran Xuan, and Sohn.”). Further, the Contentions do not list Rachabathuni as a primary reference or anticipatory reference at all. *Id.* at 20, 25. Patent Owner also fails to acknowledge that the different grounds in the Petition are supported by different evidence and expert testimony. Petitioner’s expert is not involved in the Ecobee litigation.

Fintiv advises that “if the petition includes materially different...arguments,

and/or evidence than those presented in the district court, this fact has tended to weigh against exercising discretion to deny institution.” *Fintiv*, 12-13. Here, the grounds in the Petition are materially different than the contentions in the Ecobee Litigation and thus Patent Owner has not shown any meaningful overlap weighing toward denial.

For each of the reasons set above, *Fintiv* factor 4 strongly favors referral.

E. Factor 5 is neutral: Petitioner is a defendant in the parallel litigation.

Petitioner is a defendant in the parallel WDTX litigation, but not a defendant in the unrelated Ecobee litigation. This factor is thus neutral.

F. Factor 6 weighs against denial: The merits of the Petition are particularly strong.

Factor 6 favors institution because the Petition clearly shows that the ’621 patent claims only well-known subject matter. Patent Owner does not dispute the Petition’s strength. *See generally* DD Req.

G. Summary of *Fintiv* factors

Each *Fintiv* factor is either neutral or weighs against denial and thus referral is appropriate, as illustrated below.

Factor	Weight	Reason
1 (stay)	against denial	The district court is likely to grant Apple’s motion to stay.
2 (trial gap)	against denial	Trial is not scheduled yet and would likely take place 18 months after FWD.

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3 (investment)	against denial	There is no scheduling order and thus little, if any, investment.
4 (overlap)	against denial	<i>Sotera</i> plus stipulation; different grounds and evidence than in unrelated <i>Ecobee</i> litigation.
5 (same party)	neutral	Petitioner is defendant in parallel WDTX proceeding and not in <i>Ecobee</i> EDTX litigation.
6 (merits)	against denial	Strength of the patentability challenge is strong

H. Premature enforcement of the NPRM would violate the APA

The Petition should not be denied under the Office’s currently-binding *Fintiv* precedent, as illustrated by the analysis above. In particular, even though the unrelated *Ecobee* Litigation may determine the patentability of the ’621 patent before this IPR, the *Fintiv* factors as a whole urge referral. This is in contrast to a proposed rule in the Office’s October 16 notice of proposed rulemaking (“NPRM”) requiring the opposite: IPR shall not be instituted if it is “more likely than not” a “district court trial in which a party challenges the patent under 35 U.S.C. 102 or 103” will occur “before the due date for the final written decision.” 90 Fed. Reg. 48335 (Oct. 17, 2025) (proposing amendment to 37 C.F.R. Part 42).

Denying institution here based on the logic of the proposed rule prior to its publication as a Final Rule, when existing precedent counsels otherwise, would violate at least 5 U.S.C. § 553 of the APA.

V. Conclusion

For the above reasons, Petitioner respectfully requests that the Director refrain from exercising his discretion to deny this petition and instead consider the merits.

Respectfully submitted,

Date: December 17, 2025
HAYNES AND BOONE, LLP
2801 N. Harwood Street, Ste 2300
Dallas, Texas 75201
Customer No. 27683

/Scott Jarratt/
Scott T. Jarratt
Lead Counsel for Petitioner
Registration No. 70,297

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PETITIONER'S EXHIBIT LIST

Ex.1001	U.S. Patent No. 9,485,621
Ex.1002	Prosecution History of U.S. Patent No. 9,485,621
Ex.1003	Declaration of Dr. R. Michael Buehrer under 37 C.F.R. § 1.68
Ex.1004	<i>Curriculum Vitae</i> of Dr. R. Michael Buehrer
Ex.1005	U.S. Patent No. 8,615,256 (“Putkiranta”)
Ex.1006	U.S. Pub. No. 2006/0135174 (“Kraufvelin”)
Ex.1007 to Ex.1010	Reserved
Ex.1011	U.S. Patent No. 6,628,938 (“Rachabathuni”)
Ex.1012 to Ex.1017	Reserved
Ex.1018	3GPP TS 23.171, version 3.10.0 (Jun. 2003)
Ex.1019	3GPP TS 23.171, version 1.0.0 (Oct. 1999)
Ex.1020	Reserved
Ex.1021	3GPP TS 23.032, version 3.0.0 (May 1999)
Ex.1022 to Ex.1036	Reserved
Ex.1037	U.S. Patent No. 6,122,510 (“Granberg”)
Ex.1038	Reserved
Ex.1039	U.S. Patent No. 6,345,294 (“O’Toole”)

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Ex.1040	U.S. Pub. No. 2003/0105822 (“Gusler”)
Ex.1041	U.S. Pub. No. 2003/0167172 (“Johnson”)
Ex.1042	U.S. Pub. No. 2002/0126691 (“Strong”)
Ex.1043 to Ex.1063	Reserved
Ex.1064	Redline Chart Comparing Claim Sets of ’621 Patent
Ex.1065 to Ex.1070	Reserved
Ex.1071	U.S. Pub. No. 2004/0037255 (“Joong”)
Ex.1072	Reserved
Ex.1073	U.S. Patent No. 5,978,817 (“Giannandrea”)
Ex.1074	U.S. Pub. No. 2004/0010540 (“Puri”)
Ex.1075 (new)	Apple Store Online (accessed Dec. 9, 2025), https://www.apple.com/store
Ex.1076 (new)	Terminal Disclaimers for U.S. Pat. Nos. 9,042,910; 9,119,030; 10,009,720; and 9,485,621
Ex.1077 (new)	The Only Rejections of US Pat. Nos. 9,042,910 and 9,119,030
Ex.1078 (new)	Prosecution Docket for U.S. Pat. No. 8,934,922
Ex.1079 (new)	Examiner’s History for U.S. Pat. No. 9,119,030
Ex.1080 (new)	Table T-3—U.S. District Courts—Trials Statistical Tables For The Federal Judiciary (June 30, 2025), United States Courts, https://www.uscourts.gov/data-news/data- tables/2025/06/30/statistical-tables-federal-judiciary/t-3
Ex.1081	Order Granting as Modified Apple’s Motion to Dismiss For

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(new)	Improper Venue (Dkt. 93), <i>Avant Location Techs. LLC v. Apple Inc.</i> , Case No. 2:24-cv-00757-JRG (E.D. Tex. Sept. 13, 2025)
Ex.1082 (new)	Declaration of Michael Bertelson under 37 C.F.R. § 1.68
Ex.1083 (new)	Assignment of the '621 Patent Family from Prior Assignee to Patent Owner
Ex.1084 (new)	Motion to Stay by Apple Inc. (Dkt. 31), <i>Avant Location Techs. LLC v. Apple Inc.</i> , Case No. 7-25-cv-00445 (W.D. Tex. Oct. 1, 2025)
Ex.1085 (new)	Non-final Rejection of U.S. Pat. No. 9,906,901
Ex.1086 (new)	Examiner's Search History for U.S. Pat. No. 8,738,040
Ex.1087 (new)	Non-Final Rejections of U.S. Pat. Nos. 10,009,720 and 9,622,032
Ex.1088 (new)	Examiner's Search History for U.S. Pat. No. 9,622,032
Ex.1089 (new)	Declaration of Kilpatrick IT Department under 37 C.F.R. § 1.68
Ex.1090 (new)	Motion to Dismiss by Apple (Dkt. 34), <i>Avant Location Techs. LLC v. Apple Inc.</i> , Case No. 7-25-cv-00445 (W.D. Tex. Dec. 9, 2025)

CERTIFICATE OF SERVICE

The undersigned certifies, under 37 C.F.R. § 42.6, that service was made on the Patent Owner as detailed below.

Date of service December 17, 2025

Manner of service Electronic Service: PTAB@fabricantllp.com;
plambrianakos@fabricantllp.com;
vrubino@fabricantllp.com; jpymeto@fabricantllp.com;
jostling@fabricantllp.com

Documents served **Petitioner's Opposition to Patent Owner's Request for Discretionary Denial; Exhibits Ex.1075 – Ex.1090.**

Persons served Peter Lambrianakos
Vincent J. Rubino, III
Julian G. Pymeto
Jacob D. Ostling
FABRICANT LLP
411 Theodore Fremd Avenue, Suite 206 South
Rye, New York 10580

/Scott Jarratt/
Scott T. Jarratt
Lead Counsel for Petitioner
Registration No. 70,297