

No. 25-_____

**United States Court of Appeals
for the Federal Circuit**

IN RE MOTOROLA SOLUTIONS, INC.,

Petitioner.

On Petition for a Writ of Mandamus to the
Director of the United States Patent and Trademark Office,
Patent Trial and Appeal Board Nos. IPR2024-01205, IPR2024-01206,
IPR2024-01207, IPR2024-01208, IPR2024-01284, IPR2024-01285,
IPR2024-01313 & IPR2024-01314

PETITION FOR WRIT OF MANDAMUS

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June 23, 2025

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CERTIFICATE OF INTEREST

Counsel for Petitioner Motorola Solutions, Inc. certifies the following:

1. Represented Entities (Fed. Cir. R. 47.4(a)(1)) – Provide the full names of all entities represented by undersigned counsel in this case.

Motorola Solutions, Inc.

2. Real Party in Interest (Fed. Cir. R. 47.4(a)(2)) – Provide the full names of all real parties in interest for the entities. Do not list the real parties if they are the same as the entities.

None/Not Applicable

3. Parent Corporations and Stockholders (Fed. Cir. R. 47.4(a)(3)) – Provide the full names of all parent corporations for the entities and all publicly held companies that own 10% or more stock in the entities.

None/Not Applicable

4. Legal Representatives – List all law firms, partners, and associates that (a) appeared for the entities in the originating court or agency or (b) are expected to appear in this court for the entities. Do not include those who have already entered an appearance in this court. Fed. Cir. R. 47.4(a)(4).

Jones Day: Joshua R. Nightingale, Hilda C. Galvan (no longer with firm), Christopher A. Buxton (no longer with firm)

5. Related Cases – Other than the originating case(s) for this case, are there related or prior cases that meet the criteria under Fed. Cir. R. 47.5(a)?

Yes (separate Notice of Related Case Information filed)

6. Organizational Victims and Bankruptcy Cases – Provide any information required under Fed. R. App. P. 26.1(b) (organizational

victims in criminal cases) and 26.1(c) (bankruptcy case debtors and trustees). Fed. Cir. R. 47.4(a)(6).

None/Not Applicable

Dated: June 23, 2025

/s/ Matthew J. Silveira

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TABLE OF ABBREVIATIONS

The following abbreviations are used in this brief.

Terms

Abbreviation	Term
Acting Director's Memo	Memorandum from Coke Morgan Stewart, Acting USPTO Director, to PTAB, "Interim Processes for PTAB Workload Management" (March 26, 2025), Appx113-115
APA	Administrative Procedure Act
APJ	Administrative Patent Judge
Board or PTAB	Patent Trial and Appeal Board
Chief APJ's Memo	Memorandum from Scott R. Boalick, Chief APJ, to PTAB, "Guidance on USPTO's Rescission of 'Interim Procedure for Discretionary Denials in AIA Post-Grant Proceedings with Parallel District Court Litigation'" (March 24, 2025), Appx110-112
IPR	Inter partes review
June 2022 Memo	Memorandum from Katherine K. Vidal, USPTO Director, to PTAB, "Interim Procedure for Discretionary Denials in AIA Post-Grant Proceedings with Parallel District Court Litigation" (June 21, 2022), Appx99-107
Motorola	Motorola Solutions, Inc.
Rescission	USPTO Notice, "USPTO Rescinds Memorandum Addressing Discretionary Denial Procedures" (February 28, 2025), Appx108-109
Stellar	Stellar, LLC

Abbreviation	Term
USPTO	United States Patent and Trademark Office

Citations

Abbreviation	Term
Appx____	Appendix at page(s) ____

All emphasis is added throughout, and all internal quotation marks and citations omitted, unless otherwise indicated.

STATEMENT OF RELATED CASES

No appeal in or from the same proceedings in the Patent Trial and Appeal Board was previously before this or any other appellate court.

The underlying IPR proceedings are related to *Stellar, LLC v. Motorola Solutions, Inc., et al.*, 4:23-cv-00750-SDJ (E.D. Tex.). The *Stellar* case has been stayed pending the Board's ultimate resolution of the IPR proceedings. An order granting the writ and directing reinstatement of the Board's institution decisions will directly affect the *Stellar* case to the extent that the stay will be maintained pending the Board's ultimate resolution of the IPR proceedings after final written decisions.

INTRODUCTION

This petition challenges the USPTO’s rescission of binding rules without notice and its Acting Director’s retroactive application of that rule change to vacate the institution of IPRs, all in violation of the APA and the United States Constitution’s due-process protections.

On June 21, 2022, the USPTO Director issued a memo establishing that the Board “*will not* discretionarily deny institution of an IPR ... in view of parallel district court litigation where a petitioner stipulates not to pursue in a parallel district court proceeding the same grounds as in the petition or any grounds that could have reasonably been raised in the petition”—a so-called *Sotera* stipulation.

Appx105-106. The Director stated that this rule—which was phrased in absolute terms (“will not”) and admitted of no exceptions—was “issued under the Director’s authority to issue binding agency guidance.”

Appx101. While the Director acknowledged notice-and-comment rulemaking might be warranted to issue regulations governing the relationship of IPR proceedings to parallel litigation, Appx100, the USPTO still has not adopted any such regulations. Instead, on February 28, 2025, the USPTO posted a statement—without

explanation or advance notice—that it “rescinded the June 21, 2022, memorandum.” Appx108. The Rescission, and the Acting Director’s retroactive application of that Rescission to instituted IPR proceedings initiated by Motorola, violates both the APA and the Fifth Amendment’s due-process clause.

Motorola is an American innovator that, among other things, designs, develops, and manufactures body-worn and in-car camera systems used to protect the public and federal, state, and local law-enforcement officers. Motorola, in July and August 2024, filed IPR petitions to challenge eight patents asserted against those vital public-safety products in the Eastern District of Texas. Aware that it had one opportunity to pursue IPRs, Motorola challenged all 160 claims of the eight patents in two sets of IPR petitions. And it presented *Sotera* stipulations for each set, altering its litigation strategy. It undertook this significant burden and expense knowing that, under the June 2022 Memo, the petitions would not be discretionarily denied based on the parallel litigation. Indeed, the Board instituted IPRs on the first set of petitions on February 13, 2025, citing the June 2022 Memo. The district court promptly stayed the litigation and later vacated the trial

date, citing both the IPR proceedings and the existence of multiple pending motions, which prevented it from “even begin[ning] to consider a trial date.” Appx163. On March 18, 2025, the Board instituted IPRs on the second set. Yet—in March 28 and May 23, 2025 decisions—the Acting Director vacated those institution decisions by retroactively applying the Rescission of the June 2022 Memo.

Both the Rescission and its retroactive application violate the APA. After the Director adopted an absolute, “binding” rule restricting the Board’s discretion to deny institution of IPR proceedings based on parallel district-court litigation, the Acting Director could not later simply rescind that rule without notice-and-comment rulemaking. And in no event could the Acting Director apply the Rescission retroactively and disregard petitioners’ reliance on the June 2022 Memo without violating the APA’s prohibition on arbitrary and capricious actions. Whether the Rescission is properly characterized as a binding, substantive rule (that the USPTO was prohibited from adopting absent notice-and-comment rulemaking) or mere guidance, the Rescission could not be applied retroactively to petitioners like Motorola that already filed IPR petitions in reliance on established rules.

Retroactively applying the Rescission also violated due process. The Director restricted her own discretion when issuing the June 2022 Memo. That restriction vested Motorola with a legitimate entitlement to have its filed IPR petitions considered on the merits upon presenting a *Sotera* stipulation, without the potential for discretionary denial based on parallel litigation. By summarily denying Motorola's right to that consideration, and then disregarding evidence and arguments post-dating the Acting Director's retroactive application of the Rescission, the USPTO violated the due-process clause.

Motorola has a clear and indisputable right to relief on multiple bases. Motorola has no other avenue to obtain that relief, as institution decisions are final and nonappealable. 35 U.S.C. §§ 314(d), 324(e). And mandamus is appropriate given the nature of the interests at stake and the importance of maintaining the integrity of the patent system by ensuring that the USPTO operates within statutory and constitutional constraints. Indeed, the USPTO has engaged in precisely the sort of "shenanigans" that the Supreme Court has deemed worthy of review. *Cuozzo Speed Techs., LLC v. Lee*, 579 U.S. 261, 275 (2016). This Court should grant Motorola's mandamus petition.

RELIEF SOUGHT

Motorola respectfully asks the Court to grant this petition for a writ of mandamus and compel the USPTO to (1) vacate its Rescission of the June 2022 Memo and (2) reinstate institution of Motorola's petitions in accordance with the "binding" rule that applied before the Rescission.

ISSUES PRESENTED

1. Whether the USPTO violated the APA by:
 - a. rescinding its binding rule prohibiting discretionary denial of IPRs based on parallel litigation without notice-and-comment rulemaking;
 - b. retroactively applying the Rescission; and
 - c. failing to consider reliance interests arising from the June 2022 Memo.
2. Whether the USPTO violated the Fifth Amendment's due-process clause by retroactively applying the Rescission to vacate the Board's institution decisions, and refusing to consider facts and arguments presented after the Rescission and vacatur.

BACKGROUND

A. The USPTO's Discretionary Denial Rules

Consistent with Congress's direction, the USPTO has adopted many regulations related to the IPR process. *See* 37 C.F.R. § 42.100-42.123. The USPTO has not, however, adopted any regulations governing the relationship between IPR institution and parallel litigation. That inaction is not for lack of initiative. Rather, the USPTO initiated notice-and-comment rulemaking on this subject in 2023, consistent with the Director's intent to do so as stated in the June 2022 Memo, and in 2025 stated its intention to renew that effort. *See* Appx100; 88 Fed. Reg. 24,503 (Apr. 21, 2023); 89 Fed. Reg. 28,693 (Apr. 19, 2024); Theresa Schliep, *Patent Office Plans Rulemaking For New PTAB Denial Process*, Law360, <https://www.law360.com/articles/2324147> (Apr. 17, 2025).

However, in the June 2022 Memo, the Director exercised her authority to restrict the Board's discretion to deny IPR institution based on parallel litigation, building from several precedential decisions governing the evaluation of IPR petitions in view of parallel district-court litigation. Three such decisions are central to the June 2022 Memo.

First, in *NHK Spring Co. v. Intri-Plex Technologies, Inc.*, the Board declared that it would treat the “advanced state” of a district court proceeding as a “factor that weighs in favor of denying” a timely IPR petition as a matter of discretion under § 314(a). IPR2018-00752, Paper 8, 2018 WL 4373643, at *7 (P.T.A.B. Sept. 12, 2018). Second, in *Apple Inc. v. Fintiv, Inc.*, the Board stated that it could deny institution of an otherwise meritorious petition based solely on the progress of a related district court action, setting out six factors to guide the Board’s exercise of its discretion. IPR2020-00019, Paper 11, 2020 WL 2126495, at *2 (P.T.A.B. Mar. 20, 2020). Third, in *Sotera Wireless, Inc. v. Masimo Corp.*, the Board held that a petitioner’s stipulation that it would not pursue in the district court litigation “the specific grounds in the instituted inter partes review petition, or on any other ground that was raised or could have been reasonably raised in an IPR (i.e., any ground that could be raised under §§ 102 or 103 on the basis of prior art patents or printed publications) ... mitigates any concerns of duplicative efforts between the district court and the Board, as well as concerns of potentially conflicting decisions.” IPR2020-01019, Paper 12, 2020 WL 7049373, at *7 (P.T.A.B. Dec. 1, 2020).

After receiving “822 comments from a wide range of stakeholders” following a request for comments on the Board’s approach to exercising its discretion to institute, the Director issued the June 2022 Memo. Appx100. Titled “Interim Procedure for Discretionary Denials in AIA Post-Grant Proceedings with Parallel District Court Litigation,” Appx99, and adopted under the Director’s authority to issue “binding agency guidance,” the memo restricts the Board’s exercise of discretion when accounting for the relationship between IPRs and parallel litigation. Appx101 (citing 35 U.S.C. § 3(a)(2)(A)).

While the Director noted that the USPTO planned notice-and-comment rulemaking, the June 2022 Memo established rules that would govern “[i]n the meantime.” Appx100. Pertinent here, the Director established an absolute rule that “the PTAB *will not* discretionarily deny institution of an IPR ... in view of parallel district court litigation where a petitioner stipulates not to pursue in a parallel district court proceeding the same grounds as in the petition or any grounds that could have reasonably been raised in the petition.” Appx105. And the Director provided reasons for this rule: it “avoids inconsistent outcomes between the PTAB and the district court and

allows the PTAB to review grounds that the parallel district court litigation will not resolve.” Appx105-106.

B. The Board’s Institution Decisions

On August 21, 2023, Stellar sued Motorola in the Eastern District of Texas for alleged infringement of eight patents. All eight patents are from the same family and Stellar has asserted them against body-worn and in-vehicle camera systems, commonly used by law enforcement.

Stellar asserted 14 of 160 claims from the eight patents. However, because the suit triggered the one-year deadline for Motorola to file IPR petitions, *see* 35 U.S.C. § 315(b), and Stellar could later assert in litigation any claims omitted from the petitions, *see Kroy IP Holdings, LLC v. Groupon, Inc.*, 127 F.4th 1376, 1381 (Fed. Cir. 2025), Motorola prepared challenges to all 160 claims. Motorola filed its IPR petitions on July 22, August 9, and August 15, 2024. In compliance with the June 2022 Memo, Motorola expressly notified the Board of its presentment of *Sotera* stipulations. Appx116-118; Appx120-121.

Meanwhile, the litigation proceeded before Judge Sean Jordan. Judge Jordan follows the Eastern District of Texas’s “universal practice” to postpone ruling on or deny stay requests when the Board

has not yet acted on IPR petitions. *AR Design Innovations LLC v. Ashley Furniture Indus., Inc.*, 2021 WL 6496714, at *3 (E.D. Tex. Jan. 11, 2021) (Jordan, J.). Therefore, rather than filing a “pointless” stay motion, *CyWee Grp. Ltd. v. Samsung Elecs. Co.*, 2019 WL 11023976, at *5 (E.D. Tex. Feb. 14, 2019), Motorola notified the court that it intended to seek a stay if the Board instituted IPR proceedings. Appx198-200.

On February 13, 2025, the Board instituted IPR on all patents on all claims in the first set of four petitions. Consistent with the June 2022 Memo, which it cited, the Board recognized Motorola’s presentation of a *Sotera* stipulation and emphasized that Motorola’s IPR “contentions have merit.” *E.g.*, Appx68-69, Appx71.¹

¹ The Board’s discretionary analysis was substantially identical in each of the four petitions in the first set. *See* Appx67-71; IPR2024-01206, Paper 11, 2025 WL 491664, at *1-3 (P.T.A.B. Feb. 13, 2025); IPR2024-01207, Paper 11, 2025 WL 491897, at *1-3 (P.T.A.B. Feb. 13, 2025); IPR2024-01208, Paper 11, 2025 WL 490697, at *1-3 (P.T.A.B. Feb. 13, 2025). The same is true of its analysis of the four petitions in the second set. *See* Appx27-33; IPR2024-01285, Paper 12, 2025 WL 854643, at *2-5 (P.T.A.B. Mar. 18, 2025); IPR2024-01313, Paper 12, 2025 WL 856701, at *1-3 (P.T.A.B. Mar. 18, 2025); IPR2024-01314, Paper 12, 2025 WL 855944, at *2-3 (P.T.A.B. Mar. 18, 2025). Motorola includes a representative institution decision from each set in the appendix, Appx21-59; Appx60-98, and provides cross-references for the remainder here.

Based on the first set of institution decisions, the district court temporarily stayed the parallel litigation pending the Board's decision on the second set of IPR petitions. Appx203. On February 27, Stellar requested Director Review of the Board's institution of IPRs on the first set of petitions. On March 18, the Board instituted IPRs on all patents on all claims in the second set, *see, e.g.*, Appx33, Appx58 (finding Motorola had "made a strong showing" on the merits "that the prior art references cited in the Petition teach or suggest all limitations of at least one challenged claim"), and Stellar subsequently sought Director Review of those institution decisions.

C. The USPTO's Rescission of Its Discretionary Denial Rules

On February 28, 2025, in the period between the institution of the two sets of IPRs, and without any advance notice, the USPTO posted a terse statement on its website that it "rescinded the June 21, 2022, memorandum." Appx108. In contrast to the June 2022 Memo, the Rescission provided no explanation for the change and simply referred parties to guidance in effect before the June 2022 Memo. Appx108.

On March 24, the Chief APJ issued a memo stating for the first time that the rescission would retroactively change the rules applicable

to petitions filed before the rescission, including in “any case in which the Board has not issued an institution decision, or where a request for rehearing or Director Review of an institution decision was filed and remains pending.” Appx111. And, contrary to the June 2022 Memo’s “binding agency guidance,” the Chief APJ’s Memo stated that “a timely-filed *Sotera* stipulation” would now be “highly relevant, but will not be dispositive by itself. Instead, the Board will consider such a stipulation as part of its holistic analysis under *Fintiv*.” Appx111-112.

On March 26, the Acting Director issued a memo with Interim Processes for how “the Director will exercise her discretion on institution of AIA proceedings” prospectively, i.e., “where the deadline for the patent owner to file a preliminary response has not yet passed.” Appx113, Appx115. The Acting Director’s Memo neither references nor explains the Rescission.

D. The Acting Director’s Retroactive Application of the Rescission to Vacate the Institution Decisions

On March 28, the Acting Director vacated the Board’s institution decisions for the first set of Motorola IPR petitions based on what she described as her application of “the *Fintiv* factors as a whole.” Appx19. The Acting Director did not treat Motorola’s *Sotera* stipulation as

dispositive, as was required when the petitions were filed and the Board instituted these IPRs. Contrary to the June 2022 Memo, the Acting Director faulted the Board for giving “too much weight to Petitioner’s *Sotera* stipulation.” Appx17. Yet, before rescission, this precise stipulation was “dispositive by itself,” Appx112, because the USPTO’s rules provided that the stipulation precluded discretionary denial based on parallel litigation.

On April 28, Motorola requested rehearing of the Acting Director’s decision, arguing that applying the rescission to vacate the Board’s institution decisions raised APA and due process concerns.

Appx147-152. Motorola also emphasized that the Acting Director’s decision cannot be squared with the *Fintiv* factors because the district court had stayed the case, vacated the trial date, and stated that “neither the parties nor the Court *can even begin to consider* a trial date” until multiple pending motions are decided. Appx153 (quoting Appx163).

Motorola also offered to present an expanded *Sotera* stipulation, something it had no reason to believe would have been material before the Rescission of the June 2022 Memo that made its *Sotera* stipulation

dispositive. Appx157. In addition to stipulating not to pursue in court published prior art invalidity grounds raised or that could have reasonably been raised in its IPR petitions, consistent with *Sotera*, Motorola would stipulate to not pursue in court *any* grounds of prior-art invalidity. Appx165. That expanded stipulation has a significant effect given this Court's precedent: "IPR estoppel applies only to a petitioner's assertions in district court that the claimed invention is invalid under 35 U.S.C. §§ 102 or 103 because it was patented or described in a printed publication (or would have been obvious only on the basis of prior art patents or printed publications)." *Ingenico Inc. v. IOENGINE, LLC*, 136 F.4th 1354, 1366 (Fed. Cir. 2025). And it squarely addressed the concern the Acting Director first raised in her post-rescission Director Review Decision that a standard *Sotera* stipulation created the potential for duplicative litigation in separate forums when an IPR petitioner in parallel litigation relies on system art combined with prior art presented in the IPR. *See* Appx18-19.

On May 23, the Acting Director issued decisions on both (1) Stellar's request for Director Review of the decisions instituting IPR on Motorola's second set of petitions (Appx8-15); and (2) Motorola's

request for rehearing of the Director Review Decision vacating institution of the first set of petitions (Appx1-7).

On Stellar's request for Director Review, the Acting Director vacated the decisions instituting IPR. She rejected Motorola's arguments that retroactively applying the Rescission raised APA and due-process concerns, reasoning that the Director Review request meant there was "no final decision on institution" and the parties "had the opportunity to present, and [Motorola] did present, argument in view of the rescission," namely, in Motorola's five-page opposition to that request (five pages being the maximum allotted for such oppositions). Appx12. The Acting Director sua sponte supplemented the record on the second set of petitions to acknowledge that the district court had stayed the parallel litigation pending the "ultimate resolution" of the IPR proceedings. Appx13. However, she did not acknowledge that the court had also (a) vacated the trial date, and (b) stayed the parallel litigation for the additional reason that the many motions pending in the litigation prevented the court from "even begin[ning] to consider a trial date." Appx161, Appx163. According to the Acting Director, "the efficiency and integrity of the system are best

served by denying institution in these cases for the same reasons as set forth in” her Director Review Decision in the first set of IPR petitions. Appx13.

The Acting Director took a different tack on Motorola’s 15-page request for rehearing of the Director Review Decision in the first set of IPR petitions. There, the Acting Director refused to consider Motorola’s fulsome retroactivity arguments, even though she had summarily rejected those arguments in the second set of petitions, faulting Motorola for focusing its five-page oppositions to Stellar’s first set of Director Review requests on why the institution decisions were correct even in a post-rescission world, rather than arguing that the Acting Director *would* violate the APA and due process *if* she were to *vacate* the Board’s institution decisions. *See* Appx5. And she held that the district court’s “new stay order” and Motorola’s expanded *Sotera* stipulation were not “proper” bases for rehearing even though those facts post-dated her vacatur of the first set of IPR petitions. Appx5. Thus, despite retroactively applying the Rescission to vacate the institution of eight meritorious IPR petitions, the Acting Director refused to consider facts and arguments that did not materialize until

after she issued her decisions vacating those IPRs based on the Rescission.

STANDARD OF REVIEW

A writ of mandamus under 28 U.S.C. § 1651(a) is one of the most important procedural protections available to the judiciary. *Cheney v. U.S. Dist. Ct. for D.C.*, 542 U.S. 367, 380 (2004). It ensures, among other things, that the executive branch complies with constitutional limitations on its power. *In re Palo Alto Networks, Inc.*, 44 F.4th 1369, 1374 (Fed. Cir. 2022). To establish entitlement to mandamus relief, a petitioner must demonstrate that (1) it has “no other adequate means to attain the relief [it] desires”; (2) its right to relief is “clear and indisputable”; and (3) “the writ is appropriate under the circumstances.” *Cheney*, 542 U.S. at 380-81. These requirements, while “demanding, are not insuperable.” *Id.* at 381.

REASONS WHY THE WRIT SHOULD ISSUE

I. Motorola Has No Other Adequate Means to Obtain Relief from the Agency’s Retroactive Rule Change.

The statute governing IPR institution decisions bars appeal. 35 U.S.C. § 314(d). “Given that there is no adequate remedy by way of direct appeal of decisions denying institution,” the Court has

“conclude[d] that judicial review is available in extraordinary circumstances by petition for mandamus in this court under 28 U.S.C. §§ 1295(a)(4), 1651.” *Palo Alto Networks*, 44 F.4th at 1374 (cleaned up). Specifically, mandamus petitions filed “in response to action by the agency relating to the non-institution of inter partes review” are proper when they raise “constitutional issues, issues involving questions outside the scope of section 314(d), and actions by the agency beyond its statutory limits.” *In re Power Integrations, Inc.*, 899 F.3d 1316, 1321 (Fed. Cir. 2018). Motorola’s petition raises all three bases for mandamus.

First, Motorola raises a “constitutional challenge” under the due-process clause. *Palo Alto Networks*, 44 F.4th at 1374. The Supreme Court has expressly recognized “a due process problem” as the type of error justifying review. *Cuozzo*, 579 U.S. at 275; *see also Celgene Corp. v. Peter*, 931 F.3d 1342, 1357 n.11 (Fed. Cir. 2019) (recognizing that discretionary denial of institution implicating constitutional retroactivity argument “would be unreviewable but for the possibility of mandamus”).

Second, Motorola’s APA and due-process challenges present questions outside the scope of § 314(d). Motorola does not “challenge

the content of the Director’s institution instructions.” *Apple Inc. v. Vidal*, 63 F.4th 1, 11 (Fed. Cir. 2023). Rather, Motorola challenges the process by which the USPTO (1) rescinded “binding” rules; and (2) retroactively applied that Rescission to instituted IPR proceedings.

Third, in *Cuozzo*, the Supreme Court characterized actions “outside [the USPTO’s] statutory limits” as “shenanigans” that “may be properly reviewable ... under the Administrative Procedure Act, which enables reviewing courts to ‘set aside agency action’ that is ‘contrary to constitutional right,’ ‘in excess of statutory jurisdiction,’ or ‘arbitrary [and] capricious.’” 579 U.S. at 275. The USPTO’s actions here are not only contrary to constitutional right and in excess of statutory authority, but also are arbitrary and capricious.

Moreover, an independent APA lawsuit untethered from the institution decision would not allow Motorola to obtain meaningful relief. Motorola challenges both the Rescission *and* its retroactive application to instituted IPR petitions. Both actions were procedurally improper. Thus, Motorola is seeking an order compelling the USPTO to vacate both the Rescission and the Acting Director’s orders that

retroactively applied the Rescission to Motorola. Challenging the Rescission alone via an APA action would not remedy that harm.

II. Motorola’s Right to Relief from the USPTO’s Rescission of the June 2022 Memo Is Clear and Indisputable.

The USPTO clearly and indisputably violated multiple APA protections and the constitutional right to procedural due process. Any one of those violations justifies mandamus. Together, they compel the conclusion that mandamus relief is warranted.

A. The USPTO violated the APA.

Congress directed the USPTO to “prescribe regulations ... setting forth the standards for the showing of sufficient grounds to institute a review under section 314(a)” and “governing ... the relationship of [inter partes] review to other proceedings.” 35 U.S.C. § 316(a)(2), (4). The USPTO has not completed rulemaking on these subjects despite starting the process. *See, e.g.*, 88 Fed. Reg. 24,503 (Apr. 21, 2023); 89 Fed. Reg. 28,693 (Apr. 19, 2024). The Director did, however, issue the June 2022 Memo as “binding agency guidance” on the “application of *Fintiv* to discretionary institution where there is parallel litigation.” Appx100-101. Regardless of how *Fintiv*, the June 2022 Memo, and the Rescission are characterized, the APA does not permit the USPTO to

rescind “binding” rules without notice and comment, and then to retroactively apply the Rescission to instituted IPR proceedings without considering serious reliance interests.

1. The USPTO failed to engage in the notice-and-comment rulemaking required to change its existing discretionary denial rules.

The APA requires all rules to be adopted through notice-and-comment procedures, save for “interpretative rules, general statements of policy, or rules of agency organization, procedure, or practice.”

5 U.S.C. § 553(b). Regardless of how the agency characterizes it, an agency pronouncement is a “binding,” substantive rule if it “effect[s] a change in existing law or policy or ... affect[s] individual rights and obligations.” *Coal. for Common Sense in Gov’t Procurement v. Sec’y of Veterans Affs.*, 464 F.3d 1306, 1317 (Fed. Cir. 2006). The agency’s Rescission did both, and thus required notice-and-comment rulemaking.

First, the Rescission effects a change in existing law or policy. Pre-rescission, the June 2022 Memo—which the Director adopted after receiving more than 800 comments from a wide range of stakeholders and which the Director herself described as “binding”—controlled. Appx100-101. It created an absolute rule: presenting a *Sotera*

stipulation was “dispositive by itself” of the Board’s ability to discretionarily deny institution based on parallel district-court litigation. Appx111-112. Post-rescission, the opposite is true: a *Sotera* stipulation is deemed merely “relevant.” Appx112; see *CropLife Am. v. EPA*, 329 F.3d 876, 883 (D.C. Cir. 2003) (rejecting agency’s characterization of directive as mere statement of policy because “[t]he directive clearly establishes a substantive rule declaring that third-party human studies are now deemed immaterial in EPA regulatory decisionmaking”). Indeed, the Board itself has already acknowledged the Rescission as carrying the force of a “change of binding guidance.” *E.g., HP Inc. v. Universal Connectivity Techs., Inc.*, IPR2024-01428, Paper 12, 2025 WL 1040187, at *1 (P.T.A.B. Apr. 8, 2025).

Second, the Rescission affects individual rights and obligations. While the Board’s acknowledgment that the Rescission “change[d]” a “binding” rule should end the matter, *id.*, the Supreme Court has recognized that an effect on individual rights and obligations “is an important touchstone for distinguishing those rules that may be ‘binding’ or have the ‘force of law,’” *Chrysler Corp. v. Brown*, 441 U.S. 281, 302 (1979). The Rescission has that effect because it “grant[s]

rights, impose[s] obligations, or produce[s] other significant effects on private interests.” *Batterton v. Marshall*, 648 F.2d 694, 701-702 (D.C. Cir. 1980). Indeed, this Court has recognized that binding rules “affect[ing] the substantive ... standards by which [the USPTO] examines a party’s application” require notice and comment because they have the requisite effect on rights and interests. *In re Chestek PLLC*, 92 F.4th 1105, 1109 (Fed. Cir. 2024).

The Rescission plainly “alter[s] the substantive standards by which the USPTO evaluates” an IPR petition. *Id.* at 1110. Before the Rescission, petitioners like Motorola had a right to have their IPR petitions evaluated on the merits notwithstanding parallel litigation so long as they presented a *Sotera* stipulation. And the Board was bound by a *Sotera* stipulation, which prohibited it from denying institution based on parallel litigation. That is no longer the case. “This is sufficient to render the [Rescission] a legislative rule.” *Gen. Elec. Co. v. EPA*, 290 F.3d 377, 385 (D.C. Cir. 2002) (vacating EPA guidance document because it was promulgated without following the APA’s rulemaking requirements); *see also Pickus v. U.S. Bd. of Parole*, 507 F.2d 1107, 1114 (D.C. Cir. 1974) (rejecting argument that notice-and-

comment exemption for “rules of agency procedure and practice” applied because the regulations were “likely to produce parole decisions different from those which alternatives would be likely to produce”). Motorola’s private interests in the IPRs—on which it spent hundreds of thousands of dollars in institution fees alone to pursue, plus expert and legal fees—have not just been significantly affected by the rescission of the June 2022 Memo’s “binding” rules; those interests have been extinguished by the decision to deny institution due to the Rescission.

This Court has already recognized that a challenge to the Director’s failure to adopt IPR “institution instructions through notice-and-comment rulemaking procedures ... may be pressed under the APA.” *Apple*, 63 F.4th at 14. In the *Apple* district court’s view, the “*NHK/Fintiv* standard” that the Director adopted by designating Board decisions as precedential “is a general statement of policy, rather than a substantive or legislative rule,” and thus “the Director was not required to conduct notice-and-comment rule making ..., and the lack of such rule making does not render the *NHK-Fintiv* standard unlawful under the APA, 5 U.S.C. § 706(2)(D).” *Apple Inc. v. Vidal*, 2024 WL 1382465, at *13 (N.D. Cal. Mar. 31, 2024). An appeal of that ruling is now fully

briefed. *See Apple Inc. v. Stewart*, No. 24-1864 (Fed. Cir.). But the Court need not decide *Apple* to find a clear and indisputable right to relief here. Motorola challenges not the adoption of rules through the designation of Board decisions as precedent—the issue in *Apple*—but rather the Rescission of an absolute rule the Director herself deemed “binding.” *Gen. Elec. Co.*, 290 F.3d at 383 (“[A]n agency pronouncement will be considered binding as a practical matter if it either appears on its face to be binding, or is applied by the agency in a way that indicates it is binding.”).

The Rescission is invalid because it was not adopted through notice-and-comment rulemaking. *See* 35 U.S.C. § 316(a); 5 U.S.C. §§ 553, 706(2)(D). That is reason enough to vacate the Rescission and the Acting Director’s vacatur of the Board decisions instituting IPRs on Motorola’s petitions based on the Rescission.

2. The USPTO’s retroactive application of the Rescission was impermissible.

Even if the Rescission were properly characterized as a “statement[] of policy,” 5 U.S.C. § 552(a)(2)(B)—and not a substantive rule improperly adopted without notice and comment—the Acting Director’s action cannot withstand APA scrutiny. Rather, retroactively

applying the Rescission to Motorola is “arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law,” and therefore must be “h[e]ld unlawful and set aside.” 5 U.S.C. § 706(2)(A).

“[G]eneral statements of policy ... advise the public *prospectively* of the manner in which the agency proposes to exercise a discretionary power.” *Lincoln v. Vigil*, 508 U.S. 182, 197 (1993) (cleaned up); *see also* 5 U.S.C. § 552(a)(2)(ii) (a “statement of policy ... may be relied on ... by an agency against a party ... only if ... the party has actual and timely notice of the terms thereof”). Thus, the Rescission cannot be applied retroactively, as it was here, when the Acting Director used the Rescission to vacate past institution decisions that accorded with the June 2022 Memo’s directions. *See Bowen v. Georgetown Univ. Hosp.*, 488 U.S. 204, 220 (1988) (Scalia, J., concurring) (explaining that, when the Secretary of Health and Human Services adopted a new rule that “prescribed” a formula for Medicare “costs reimbursable while the prior rule was in effect, she changed the *law* retroactively” and could not apply the formula to recoup money Medicare service providers already paid). Unlike policy statements, only substantive rules may ever be applied retroactively, and even they “will not be construed to have

retroactive effect unless their language *requires* this result.” *Id.* at 208 (“Retroactivity is not favored in the law.”); *see also Kirwa v. U.S. Dep’t of Def. (Kirwa I)*, 285 F. Supp. 3d 21, 41 (D.D.C. 2017) (a “new rule” that “effects a substantive change from the agency’s prior regulation or practice” “is impermissibly retroactive”).

Had the Rescission been adopted through notice-and-comment rulemaking, it still could not be given retroactive effect. To start, “Congress did not expressly grant the PTO” “the power to promulgate retroactive rules.” *Tafas v. Dudas*, 511 F. Supp. 2d 652, 666 (E.D. Va. 2007). And the Rescission itself provides no indication it should be applied retroactively. It never mentions any retroactive effect. Indeed, it offers no guidance whatsoever about why the June 2022 Memo was rescinded, so nothing of import can even be inferred from the Rescission, much less anything about *retroactive* rescission.

Moreover, while the post hoc guidance provided in the Chief APJ’s Memo states that the Rescission will be applied retroactively, that memo does not explain why applying the Rescission to pending petitions—much less to IPR proceedings that had already been instituted by the Board—was appropriate, let alone *required* by the

Rescission's language. Meanwhile, the Acting Director's Memo expressly addresses how she will exercise her discretion *going forward*. Regardless of how the USPTO may characterize the Rescission, the Acting Director's retroactive application of the Rescission to Motorola was "not in accordance with law" under § 706(2).

To the extent the Acting Director were to argue that the June 2022 Memo bound only the Board and not the Director herself, the Patent Act provides otherwise. The Director is part of the Board. *See* 35 U.S.C. § 6(a). As the Acting Director's Memo explaining how she "will exercise *her* discretion" going forward recognizes, establishing rules for the exercise of the Board's discretion properly restricts the Director's own discretion under 35 U.S.C. § 314(d). Appx113. Indeed, the Acting Director's Memo is intended to "promote consistent application of discretionary considerations in the institution of AIA proceedings," Appx115, which prevents the arbitrary and capricious exercise of discretion. The same was true of the June 2022 Memo. While the Director "retain[ed] the right to deny institution for other reasons," Appx107, that did not give her the right to deny institution based on the existence of parallel litigation once a petitioner presented

a *Sotera* stipulation, as Motorola did here. Rescission of that “binding agency guidance” cannot be applied retroactively without violating the APA. *See Kirwa I*, 285 F. Supp. 3d at 41 (applying 5 U.S.C. § 706(2) to hold that if a “new rule ‘effects a substantive change from the agency’s prior regulation or practice,’ then it is impermissibly retroactive” (quoting *Ne. Hosp. Corp. v. Sebelius*, 657 F.3d 1, 14 (D.C. Cir. 2011))).

3. The USPTO’s change in position was unlawful regardless of its retroactive effect.

The Acting Director’s application of the Rescission to Motorola was unlawful for still another reason—she failed to consider serious reliance interests under the change-in-position doctrine. And that failure renders the Acting Director’s action arbitrary and capricious regardless of whether she could retroactively apply the Rescission.

Under the change-in-position doctrine, agencies may not change their existing policies unless “they provide a reasoned explanation for the change, display awareness that they are changing position, and consider serious reliance interests.” *FDA v. Wages & White Lion Invs., L.L.C.*, 145 S. Ct. 898, 917 (2025) (cleaned up). Because there is no dispute that the “agency changed existing policy,” the sole question presented by the doctrine here is: “Did the agency display awareness

that it is changing position and offer good reasons for the new policy,” while being “cognizant that longstanding policies may have engendered serious reliance interests that must be taken into account”? *Id.* at 918 (cleaned up).

The change-in-position doctrine applies “to an agency’s divergence from a position articulated in nonbinding guidance documents,” including in situations “when an agency altered a position first stated in a policy statement,” where “the policy statement instituted ‘a standardized review process’ that ‘effectively’ resembled adjudication.” *Id.* at 918 n.5 (quoting *Dep’t of Homeland Sec. v. Regents of Univ. of Cal.*, 591 U.S. 1, 18 (2020)). Even if the Court were to view the June 2022 Memo as “nonbinding”—contrary to the Director’s own characterization—the June 2022 Memo provided (in unqualified terms) that “the PTAB will not discretionarily deny institution of an IPR ... in view of parallel district court litigation where a petitioner” presents a *Sotera* stipulation. Appx105-106. The USPTO then rescinded that rule after the Board had instituted IPR on the first set of Motorola’s petitions. There could be no clearer indication of a change in position.

See HP, 2025 WL 1040187, at *1 (Board describing rescission as a “change of binding guidance”).

To be sure, the USPTO acknowledged it was changing policy—after all, it “rescinded” the June 2022 Memo. Appx108. And, a month later, the Chief APJ’s Memo offered “additional guidance” regarding the change. Appx110. But the Chief APJ’s Memo simply explained the *effect* of the Rescission, including that it would apply “to any case in which the Board has not issued an institution decision, or where a request for rehearing or Director Review of an institution decision was filed and remains pending,” and that *Sotera* stipulations would no longer be “dispositive.” Appx111-112. That memo did not offer any *reasons* for the change, much less reasons for applying the new guidance to petitions filed and IPRs instituted before the Rescission.

In any event, offering reasons for the new policy still would not have been enough. “When an agency changes course, as [the USPTO] did here, it must be cognizant that longstanding policies may have engendered serious reliance interests that must be taken into account.” *Regents*, 591 U.S. at 30-31 (cleaned up). The June 2022 Memo did not just lead Motorola and other IPR petitioners “to believe” that the

presentation of a *Sotera* stipulation would preclude a discretionary denial based on parallel litigation. *Wages & White Lion*, 145 S. Ct. at 927. It expressly and unequivocally provided that “the PTAB *will not deny institution* of an IPR ... under *Fintiv* ... where a petitioner” presents a *Sotera* stipulation. Appx107. Moreover, the June 2022 Memo stated that the USPTO planned to engage in notice-and-comment rulemaking to address parallel litigation, with the June 2022 Memo’s rules controlling “[i]n the meantime.” Appx100.

Neither the Rescission itself nor the Chief APJ’s Memo reflects any consideration of the reliance interests engendered by the June 2022 Memo. And the Acting Director’s March 26, 2025 memo simply explains how the Director “will exercise her discretion” *prospectively*. Appx113. The Rescission cannot reasonably be applied to parties that prepared and filed petitions at considerable expense, presented *Sotera* stipulations, and altered their litigation strategies in accordance with those stipulations, all in reliance on the June 2022 Memo and before the Rescission. *See Am. Bar Ass’n v. U.S. Dep’t of Educ.*, 370 F. Supp. 3d 1, 33 (D.D.C. 2019) (granting summary judgment for plaintiffs claiming

that application of changed standards to deny relief was arbitrary and capricious under 5 U.S.C. § 706(2)).

B. The USPTO’s retroactive application of the Rescission also violates due process.

The APA is not the only bar to retroactive application of the Rescission: “constitutional protections sounding in due process and equal protection, as embodied in our longstanding traditions and precedents addressing retroactivity in the law” may also “constrain retroactive application.” *Kirwa I*, 285 F. Supp. 3d at 41 (quoting *De Niz Robles v. Lynch*, 803 F.3d 1165, 1171–72 (10th Cir. 2015) (Gorsuch, J.)). Here, applying Rescission of the June 2022 Memo retroactively violates Motorola’s due-process rights.

The June 2022 Memo prohibited the Board from discretionarily denying review based on the existence of parallel litigation so long as the petitioner presented a *Sotera* stipulation. That “binding agency guidance” did not optionally *permit* consideration of a *Sotera* stipulation; it provided in absolute terms that “the PTAB *will not deny institution* of an IPR ... under *Fintiv* ... where a petitioner stipulates not to pursue in a parallel district court proceeding the same grounds as in the petition or any grounds that could have reasonably been raised in

the petition.” Appx107. As the USPTO recognized after rescinding the June 2022 Memo, a *Sotera* stipulation had been “dispositive by itself” pre-rescission. Appx111-112.

The June 2022 Memo thus “restrict[ed] the exercise of official discretion.” *Tarpeh-Doe v. United States*, 904 F.2d 719, 722 (D.C. Cir. 1990). That restriction gave Motorola “a legitimate entitlement” to consideration of its petitions on the merits without risking discretionary denial based on parallel district court proceedings. *Id.* Put otherwise, the “explicitly mandatory language” adopted by the Director in the June 2022 Memo created a constitutionally protected interest. *Id.* at 723; accord *Perry v. Sindermann*, 408 U.S. 593, 601 (1972) (“A person’s interest in a benefit is a ‘property’ interest for due process purposes if there are such rules or mutually explicit understandings that support his claim of entitlement to the benefit.”); *Furlong v. Shalala*, 156 F.3d 384, 395 (2d Cir. 1998) (“[P]roperty interests may be established through such diverse sources as unwritten common law and informal institutional policies and practices.”).

The Rescission “as applied to” Motorola “summarily denie[d]” Motorola the right to consideration of its IPR petitions on the merits,

without the possibility of discretionary denial based on parallel litigation. *Kirwa v. U.S. Dep’t of Def. (Kirwa II)*, 285 F. Supp. 3d 257, 274 (D.D.C. 2018). And that was contrary to the June 2022 Memo that governed, and on which Motorola reasonably relied, when it filed the petitions and the Board instituted the first set of IPRs. This denial of Motorola’s rights “implicate[s] due-process concerns.” *Id.*; see also *Cemex Inc. v. Dep’t of the Interior*, 560 F. Supp. 3d 268, 281 (D.D.C. 2021) (“When an agency’s prior policy engendered serious reliance interests, due process considerations of fair notice and fundamental fairness demand a reasonable explanation for the agency’s change in position.” (cleaned up)).

Moreover, because the June 2022 Memo restricted the Director’s discretion, too—consistent with the Acting Director’s later recognition that the Director’s own guidance controls how she “will exercise *her* discretion,” Appx113—“all events necessary to establish” Motorola’s rights had occurred before the Acting Director ruled on Stellar’s request for Director Review, thereby precluding the retroactive application of the Rescission. *Covey v. Hollydale Mobilehome Ests.*, 116 F.3d 830, 837-38 (9th Cir. 1997). By applying the Rescission retroactively to deny

institution, the Acting Director clearly and indisputably violated Motorola's due-process rights.

Finally, the Acting Director's refusal to consider the full context of the district court's stay order and vacatur of the trial date, or Motorola's proffering of an expanded *Sotera* stipulation after the Acting Director first disapproved of a standard *Sotera* stipulation post-rescission, underscores the extent of the due-process violation. "Elementary considerations of fairness dictate that individuals should have an opportunity to know what the law is and to conform their conduct accordingly." *Landgraf v. USI Film Prods.*, 511 U.S. 244, 265 (1994). The Acting Director fundamentally denied Motorola that opportunity.

III. Mandamus Relief Is Appropriate Given the Nature of the USPTO's Related Statutory and Constitutional Violations.

Not only does Motorola have a clear and indisputable right to relief that it has no other avenue to obtain, but mandamus relief is "appropriate" for two reasons previously recognized by both this Court and the Supreme Court. First, by issuing and rescinding "binding agency guidance" arbitrarily, the USPTO has unfairly subjected IPR petitioners targeted by parallel litigation to ever changing rules—at great expense to petitioners exercising their rights to challenge patents

under a procedure Congress designed to promote efficiency in the patent system. That amounts to the type of “shenanigans” that the Supreme Court has cautioned should not evade review. *Cuozzo*, 579 U.S. at 275. Second, while the Court can avoid a constitutional issue if it grants relief on APA grounds, this Court has expressly acknowledged that mandamus review is “appropriate” where a “constitutional challenge” has been presented. *See Palo Alto Networks*, 44 F.4th at 1374. Mandamus is appropriate to ensure that the USPTO’s violation of statutory and constitutional rights does not go unremedied.

“Congress designed the America Invents Act (AIA) post-grant proceedings ‘to establish a more efficient and streamlined patent system that will improve patent quality and limit unnecessary and counterproductive litigation costs.’” Appx99 (quoting H.R. Rep. No. 112-98, pt. 1, at 40 (2011), 2011 U.S.C.C.A.N. 67, 69, and citing S. Rep. No. 110-259, at 20 (2008)). The actions challenged here do the opposite. By failing to adopt regulations to govern “the relationship of [inter partes] review to other proceedings,” 35 U.S.C. § 316(a)(4), and instead relying on “binding” rules that the Acting Director claims she may unilaterally change at will, the USPTO has undermined the efficiency of

the patent system and created unnecessary and counterproductive litigation costs. And applying those changes retroactively to a narrow band of petitioners in cases “in which the Board has not issued an institution decision, or where a request for rehearing or Director Review of an institution decision was filed and remains pending,” Appx111, subjects those petitioners—including Motorola—to an injury that far exceeds the generalized injury sustained by prospective petitioners.

Moreover, the Rescission has the effect of putting IPR petitioners facing parallel litigation in “rocket docket” courts between a rock and a hard place. Here, for example, Motorola was sued for infringement of eight different patents that collectively included 160 different patent claims. The Eastern District of Texas has a practice of setting early trial dates and refusing to stay litigation based on IPR proceedings until review is granted. By the time Motorola could file IPR petitions challenging all 160 claims of the 8 patents—Motorola’s one shot at IPR—the litigation had naturally progressed in line with the early trial date, despite the district court deciding no substantive motions by the time of the Board’s institution decisions. Nonetheless, the Acting Director relied on her misapprehension of the “advanced” state of the

district-court proceedings to vacate the institution decisions and instead discretionarily deny the petitions. Between the post-Rescission USPTO's rules and the Eastern District of Texas's longstanding practices, IPR petitioners facing parallel litigation in that district are effectively being denied the IPR statutes' protections.

The circumstances are particularly extreme here. At the time Motorola requested rehearing of the Acting Director's decision in the first set of IPRs, the district court had stayed the litigation, removed the trial date from its calendar, and emphasized that "neither the parties nor the Court can even begin to consider a trial date" before the Court ruled on multiple pending motions—including a motion to amend infringement contentions, two motions for summary judgment, and multiple *Daubert* motions. Appx163. Thus, under the Acting Director's rationale, it does not even matter if trial is near. The district court's setting of an *initial* trial date before the deadline for a final written decision is enough for the Board to discretionarily deny a petitioner the benefits of the IPR statutes. Remedying the unjust consequences of the USPTO's actions as applied to Motorola—which had obtained institution decisions on all eight of its meritorious IPR petitions before

the Rescission—is an appropriate use of the Court’s mandamus authority.

Finally, the existence of both constitutional and non-constitutional grounds for relief, all supported by Supreme Court precedent, makes mandamus particularly appropriate. Challenges on “due process grounds” are precisely the sort of constitutional arguments justifying review of institution decisions notwithstanding § 314(d). *Cuozzo*, 579 U.S. at 275. Indeed Motorola’s constitutional argument would be unreviewable “but for the possibility of mandamus.” *Celgene*, 931 F.3d at 1357 n.11; *cf. Elgin v. Dep’t of Treasury*, 567 U.S. 1, 16 n.5 (2012) (claim that an “agency ‘acted in an unconstitutional manner’ will generally be a claim that the statute authorizing the agency action was unconstitutionally applied,” which the agency cannot decide). Granting mandamus based on Motorola’s APA arguments would permit the court to avoid that constitutional issue. *See Sec. People, Inc. v. Iancu*, 971 F.3d 1355, 1361 n.3 (Fed. Cir. 2020) (“If the appellant succeeds on the merits of its non-constitutional arguments, the constitutional question may become moot.”). On the other hand, denying mandamus to avoid reaching the constitutional issue presented here would subject the

public to the unfair actions of the USPTO, ignore IPR petitioners' reliance interests, and undermine Congress's intent in enacting the IPR statutes.

CONCLUSION

The Court should grant Motorola's petition and direct the USPTO (1) to vacate its Rescission of the June 2022 Memo and (2) to reinstate the Board's institution of Motorola's IPR petitions in accordance with the June 2022 Memo.

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Respectfully submitted,

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CERTIFICATE OF COMPLIANCE

The foregoing filing complies with the relevant type-volume and typeface limitations of the Federal Rules of Appellate Procedure and Federal Circuit Rules because the filing has been prepared using a proportionally-spaced typeface and includes 7,747 words, excluding the portions exempted by rule.

Date: June 23, 2025

Signature: /s/ Matthew J. Silveira

Name: Matthew J. Silveira

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Federal Circuit by using the appellate CM/ECF system on June 23, 2025.

I further certify that this document was emailed and sent by UPS on June 23, 2025, to lead counsel for Stellar, LLC at the following address:

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I further certify that courtesy copies of this document were emailed to the following additional counsel of record for Stellar, LLC, on June 23, 2025:

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Respectfully submitted,

/s/ Matthew J. Silveira
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No. 25-_____

**United States Court of Appeals
for the Federal Circuit**

IN RE MOTOROLA SOLUTIONS, INC.,
Petitioner.

On Petition for a Writ of Mandamus to the
Director of the United States Patent and Trademark Office,
Patent Trial and Appeal Board Nos. IPR2024-01205, IPR2024-01206,
IPR2024-01207, IPR2024-01208, IPR2024-01284, IPR2024-01285,
IPR2024-01313 & IPR2024-01314

**APPENDIX TO MOTOROLA SOLUTIONS, INC.'S
PETITION FOR WRIT OF MANDAMUS**

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6/21/2022	Memorandum, Katherine K. Vidal, Director of the USPTO, Interim Procedure for Discretionary Denials in AIA Post-Grant Proceedings with Parallel District Court Litigation, available at https://web.archive.org/web/20250203023353/https://www.uspto.gov/sites/default/files/documents/interim_proc_discretionary_denials_aia_parallel_district_court_litigation_memo_20220621.pdf	Appx99

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2/28/2025	USPTO, USPTO Rescinds Memorandum Addressing Discretionary Denial Procedures, available at https://www.uspto.gov/about-us/news-updates/uspto-rescinds-memorandum-addressing-discretionary-denial-procedures	Appx108
3/24/2025	Memorandum, Scott R. Boalick, Chief Administrative Patent Judge, Guidance on USPTO's Recission of "Interim Procedure for Discretionary Denials in AIA Post-Grant Proceedings with Parallel District Court Litigation," available at https://www.uspto.gov/sites/default/files/documents/guidance_memo_on_interim_procedure_recission_20250324.pdf	Appx110
3/26/2025	Memorandum, Coke Morgan Stewart, Acting Director of the USPTO, Interim Processes for PTAB Workload Management, available at https://www.uspto.gov/sites/default/files/documents/InterimProcesses-PTABWorkloadMgmt-20250326.pdf	Appx113

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE OFFICE OF THE UNDER SECRETARY OF COMMERCE
FOR INTELLECTUAL PROPERTY AND DIRECTOR OF THE
UNITED STATES PATENT AND TRADEMARK OFFICE

MOTOROLA SOLUTIONS, INC.,
Petitioner,

v.

STELLAR, LLC,
Patent Owner.

IPR2024-01205 (Patent 7,593,034 B2)
IPR2024-01206 (Patent 9,485,471 B2)
IPR2024-01207 (Patent 8,692,882 B2)
IPR2024-01208 (Patent 9,912,914 B2)¹

Before COKE MORGAN STEWART, *Acting Under Secretary of
Commerce for Intellectual Property and Acting Director of the United States
Patent and Trademark Office.*

DECISION
Denying Petitioner's Request for Rehearing

¹ This order applies to each of the above-listed proceedings.

Motorola Solutions (“Petitioner”) filed a Request for Rehearing of the Director Review Decision vacating the Board’s institution decision and denying institution (Paper 19, “Director Review Decision” or “DR Decision”) in each of the above-captioned cases, and Stellar, LLC (“Patent Owner”) filed an authorized response to each request. *See* Paper 20 (“Reh’g Req.”); Paper 22.² In each request, Petitioner argues, *inter alia*, that the Director Review Decision retroactively applies the Office’s February 28, 2025 rescission of the June 2022 memorandum entitled “Interim Procedure for Discretionary Denials in AIA Post-Grant Proceedings with Parallel District Court Litigation” (“2022 Interim Procedure Memo”),³ in violation of the Administrative Procedure Act (“APA”) and Petitioner’s due process rights. Reh’g Req. 5–10. In that regard, Petitioner asserts that under the 2022 Interim Procedure Memo, at the time it filed the petitions for *inter partes* review (“IPR”), it was “entitled to consideration of its petition[s] on the merits without the possibility of a discretionary denial” because it presented a *Sotera*⁴ stipulation, which Petitioner now claims is dispositive. *Id.* at 1; *see id.* at 9. Petitioner also argues that “[t]he APA does not permit the Director to rescind binding agency guidance without advance notice and retroactively apply it to instituted IPRs.” *Id.* at 6.

² All citations are to the record in IPR2024-01205. Similar papers were filed in IPR2024-01206, IPR2024-01207, and IPR2024-01208.

³ The now-rescinded 2022 Interim Process memo is available at https://www.uspto.gov/sites/default/files/documents/interim_proc_discretionary_denials_aia_parallel_district_court_litigation_memo_20220621_.pdf.

⁴ *Sotera Wireless, Inc. v. Masimo Corp.*, IPR2020-01019, Paper 12 (PTAB Dec. 1, 2020) (precedential as to § II.A).

Below is a brief summary of the recent proceedings.

February 13, 2025 Institution Decision. In instituting review, the Board referenced the 2022 Interim Procedure Memo and then evaluated each of the six *Fintiv*⁵ factors. Paper 11, 9–12. The Board did not treat Petitioner’s *Sotera* stipulation as dispositive in view of the holistic considerations permitted under the 2022 Interim Procedure Memo. *Id.* at 12 (identifying the stipulation as one of four reasons for declining to exercise discretion to deny institution).

February 28, 2025 Rescission of 2022 Interim Procedure Memo. The USPTO rescinded the 2022 Interim Procedure Memo.

March 3, 2025 Patent Owner Request for Director Review. Patent Owner sought Director Review of the Board’s institution decision and requested that the Director “abandon” the 2022 Interim Procedure Memo, which by that time had been rescinded. Paper 15, 9. In any event, Patent Owner argued that the Board improperly weighed the *Fintiv* factors under the 2022 Interim Procedure Memo. *Id.* at 5–9.

March 10, 2025 Petitioner Response to Director Review Request. Petitioner requested that the Director address Patent Owner’s request for Director Review as if the 2022 Interim Procedure Memo did not apply, arguing that rescission of the memorandum “moot[ed] the majority of” Patent Owner’s arguments. Paper 17, 1.

⁵ *Apple Inc. v. Fintiv, Inc.*, IPR2020-00019, Paper 11 at 5–6 (PTAB Mar. 20, 2020) (precedential).

*March 24, 2025 Guidance on USPTO’s Rescission of 2022 Interim Procedure Memo (“March 2025 Memo”).*⁶ The March 2025 Memo clarifies that the rescission was effective upon its issuance and is not retroactive. The March 2025 Memo states that the rescission only applies to cases in which a final decision on institution has not been made, *i.e.*, “any case in which the Board has not issued an institution decision, or where a request for rehearing or Director review of an institution decision was filed and remains pending.” March 2025 Memo 2. The March 2025 Memo also provides parties the opportunity to request additional briefing. *Id.* Although Patent Owner’s Director Review request was pending at the time, neither party requested additional briefing.

March 28, 2025 Director Review Decision. After considering the parties’ arguments, the Director Review Decision vacated the Board’s institution decision and denied institution, explaining that the Board “did not give enough weight to the investment in the parallel proceeding and gave too much weight to Petitioner’s *Sotera*⁷ stipulation” (DR Decision 2)—a determination that could have been made under either the 2022 Interim Procedure Memo or its rescission.

April 28, 2025 Petitioner Rehearing Request. As summarized above, Petitioner argues that the Director Review Decision violated the APA and due process, among other arguments. *See generally* Reh’g Req.

⁶ The March 2025 Memo is available at https://www.uspto.gov/sites/default/files/documents/guidance_memo_on_interim_procedure_rescission_20250324.pdf.

Petitioner's Request for Rehearing is premised on the argument that the Office has applied the rescission of the 2022 Interim Procedure Memo retroactively. The Office has not done so. As explained above, the March 2025 Memo clarified that the rescission is applicable only to cases in which a final decision on institution had not yet been made. Because Patent Owner's Director Review request was pending, there had been no final decision on institution. The March 2025 Memo also permitted parties to request additional briefing to the extent they had arguments to present in view of the rescission. As noted above, neither party requested additional briefing.

Additionally, Patent Owner argued that the 2022 Interim Procedure Memo should be abandoned. Paper 15, 9. And Petitioner argued that the 2022 Interim Procedure Memo's rescission applied to Patent Owner's request. Paper 17, 1. Thus, Petitioner had the opportunity to argue, and in fact did make arguments, in view of the rescission. Under these circumstances, Petitioner cannot now argue that applying the rescission of the 2022 Interim Procedure Memo was improper.

The remainder of Petitioner's rehearing request: (1) expresses general disagreement with the Director Review Decision's weighing of the *Fintiv* factors without identifying specific areas that the Decision misapprehended and overlooked, and (2) relies on new evidence, including a new, broader stipulation and a new stay order from the district court. Reh'g Req. 10–15 (citing Exs. 1044, 1045). Neither is a proper basis for rehearing.

Accordingly, it is:

ORDERED that Petitioner's Request for Rehearing (Paper 20) is denied.

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE OFFICE OF THE UNDER SECRETARY OF COMMERCE
FOR INTELLECTUAL PROPERTY AND DIRECTOR OF THE
UNITED STATES PATENT AND TRADEMARK OFFICE

MOTOROLA SOLUTIONS, INC.,
Petitioner,

v.

STELLAR, LLC,
Patent Owner.

IPR2024-01284 (Patent 8,310,540 B2)
IPR2024-01285 (Patent 8,928,752 B2)
IPR2024-01313 (Patent 10,523,901 B2)
IPR2024-01314 (Patent 10,965,910 B2)¹

Before COKE MORGAN STEWART, *Acting Under Secretary of
Commerce for Intellectual Property and Acting Director of the United States
Patent and Trademark Office.*

ORDER

Granting Director Review, Vacating the Decision Granting Institution, and
Denying Institution of *Inter Partes* Review

¹ This order applies to each of the above-listed proceedings.

Stellar, LLC (“Patent Owner”) filed a request for Director Review of the Decision granting institution (“Decision”) in each of the above-captioned cases, and Motorola Solutions, Inc. (“Petitioner”) filed an authorized response to each request. *See* Paper 14 (“DR Request”); Paper 16.² In each request, Patent Owner argues that the rationale provided for granting Director Review and denying institution in four related *inter partes* review (“IPR”) proceedings³ applies to each of the current IPRs. DR Request 4, 9. Patent Owner also asserts that the stay the district court entered in the parallel litigation was the product of “the Board’s flawed institution decisions” in the related IPRs. *Id.* at 6.

Petitioner responds that the Board did not err in declining to exercise discretion to deny institution in these cases because the Board properly found that *Fintiv*⁴ factors 1–4 and 6 weighed against discretionary denial. *See* Paper 16, 1, 3–5. Petitioner explains that, at the time it filed the petitions, it relied on the Office’s June 21, 2022 memorandum entitled “Interim Procedure for Discretionary Denials in AIA Post-Grant Proceedings with Parallel District Court Litigation” (“2022 Interim Procedure Memo”), which was “‘binding agency guidance’ [stating] that ‘the [Board] will not discretionarily deny institution of an IPR’ if there is a

² All citations are to the record in IPR2024-01284. Similar papers were filed in IPR2024-01285, IPR2024-01313, and IPR2024-01314.

³ The four related IPR proceedings are IPR2024-01205, IPR2024-01206, IPR2024-01207, and IPR2024-01208 (collectively, “the related IPRs”).

⁴ *Apple Inc. v. Fintiv, Inc.*, IPR2020-00019, Paper 11 at 5–6 (PTAB Mar. 20, 2020) (precedential).

Sotera^{5]} stipulation.”⁶ *Id.* at 1 (emphasis omitted). Petitioner argues the Office’s rescission of that guidance on February 28, 2025, cannot apply retroactively to these proceedings without raising Administrative Procedure Act and due process concerns. *Id.* at 2.

Below is a brief summary of the recent proceedings in these cases and the related IPRs.

February 13, 2025 Institution Decision in the related IPRs. In instituting review in the related IPRs, the Board referenced the 2022 Interim Procedure Memo and then evaluated each of the six *Fintiv* factors. IPR2024-01205, Paper 11 at 9–12. The Board did not treat Petitioner’s *Sotera* stipulation as dispositive in view of the holistic considerations permitted under the 2022 Interim Procedure Memo. *Id.* at 12 (identifying the stipulation as one of four reasons for declining to exercise discretion to deny institution).

February 24, 2025 District Court Stay. The district court issued a temporary stay of the parallel litigation in view of the Board’s decisions instituting review in the related IPRs. *See* Ex. 1058.

February 28, 2025 Rescission of 2022 Interim Procedure Memo. The USPTO rescinded the 2022 Interim Procedure Memo.

⁵ *Sotera Wireless, Inc. v. Masimo Corp.*, IPR2020-01019, Paper 12 (PTAB Dec. 1, 2020) (precedential as to § II.A).

⁶ The now-rescinded 2022 Interim Process memo is available at https://www.uspto.gov/sites/default/files/documents/interim_proc_discretionary_denials_aia_parallel_district_court_litigation_memo_20220621_.pdf.

March 18, 2025 Institution Decision. In instituting review, the Board explained that the USPTO had rescinded the 2022 Interim Procedure Memo and then evaluated each of the six *Fintiv* factors. Decision 8 n.5, 8–13. In considering the *Fintiv* factors holistically, the Board found that the district court’s stay of the proceedings, Petitioner’s *Sotera* stipulation, and the merits of Petitioner’s case outweighed the other factors. *Id.* at 13.

*March 24, 2025 Guidance on USPTO’s Rescission of 2022 Interim Procedure Memo (“March 2025 Memo”).*⁷ The March 2025 Memo clarifies that the 2022 Interim Procedure Memo’s rescission was effective upon its issuance and is not retroactive. The March 2025 Memo states that the rescission only applies to cases in which a final decision on institution has not been made, *i.e.*, “any case in which the Board has not issued an institution decision, or where a request for rehearing or Director review of an institution decision [is] filed and remains pending.” March 2025 Memo 2. The March 2025 Memo also provides parties the opportunity to request additional briefing. *Id.*

March 28, 2025 Director Review Decision in the related IPRs. The Director Review decision in the related IPRs determined that the Board’s analysis of *Fintiv* factors 3 and 4, and overall weighing of the *Fintiv* factors, was erroneous because the Board did not give enough weight to the investment in the parallel proceeding and gave too much weight to Petitioner’s *Sotera* stipulation. IPR2024-01205, Paper 19 (“1205 Director

⁷ The March 2025 Memo is available at https://www.uspto.gov/sites/default/files/documents/guidance_memo_on_interim_procedure_rescission_20250324.pdf.

Review Decision”), 2. In view of that determination, the 1205 Director Review Decision vacated the Board’s decisions granting institution and denied the petitions. *Id.* at 4.

March 31, 2025 Patent Owner Request for Director Review. Patent Owner’s Director Review request argues that institution should be denied in these proceedings because the district court stayed the parallel litigation based on the Board’s institution decisions in the related IPRs and those institution decisions have now been vacated. *See* DR Request 6.

April 8, 2025 Petitioner Response to Director Review Request. Petitioner argues that the Board did not err in evaluating the *Fintiv* factors and that the Office cannot apply retroactively the 2022 Interim Procedure Memo’s rescission to these cases. *See generally* Paper 16.

Petitioner’s response to Patent Owner’s Director Review request is premised on the argument that the Office has applied the rescission of the 2022 Interim Procedure Memo retroactively. The Office has not done so. As explained above, the March 2025 Memo clarified that the rescission is applicable only to cases in which a final decision on institution had not yet been made. Because Patent Owner requested Director Review of the Board’s Decision and that request is pending, there is no final decision on institution. Further, both parties had the opportunity to present, and Petitioner did present, arguments in view of the rescission. Paper 16, 3–5.

As to the district court’s stay in the parallel litigation, the court entered that stay after the Board’s decisions instituting review in the related IPRs. In so doing, the district court explained that its stay analysis depended in part on “whether some or all asserted claims [in the litigation] are subject

to IPR proceedings. . . .” Ex. 1058, 1; *see also id.* at 2 (explaining that the district court will rule on the stay motion “only after considering the [Board’s] additional institution decisions and the parties’ advisories” to the court). The Board’s Decision determined that *Fintiv* factor 1 “weighs strongly against discretionary denial” in light of the stay, Decision 9, and the district court’s stay featured prominently in the Board’s analysis of *Fintiv* factors 2, 3, and 4 as well. *Id.* at 10–12. But the district court’s stay was premised on the Board’s institution decisions in the related IPRs, which have since been vacated.

The district court entered an Order on April 21, 2025, determining that the litigation is to remain stayed. *See* Ex. 3101. But that Order does not change the fact that the court’s original stay was premised on the Board’s decisions instituting review in the related IPRs. In any event, the district court continued the stay pending the Board’s “ultimate resolution” of these proceedings and the related IPRs and the court’s resolution of pending motions. *Id.* at 5.

Under these circumstances, Director Review is granted, and the efficiency and integrity of the system are best served by denying institution in these cases for the same reasons as set forth in the 1205 Director Review Decision. *See* 1205 DR Decision 2–4.

In consideration of the foregoing, it is:

ORDERED that Director Review is granted;

FURTHER ORDERED that the Board's Decision granting institution of *inter parties* review (Paper 12) is vacated; and

FURTHER ORDERED that the Petition is *denied*, and no trial is instituted.

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE OFFICE OF THE UNDER SECRETARY OF COMMERCE
FOR INTELLECTUAL PROPERTY AND DIRECTOR OF THE
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MOTOROLA SOLUTIONS, INC.,
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IPR2024-01205 (Patent 7,593,034 B2)
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IPR2024-01207 (Patent 8,692,882 B2)
IPR2024-01208 (Patent 9,912,914 B2)¹

Before COKE MORGAN STEWART, *Acting Under Secretary of
Commerce for Intellectual Property and Acting Director of the United States
Patent and Trademark Office.*

ORDER

Granting Director Review, Vacating the Decision Granting Institution, and
Denying Institution of *Inter Partes* Review

¹ This order applies to each of the above-listed proceedings.

Stellar, LLC (“Patent Owner”) filed a request for Director Review of the Decision granting institution (“Decision”) in each of the above-captioned cases, and Motorola Solutions, Inc. (“Petitioner”) filed an authorized response to each request. *See* Paper 15 (“DR Request”); Paper 17.² In each request, Patent Owner argues that the Board erred in its fact-finding as to *Fintiv*³ factors 3 and 4—the investment in the parallel proceeding and the overlap between issues raised in the petition and the parallel proceeding, respectively. DR Request 6–9. Patent Owner further argues that, when properly considered, the investment in the parallel proceeding and the overlap of issues favor exercising discretion to deny institution. *See id.* at 9. Patent Owner requests reversal of the Board’s Decision and the exercise of discretion to deny institution, because the *Fintiv* factors favor denial. *Id.*

The Board’s analysis of factors 3 and 4, and overall weighing of the *Fintiv* factors was erroneous. *See* Decision 11–12. The Board did not give enough weight to the investment in the parallel proceeding and gave too much weight to Petitioner’s *Sotera*⁴ stipulation (*i.e.*, a stipulation that Petitioner will not pursue in district court any ground it raised or reasonably could have raised in the *inter partes* review (IPR)) and its potential to reduce overlap with the issues raised in the parallel proceeding.

² All citations are to the record in IPR2024-01205. Similar papers were filed in IPR2024-01206, IPR2024-01207, and IPR2024-01208.

³ *Apple Inc. v. Fintiv, Inc.*, IPR2020-00019, Paper 11 at 5–6 (PTAB Mar. 20, 2020) (precedential).

⁴ *Sotera Wireless, Inc. v. Masimo Corp.*, IPR2020-01019, Paper 12 (PTAB Dec. 1, 2020) (precedential as to § II.A).

As to investment in the parallel proceeding, although the Board considered the time and effort the parties and the district court had invested preparing for trial, the Board found that “Patent Owner’s infringement case alone . . . could present a substantial, if not overwhelming, burden on the district court’s resources” and that “[t]rying invalidity issues adds to that burden.” Decision 11. That analysis could apply in most, if not all, cases and misapprehends the relevant inquiry.

Additionally, by the time Patent Owner filed its Preliminary Response (Paper 8, “POPR”), the parties had served extensive infringement and invalidity contentions, served opening and rebuttal expert reports, filed claim construction briefs, and conducted several depositions. *See* POPR 6–8; Ex. 2003–2005, 2007. The court also had held a claim construction hearing and construed the disputed claim terms. POPR 7; Exs. 2008, 2011. Thus, at the time of the POPR, the district court and the parties had invested substantial time and resources in the parallel proceeding preparing for a March 10, 2025, trial date—a date eleven months before the Board’s projected final written decision date. Decision 10–11. Given the substantial time and effort the parties and the district court had invested in the parallel proceeding, factor 3 strongly favors discretionary denial.

As to the overlap of issues before the Board and in the parallel proceeding, the Board noted Patent Owner’s argument that Petitioner’s invalidity expert report “repeats all of the assertions in th[e] Petition,” and found that Petitioner’s stipulation would potentially reduce the issues for trial in the parallel proceeding. Decision 11–12. But Petitioner’s stipulation does not ensure that these IPR proceedings would be a “true alternative” to

the district court proceeding. *See* Request 8 (quoting *Sotera*, Paper 12 at 19). Petitioner's invalidity arguments in the district court are more expansive and include combinations of the prior art asserted in these proceedings with unpublished system prior art, which Petitioner's stipulation is not likely to moot. *See* Exs. 2004, 2012. Accordingly, although Petitioner's *Sotera* stipulation may mitigate some concern of duplication between the parallel proceeding and this proceeding, the stipulation does not outweigh the substantial investment in the district court proceeding or *Fintiv* factors 1, 2, and 5, which the Board found weighed in favor of denial.⁵ Decision 10–11. Considering the *Fintiv* factors as a whole, the efficiency and integrity of the system are best served by denying review.⁶

In consideration of the foregoing, it is:

ORDERED that Director Review is granted;

FURTHER ORDERED that the Board's Decision granting institution of *inter parties* review (Paper 11) is vacated; and

FURTHER ORDERED that the Petition is *denied*, and no trial is instituted.

⁵ On February 24, 2025, the district court entered a temporary stay premised on the Board's decision instituting review in these proceedings. *See* Ex. 3101. Because the petitions in these IPR proceedings are now denied, the claims challenged in the petitions are no longer subject to IPR proceedings.

⁶ This Order relates to the four above-captioned IPR proceedings. The four related IPR proceedings will be addressed if and when Director Review requests are filed in those proceedings.

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MOTOROLA SOLUTIONS, INC.,
Petitioner,

v.

STELLAR, LLC,
Patent Owner.

IPR2024-01284
Patent 8,310,540 B2

Before BRIAN J. McNAMARA, NABEEL U. KHAN, and
BRIAN P. MURPHY, *Administrative Patent Judges*.

KHAN, *Administrative Patent Judge*.

DECISION
Granting Institution of *Inter Partes* Review
35 U.S.C. § 314

I. INTRODUCTION

A. *Background and Summary*

Motorola Solutions, Inc. (“Petitioner”)¹ filed a Petition (Paper 1, “Pet.”) requesting an *inter partes* review of claims 1–19 (“the challenged claims”) of U.S. Patent No. 8,310,540 B2 (“the ’540 patent,” Ex. 1018). Stella, LLC (“Patent Owner”)² timely filed a Preliminary Response (Paper 8, “Prelim. Resp.”).

An *inter partes* review may not be instituted “unless . . . the information presented in the petition . . . shows that there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.” 35 U.S.C. § 314(a). Per Board practice, if the Board institutes trial, it will institute “on all of the challenged claims and on all grounds of unpatentability asserted for each claim.” *See* 37 C.F.R. § 42.108(a). Having considered the arguments and evidence presented by Petitioner and Patent Owner, we determine that Petitioner has demonstrated a reasonable likelihood of prevailing on at least one of the challenged claims of the ’540 patent. We exercise our discretion to institute *inter partes* review and, as required, we do so as to all the challenged claims of the ’540 patent on all the grounds of unpatentability set forth in the Petition.

B. *Related Proceedings*

The parties identify the following pending matter as involving the ’540 patent: *Stellar, LLC v. Motorola Solutions, Inc. et al.*, Case No. 4:23-

¹ Petitioner identifies Motorola Solutions, Inc. and WatchGuard Video, Inc. as the real parties-in-interest. Pet. 79.

² Patent Owner identifies Stellar, LLC as the real party-in-interest. Paper 4, 1.

cv-750 (E.D. Tex.) (“parallel litigation”). Pet. 79; Paper 4, 1. Patent Owner identifies the following AIA proceedings as involving patents asserted in the parallel litigation that are directly or indirectly related to the ’540 patent: IPR2024-01205, IPR2024-01206, IPR2024-01207, IPR2024-01208, IPR2024-01285, IPR2024-01313, and IPR2024-01314. Paper 4, 1.

C. The ’540 Patent (Ex. 1018)

The ’540 patent, titled “Loop Recording with Book Marking,” issued November 13, 2012. Ex. 1018, codes (45), (54). The ’540 patent describes itself as relating to:

[M]ethods in which a camera can store discrete segments of imaged data, using a sensor in the camera to capture image data, using multiple portions of a memory as a loop in which to record the segments in approximately real time, and protecting the multiple portions from being overwritten by subsequent recording in the loop. Recorder continues to record the image data immediately after ending at least one of the segments or immediately after protecting at least one of the segments. Protected data or segments can be wirelessly transmitting a first one of the segments to a memory, and releasing a corresponding one of the multiple portions of memory from protection. Recorder and signal switch are located or as part of an accessory, such as a pair of glasses.

Id. at code (57).

Figure 2 of the ’540 patent is reproduced below.

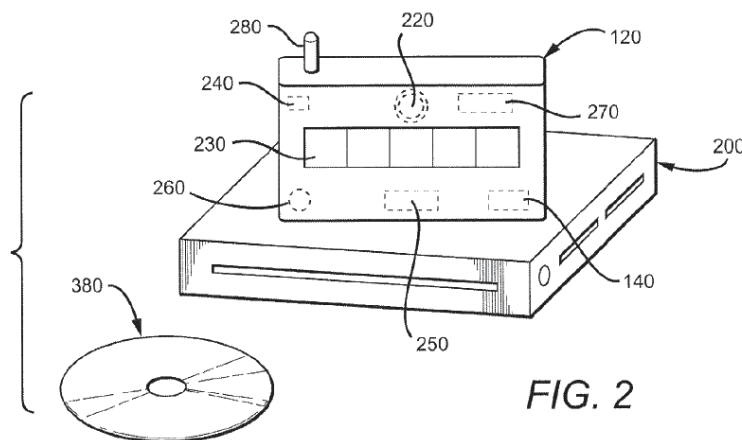


Figure 2 is a camera embodying the inventive subject matter of the '540 patent. Ex. 1018, 2:49–50. “Recorder 120 comprises imager lens 220, memory 140, control buttons 230, microprocessor 240, power source 250, microphone 260, hard drive 270, transmitter 280 and optional display screen.” *Id.* at 3:11–14. The '540 patent explains that the recorder is typically a digital video camera or camcorder. *Id.* at 3:15–18. Memory 140 may include hard drives, flash memory cards, SDRAM, SIMM, or DIMM with varying capacities. *Id.* at 3:39–48. Once the recorder is turned on, image data is continuously stored in a loop memory. *Id.* at 3:55–57.

The '540 patent explains that it is preferred that the entire loop is treated and stored as a single file, so that if no recording is protected, the entire file will be erased and recording will start at the beginning of the loop. *Id.* at 4:3–7. The user can decide to protect a portion of the data being recorded by sending a signal with the use of a switch. *Id.* at 4:19–21. Once the signal is activated protected data is marked and protected for a period of time. *Id.* at 4:32–33. Protected data is stored separately from the loop. *Id.* at 4:42–43. Unprotected data will be overwritten by new data once the memory has reached its full capacity. *Id.* at 4:49–51. The '540 patent also

explains that microprocessor 240 is programmed to allow editing function upon receiving image data or protected data. *Id.* at 5:28–30.

D. Illustrative Claim

Claim 1 is the sole independent claim of the '540 patent and is reproduced below with limitation identifiers in brackets corresponding to claim analysis headings in the Petition. *See, e.g.*, Pet. 19–35.

1. [Preamble] A method of storing discrete segments of imaged data in a camera, comprising:

[Element 1] using a sensor in the camera to capture image data;

[Element 2] providing a recorder coupled to the camera and having a memory;

[Element 3] using multiple portions of the memory as a memory loop in which to record segments of the image data in approximately real time;

[Element 4] treating the memory loop as a single file;

[Element 5] protecting the multiple portions, within the single file, from being overwritten by subsequent recording in the memory loop; and

[Element 6] allowing the editing of the imaged data in protected multiple portions stored in the memory loop within the single file via a recorder control while recording additional segments of the image data in the memory loop within the single file.

Ex. 1018, 8:19–36.

E. Evidence

The Petition relies on the following references:

Reference	Exhibit No.
US 2002/0191952 A1; filed Apr. 9, 2002; published Dec. 19, 2002 (“Fiore”).	1009

Reference	Exhibit No.
EP 1 064 783 B1; filed Mar. 25, 1999; published June 4, 2003 (“Mann”).	1015
US 7,158,167 B1; filed Sept. 9, 1998; issued Jan. 2, 2007 (“Yerazunis”).	1017
US 2004/0008255 A1; filed July 11, 2002; published Jan. 15, 2004 (“Lewellen”).	1019
US 5,982,418; issued Nov. 9, 1999 (“Ely”).	1020
US 6,563,532 B1; filed Apr. 21, 2000; issued May 13, 2003 (“Strub”).	1046

Petitioner also relies on the Declaration of Nabil J. Sarhan, Ph.D. (Ex. 1051) in support of its arguments. The parties rely on other exhibits as discussed below.

F. Asserted Grounds of Unpatentability

Petitioner asserts that claims 1–19 would have been unpatentable on the following grounds:

Ground	Claim(s) Challenged	35 U.S.C. § ³	Reference(s)/Basis
1a ⁴	1–7, 9–15, 19	103(a)	Yerazunis, Fiore
1b	16–18	103(a)	Yerazunis, Fiore, Mann
1c	8	103(a)	Yerazunis, Fiore, Strub
2a	1–7, 9–14, 19	103(a)	Ely, Fiore
2b	15	103(a)	Ely, Fiore, Lewellen
2c	16–18	103(a)	Ely, Fiore, Mann
2d	8	103(a)	Ely, Fiore, Strub

II. EXERCISE OF DISCRETION

In the Preliminary Response, Patent Owner contends that we should exercise our discretion to deny the Petition in favor of the parallel litigation. Prelim. Resp. 5–18. The Board has held that the advanced state of a parallel district court action is a factor that may weigh in favor of denying a petition under § 314(a). *See NHK Spring Co. v. Intri-Plex Techs., Inc.*, IPR2018-00752, Paper 8 at 20 (PTAB Sept. 12, 2018) (precedential); Trial Practice Guide, 58 & n.2. We consider the following factors to assess “whether efficiency, fairness, and the merits support the exercise of authority to deny institution in view of an earlier trial date in the parallel proceeding”:

³ The Leahy-Smith America Invents Act (“AIA”), Pub. L. No. 112-29, 125 Stat. 284, 287–88 (2011), amended 35 U.S.C. §§ 102 and 103 and became effective March 16, 2013. Because the ’540 patent was filed before this date, the pre-AIA versions of 35 U.S.C. §§ 102 and 103 apply. *See* Ex. 1010, code (22).

⁴ Because Petitioner describes each ground as obvious over a primary reference “alone or as combined with” other references, each “Ground” includes two possible grounds of obviousness. However, for purposes of this Decision, we analyze each ground as if it were over all the listed references combined. *See, e.g.*, Pet. 7 (“**Ground 1a**: Claims 1–7, 9–15, and 19 would have been obvious under 35 U.S.C. § 103 over [Yerazunis] *alone or as combined with* [Fiore].” (emphasis added)); *see generally id.* at 6.

1. whether the court granted a stay or evidence exists that one may be granted if a proceeding is instituted;
2. proximity of the court's trial date to the Board's projected statutory deadline for a final written decision;
3. investment in the parallel proceeding by the court and the parties;
4. overlap between issues raised in the petition and in the parallel proceeding;
5. whether the petitioner and the defendant in the parallel proceeding are the same party; and
6. other circumstances that impact the Board's exercise of discretion, including the merits.

Apple Inc. v. Fintiv, Inc., IPR2020-00019, Paper 11 at 5–6 (PTAB Mar. 20, 2020) (precedential) (“*Fintiv*”). In evaluating these factors, we “take[] a holistic view of whether efficiency and integrity of the system are best served by denying or instituting review.” *Id.* at 6. With these factors and guidance in mind, we consider parties’ contentions.⁵

1. *Factor 1 – Whether the court granted stay or evidence exists that one may be granted if a proceeding is instituted*

“A district court stay of the litigation pending resolution of the PTAB trial allays concerns about inefficiency and duplication of efforts.” *Fintiv*, 6. *Fintiv* indicated that, in previous Board decisions, the existence of a district court stay pending Board resolution of an *inter partes* review has weighed strongly against discretionary denial, while a denial of such a stay request sometimes weighs in favor of discretionary denial. *Id.* at 6–8.

⁵ The June 21, 2022 memorandum titled “Interim Procedure for Discretionary Denials in AIA Post-Grant Proceedings with Parallel District Court Litigation” has been rescinded by the Office. See <https://www.uspto.gov/about-us/news-updates/uspto-rescinds-memorandum-addressing-discretionary-denial-procedures>.

On February 24, 2025 the District Court in the parallel litigation issued an order temporarily staying all deadlines and hearings scheduled in the matter.⁶ Ex. 1058, 1–2. The District Court’s order notes that Patent Owner asserts 8 patents in the litigation, that IPRs have been instituted on 4 of those patents covering 10 of the 14 claims asserted in the litigation, and that further consideration of a stay will depend upon whether IPRs are instituted on patents including the 4 remaining claims. *Id.* at 1, 3. The District Court also ordered the parties to update their positions on a stay within one week of a decision on institution. It is unclear if, and when, a new trial date would be set. In light of this stay, we determine that this factor weighs strongly against discretionary denial.

2. *Factor 2 – Proximity of the court’s trial date to the Board’s projected statutory deadline for a final written decision*

The proximity factor in *Fintiv* asks us to evaluate our discretion in light of a trial date that has been set in a parallel litigation. *See Fintiv*, 3, 5 (“*NHK* applies to the situation where the district court has set a trial date to occur earlier than the Board’s deadline to issue a final written decision in an instituted proceeding.”; “When the patent owner raises an argument for discretionary denial under *NHK* due to an earlier trial date, the Board’s decisions have balanced the following factors”) (citing *NHK*, Paper 8 at 20). As noted above in the discussion of the first factor, *Fintiv* cites concern regarding “inefficiency and duplication of efforts.” *Id.* at 6. In its analysis of the proximity factor, *Fintiv* echoes that concern in its guidance that “[i]f the court’s trial date is at or around the same time as the projected statutory

⁶ Patent Owner had argued in its Preliminary Response that “Petitioner has not sought a stay in the district court” but this argument was made before the district court’s February 24, 2025 order.

deadline or even significantly after the projected statutory deadline, the decision whether to institute will likely implicate other factors discussed herein, such as the resources that have been invested in the parallel proceeding.” *Id.* at 9. Similarly, in *NHK*, the Board expressed the concern that a trial before the deadline for a final written decision addressing the same prior art and arguments would have undermined the Board’s objectives of providing an effective and efficient alternative to district court litigation. *See NHK*, 20 (citing *General Plastic Indus. Co., Ltd. v. Cannon Kabushiki Kaisha*, IPR2016-01357, Paper 19 at 16–17 (PTAB Sept. 6, 2017 (precedential))).

Patent Owner argues that the trial date is over eight months before the expected date of a Final Written Decision in this proceeding and that this favors denial. *Id.* at 10–11. This argument, however, was made before the district court stayed its deadlines and hearings pending issuance of our institution decisions in this IPR and three related IPR proceedings. In light of the district court’s stay, we determine this factor weighs against exercising discretion to deny institution.

3. *Factor 3 - Investment in the parallel proceeding by the court and the parties*

If, at the time of the institution decision, the district court has issued substantive orders related to the challenged patent, such as a claim construction order, this fact weighs in favor of denial. *See Fintiv*, 9–10. On the other hand, if the district court has not issued such orders, this fact weighs against discretionary denial. *Id.* at 10.

Patent Owner emphasizes that, given the advanced state of the parallel litigation, the District Court and the parties have expended significant time and resources in preparing the parallel litigation for trial. Prelim. Resp. 11–

14. Patent Owner advises that the District Court has appointed a technical advisor, considered extensive claim construction briefs, held a hearing and entered a *Markman* ruling on sixteen claim terms, and had yet to decide *Daubert* motions at the time Patent Owner filed its Preliminary Response. *Id.* at 13–14.

Although we are sensitive to the expenditure of time and effort preparing for trial in the parallel litigation, we also recognize that a significant amount of work still remains to be done. For example, Patent Owner points to its infringement contentions containing over 850 pages of claim charts alleging infringement of 14 claims over 8 asserted patents, as well as Petitioner’s invalidity contentions based on over 115 prior art references. *Id.* at 12–13. Moreover, the recently ordered stay of deadlines and hearings indicates that the district court is sensitive to the amount of work still remaining.

In light of the above, we determine this factor weighs against exercising our discretion to deny institution.

4. *Factor 4 - Overlap between issues raised in the petition and in the parallel proceeding*

“[I]f the petition includes the same or substantially the same claims, grounds, arguments, and evidence as presented in the parallel proceeding, this fact has favored denial.” *Fintiv*, 12. “Conversely, if the petition includes materially different grounds, arguments, and/or evidence than those presented in the district court, this fact has tended to weigh against exercising discretion to deny institution under *NHK*.” *Id.* at 12–13. A stipulation as in *Sotera Wireless, Inc. v. Masimo Corp.*, IPR2020-01019, Paper 12 at 18–19 (PTAB Dec. 1, 2020) (precedential as to § II.A), if one is entered, would be highly relevant.

Patent Owner argues that the “references relied on in the Petition substantially overlap with those in its Invalidity Contentions and the arguments are redundant of the opinions in its opening expert report.” Prelim. Resp. 14. Patent Owner specifically points out that the combinations of Yerazunis with Fiore and Ely with Fiore, asserted here, are the same as those in Dr. Sarhan’s opening expert report in the parallel litigation. *Id.*

On December 10, 2024, Petitioner offered a stipulation, stating that, upon institution of this proceeding, Petitioner “will not pursue as to the challenged claims any ground raised or that reasonably could have been raised during the IPR” in the parallel litigation. *See* Ex. 2015 (filed in this proceeding Dec. 20, 2024). Petitioner’s stipulation applies to the following proceedings, which includes this proceeding: IPR2024-01284, challenging claims 1-19 of U.S. Patent No. 8,310,540; IPR2024-01285, challenging claims 1-18 of U.S. Patent No. 8,928,752; IPR2024-01313, challenging claims 1-25 of U.S. Patent No. 10,523,901; and IPR2024-01314, challenging claims 1-20 of U.S. Patent No. 10,965,910. With respect to this proceeding, Petitioner’s stipulation applies to all claims in the ’540 patent.

Although Patent Owner has identified areas of overlap between this proceeding and the parallel proceeding, Petitioner’s stipulation mitigates concerns of duplicative efforts between the district court and the Board, as well as concerns of potentially conflicting decisions. *See, Sotera*, 19. Moreover, the stay of hearings and deadlines in the parallel litigation also mitigates concerns of duplicative efforts and potentially conflicting decisions. *Fintiv*, 6 (“A district court stay of the litigation pending resolution of the PTAB trial allays concerns about inefficiency and duplication of efforts.”). We determine this factor weighs strongly against discretionary denial.

5. *Factor 5 – Whether the petitioner and the defendant in the parallel proceeding are the same party*

Patent Owner notes that Petitioner and its real party-in-interest (WatchGuard Video, Inc., acquired by Petitioner in 2019) are the only defendants in the parallel litigation. Prelim. Resp. 15 (citing Ex. 2013). This factor, therefore, weighs in favor of discretionary denial.

6. *Factor 6 – Other circumstances that impact the Board’s exercise of discretion, including the merits*

As discussed below, on this preliminary record, Petitioner has met its burden of demonstrating a reasonable likelihood that it would prevail in showing that claims of the ’540 patent are unpatentable. Although we recognize the record may change during trial, as discussed in detail below, Petitioner has made a strong showing, on the record presently before us, that the prior art references cited in the Petition teach or suggest all limitations of at least one challenged claim. *See Fintiv*, 14– 15 (discussing the merits of the Petition as a consideration). We, therefore, determine that this factor weighs against discretionary denial.

7. *Conclusion*

We take “a holistic view of whether efficiency and integrity of the system are best served by denying or instituting review” when considering the six *Fintiv* factors. *Fintiv*, 6. Based on our holistic review of the *Fintiv* factors, we find that the district court’s stay of proceedings, Petitioner’s *Sotera* stipulation, and the merits of Petitioner’s case outweigh the other factors. For these reasons, we decline to exercise our discretion to deny institution under § 314(a). We now address the substantive issues presented in the Petition.

III. ANALYSIS

A. *Principles of Law*

Petitioner bears the burden of persuasion to prove unpatentability of the claims challenged in the Petition, and that burden never shifts to Patent Owner. *Dynamic Drinkware, LLC v. Nat'l Graphics, Inc.*, 800 F.3d 1375, 1378 (Fed. Cir. 2015).

A patent claim is unpatentable under 35 U.S.C. § 103 if the differences between the claimed invention and the prior art are such that the claimed invention as a whole would have been obvious before the effective filing date of the claimed invention to a person having ordinary skill in the art to which the claimed invention pertains. The question of obviousness is resolved on the basis of underlying factual determinations including: (1) the scope and content of the prior art; (2) any differences between the claimed subject matter and the prior art; (3) the level of skill in the art; and (4) any objective evidence of obviousness or non-obviousness⁷. *Graham v. John Deere Co.*, 383 U.S. 1, 17–18 (1966).

B. *Level of Ordinary Skill in the Art*

In determining the level of ordinary skill in the art, various factors may be considered, including the “type of problems encountered in the art; prior art solutions to those problems; rapidity with which innovations are made; sophistication of the technology; and educational level of active workers in the field.” *In re GPAC Inc.*, 57 F.3d 1573, 1579 (Fed. Cir. 1995) (internal quotation marks and citation omitted).

Petitioner’ declarant, Dr. Sarhan, opines that a person of ordinary skill in the art in the field “would have been a person having at least a Bachelor’s

⁷ Neither party has introduced any objective evidence of nonobviousness.

Degree in electrical engineering, computer science, or computer engineering, or undergraduate training in an equivalent field and at least two years of relevant experience in electronics technology.” Ex. 1051 ¶ 30. Dr. Sarhan further opines that “[a]dditional graduate education could substitute for professional experience, and significant work experience could substitute for formal education.” *Id.*

Patent Owner does not contest Petitioner’s proposed level of ordinary skill. *See generally* Prelim. Resp.

For purposes of this Decision, we adopt Petitioner’s proposed level of ordinary skill, which is supported by Dr. Sarhan’s testimony, except that we find that the phrase “at least” in Petitioner’s proposed definition creates a vague, open-ended upper bound for the level of ordinary skill, and we therefore do not adopt that aspect of the proposal.

C. Claim Construction

We apply the same claim construction standard used in district court actions under 35 U.S.C. § 282(b), namely that articulated in *Phillips v. AWH Corp.*, 415 F.3d 1303 (Fed. Cir. 2005) (en banc). *See* 37 C.F.R. § 42.100(b) (2020).

In applying that standard, claim terms generally are given their ordinary and customary meaning as would have been understood by a person of ordinary skill in the art at the time of the invention and in the context of the entire patent disclosure. *Phillips*, 415 F.3d at 1312–13. “In determining the meaning of the disputed claim limitation, we look principally to the intrinsic evidence of record, examining the claim language itself, the written description, and the prosecution history, if in evidence.” *DePuy Spine, Inc. v. Medtronic Sofamor Danek, Inc.*, 469 F.3d 1005, 1014 (Fed. Cir. 2006) (citing *Phillips*, 415 F.3d at 1312–17). Only claim terms in controversy

require express construction, “and only to the extent necessary to resolve the controversy.” *Nidec Motor Corp. v. Zhongshan Broad Ocean Motor Co.*, 868 F.3d 1013, 1017 (Fed. Cir. 2017); *see also Vivid Techs., Inc. v. Am. Sci. & Eng’g, Inc.*, 200 F.3d 795, 803 (Fed. Cir. 1999) (“[O]nly those terms need be construed that are in controversy, and only to the extent necessary to resolve the controversy.”).

a) “file”

Petitioner argues that “the term ‘file’ should be given its plain and ordinary meaning as of June 2007, which was ‘an identifiable collection of data.’” Pet. 10 (citing Ex. 1051 ¶¶ 113–119). Petitioner argues that in the ’540 patent, the entire circular buffer is treated as a file and write-protected segments are also treated as files. *Id.* at 10 (citing Ex. 1001, 2:29–51, 5:66–6:7, 9:18–26). According to Petitioner, the ’540 patent does not describe any particular file type or structure for these files. *Id.* at 11. Petitioner also argues that the prosecution history does not limit the claimed files to any particular type of file. *Id.* at 11 (citing Ex. 1011, 77; Ex. 1013, 285–286). Petitioner also relies on several dictionary definitions as supporting its construction of the term file. *Id.* at 11–12 (citing Ex. 1025, 3; Ex. 1026, 3; Ex. 1027, 3).

Patent Owner asserts that “Petitioner’s vague and unduly broad definition of ‘file’ is not only contradicted by the prosecution history, but also the extrinsic evidence it relies upon.” Prelim. Resp. 4. Patent Owner states that it “reserves the right to present claim construction arguments if trial is instituted.” *Id.* at 4. Patent Owner cites the prosecution history of a related patent to argue that the term “file” indicates “something that would ‘facilitate [the] exchange of data’ and eliminate the need for further ‘processing.’” *Id.* at 25–27 (quoting Ex. 1013, 285–286). Patent Owner also

argues that the prosecution history shows that the recited files are stored within the circular buffer as opposed to being stored elsewhere. *Id.* at 27. Finally, Patent Owner argues that Petitioner’s proposed construction is “inconsistent with logic and common understanding” and “at odds with its own extrinsic evidence.” *Id.* at 27–28 (citing Ex. 1025, 3; 1026, 3; 1027, 3).

Having reviewed the parties’ arguments we determine, as explained further below in our analysis of claim 1 (§ III.D.4.a), that an express construction of the term “file” is not necessary at this stage of the proceeding.

A final determination as to claim construction will be made at the close of the proceeding, after any hearing, based on all the evidence of record. The parties are expected to assert all their claim construction arguments and evidence in the Petition, Patent Owner’s Response, Petitioner’s Reply, Patent Owner’s Sur-reply, or otherwise during trial, as permitted by our rules.

*D. Obviousness over the Combination of Yerazunis and Fiore
(Ground 1a)*

Petitioner argues claims 1–7, 9–15, and 19 of the ’540 patent would have been obvious over Yerazunis in combination with Fiore. Pet. 12–45. Below we provide a brief overview of Yerazunis and Fiore and then analyze Petitioner’s contentions in light of Patent Owner’s arguments.

1. Yerazunis (Ex. 1017)

Yerazunis is titled “Video Recording Device for a Targetable Weapon,” and relates to “a video recording device which is adapted to store video images corresponding generally to the area surrounding the sighting area of a targetable weapon such as a gun.” Ex. 1017, code (54), 1:18–21.

Yerazunis discloses a video recording device that “records video frames successively in at least one circular buffer memory organized as a continuous loop overwriting the oldest frame within the respective buffer memory with a more recently received frame.” Ex. 1017, 2:19–23.

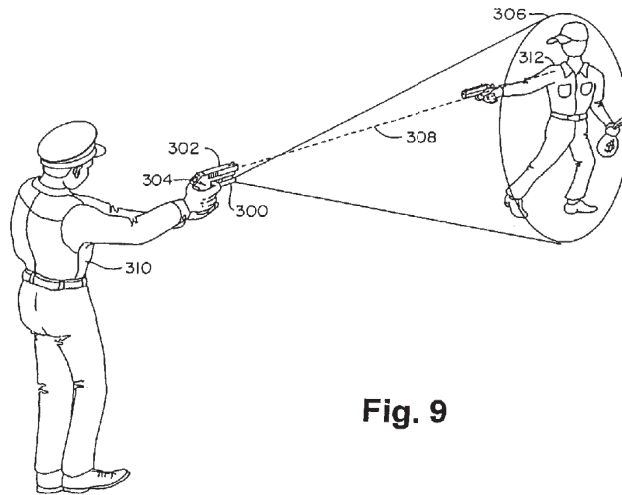
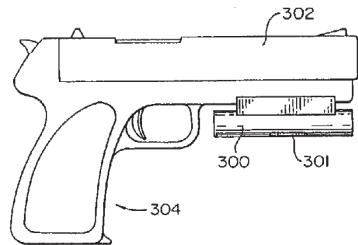
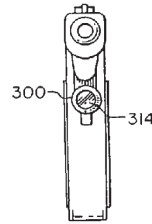
According to Yerazunis,

[u]pon detection of a trigger event, the video recording device records a predetermined number of additional frames and then ceases to record further frame data. In this manner, a video event record is obtained which commences prior to the triggering event and extends in time after the triggering event.

Id. at 2:53–58.

Yerazunis also describes an embodiment in which such a video recording device is mounted to a targetable weapon, such as a gun, and aligned so as to record images surrounding the line of fire of the weapon. Ex. 1017, 3:9–12. Upon the removal of the gun from a holster, the video recording device starts recording of video frames to the circular buffer memory and, upon detection of the firing signal, stores additional frames for a short period of time. *Id.* at 3:17–20, 3:25–28. According to Yerazunis, “[u]pon a firing event, specified frame data associated with that firing event both before and after the event is preserved and cannot be overwritten as a result of further use of the gun or subsequent firing events.” *Id.* at 3:28–31.

Figures 9, 10a, and 10b of Yerazunis, reproduced below, depict a gun having a video recording device mounted below the barrel of the gun and its use. Ex. 1017, 4:7–14.

**Fig. 9****Fig. 10a****Fig. 10b**

Figures 10a and 10b depict a video recording device 300 mounted below the barrel 302 of the gun 304. *Id.* at 15:24–25. Figure 9 shows that the video recording device 300 has “a field of view 306 generally surrounding the line of fire or target line 308 of the gun 304.” *Id.* at 14:47–50. According to Yerazunis,

the video recording device 300 includes a sensor, which is responsive to the discharge of the gun 304 to cause the video recording device 300 to continue to record for a brief interval following the discharge of the gun into a designated portion of a memory and to then preserve video frame information generated before and after the discharge of the weapon by the officer.

Id. at 14:55–61.

2. *Fiore (Ex. 1009)*

Fiore is titled “Data Recording and Playback System and Method,” and relates to “data recording and playback systems for monitoring processes or occurrences of events which allows the replay and/or analysis of a time sampled signal.” Ex. 1009, code (54), ¶ 3. Specifically, Fiore discloses a data recording and playback system having:

a monitoring device that provides an input signal data, a memory device adapted to receive and temporarily store the input signal data from the monitoring device as data frames with time stamps, the memory device having addresses associated thereto, and a circular storage buffer having a memory mapped file with same address space as the memory device, the circular storage buffer being adapted to receive the temporarily stored input signal data from the memory device, and to store the input signal data in the memory mapped file.

Id. ¶ 20. Fiore describes that “the circular storage buffer stores recent data frames over aged data frames in the memory mapped file.” *Id.* ¶ 21.

According to Fiore, the memory mapped file is “adapted to allow playback of stored input signal data from the circular storage buffer without interrupting simultaneous recording of new input signal data into the circular storage buffer.” *Id.* ¶ 23.

Figure 2 of Fiore, reproduced below, depicts a signal processor used in implementing the data recording and playback system. Ex. 1009 ¶ 27.

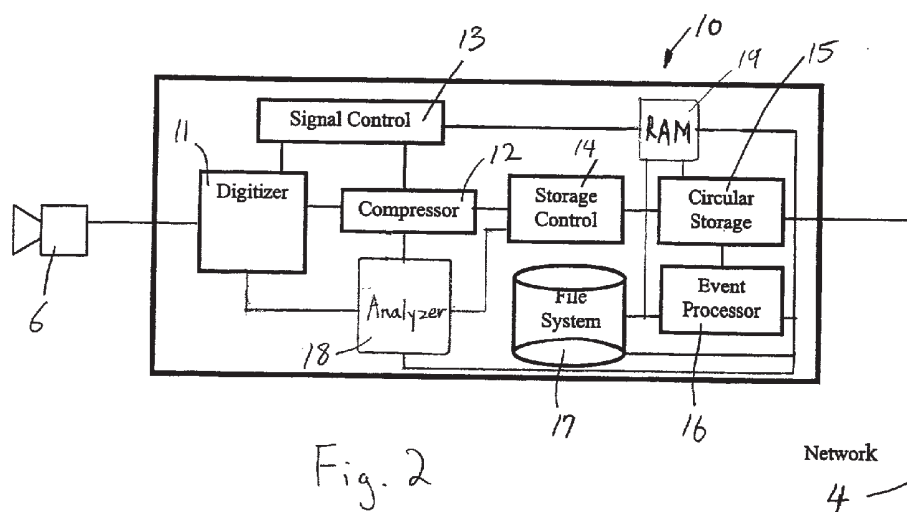


Figure 2 shows the signal processor 10 having a storage control 14 that “receives the digitized and/or compressed input signal data from the monitoring device 6, and stores the input signal data and the analysis data in the circular storage buffer 15 together with a time stamp for each record.”

Id. ¶ 47. According to Fiore,

the circular storage buffer 15 has two unique positions, the head and tail. The head represents the position in the circular storage buffer 15 having the most recent signal data, and the tail position represents the position in the buffer having the oldest signal data that is leaving the circular storage buffer 15, i.e. being overwritten by the most recent signal data.

Id. Fiore also describes that “the circular storage buffer may be implemented as a reserved area in memory, a disk file, or as a storage in a looped media.” *Id.* ¶ 65.

3. *Combination of Yerazunis and Fiore*

At this stage of the proceeding, we are persuaded that Petitioner has established a reasonable likelihood that a person of ordinary skill would have combined the teachings of Yerazunis and Fiore for the reasons provided by Petitioner. Petitioner's proposes to combine Yerazunis' data

recording system with Fiore's teachings regarding a circular storage buffer implemented as a memory mapped file and its teachings regarding indexing of event data as files within the circular storage buffer. Pet. 18. Petitioner contends that a POSITA would have been motivated to combine Yerazunis and Fiore for multiple reasons, including that both references disclose data recording systems that store data in a circular buffer and preserve data associated with an event. *Id.* at 17. Petitioner also contends that a POSITA would have been motivated to implement Yerazunis's video recording device with Fiore's file-based approach for the circular storage buffer because doing so would provide the benefits of having the access speed of Random Access Memory (RAM), making indexing of data transparent to the circular storage buffer's access objects, and avoiding issues with switching between RAM and disk files. *Id.* (citing Ex. 1009 ¶¶ 22, 23, 51, 59, 60, 65, 67, 68, 72; Ex. 1051 ¶ 165–169). We agree that these benefits would provide sufficient reason for a person of ordinary skill to combine the teachings of Yerazunis and Fiore in the way proposed by Petitioner.

Patent Owner disputes that “a POSITA would have been motivated to combine Yerazunis and Fiore to arrive at the invention of the '540 patent,” arguing that Yerazunis and Fiore are different than, and in some instances, incompatible with each other but we do not find these arguments to overcome Petitioner's contentions at this stage of the proceeding. Prelim. Resp. 34. For example, Patent Owner argues that Yerazunis and Fiore are not similar to each other because Yerazunis discloses a compact video recording device for different applications while Fiore discourages reliance on proprietary hardware and instead directs its application to personal computers which provide flexibility to be adapted to various applications. *Id.* (citing Ex. 1051 ¶ 166; Ex. 1009 ¶ 9). This argument, however, is based

on Fiore’s statement that proprietary devices, such as TiVo, are not suited for recording external events based on triggers (as contrasted with recording broadcast signals at specified times). *See* Ex. 1009 ¶¶ 7–9. Yerazunis, however, *does* record external events based on triggers, such as gun triggering events. Ex. 1017, 3:9–35. Thus, based on the present record at this stage of the proceeding, we disagree that Fiore discourages combining its teachings with Yerazunis.

As another example, Patent Owner argues that because Yerazunis stops recording video data after a predetermined number of frames following a trigger, and because it limits the amount of frame data preserved, it is incompatible with a fundamental purpose of Fiore, which is to avoid dropping any frames that would lead to loss of critical data. *Id.* at 35–36, 37 (citing Ex. 1017, 2:53–55, 11:44–13:2; Ex. 1009 ¶¶ 12–13). This argument does not address Petitioner’s proposed combination relying on Yerazunis’ gun embodiment which does not stop recording video after a triggering event. *See* 1017, 17:50–59.

Patent Owner argues that to preserve data, Fiore transfers that data to a different memory location instead of selectively write protecting that data within a circular buffer and because of this reason “a POSITA would not look to Fiore for guidance on a system to write-protect designated portions within a memory loop.” *Id.* at 36 citing (Ex. 1009 ¶¶ 47, 48, 63). Patent Owner also argues that Fiore does not disclose selectively write-protecting individual segments of time-stamped event data within a circular buffer nor does it disclose storing individual event files within a circular buffer. *Id.* at 38 (citing Ex. 1009 ¶¶ 10, 20, 22, 71). Again, these arguments do not fully address the proposed combination in which Petitioner relies on Yerazunis’ gun camera embodiment to teach selective-write protecting individual

segments and storing video data within a circular buffer. *See* Pet. 23–24, 28 (citing Ex. 1017, 2:19–23, 3:25–38, 8:26–30, 15:9–13, 16:66–17:38, 17:9–20, 17:50–59; Ex. 1051 ¶ 177).

4. *Analysis of Claim 1*

Petitioner contends that the combination of Yerazunis and Fiore teach each of the limitations of claim 1, supporting its contentions with evidence from the asserted prior art and from the testimony of Dr. Sarhan. Pet. 19–33. Patent Owner disputes Petitioner’s contentions with respect to certain limitations. Prelim. Resp. 26–38. We have reviewed Petitioner’s contentions for the preamble⁸ and undisputed limitations of claim 1 and are persuaded Petitioner has established a reasonable likelihood that the combination of Yerazunis and Fiore teaches these undisputed limitations. We focus our attention on the disputed elements of claim 1 below.

a) *Whether Yerazunis and Fiore Teach “file” Storage*

Elements 4 and 5 of claim 1 recite “treating the memory loop as a single *file*” and “protecting the multiple portions, within the single *file*, from being overwritten by subsequent recording in the memory loop.” Ex. 1018, 8:27–30 (emphasis added).

While acknowledging that “Yerazunis does not expressly refer to ‘treating the memory loop as a single file’” Petitioner, nevertheless, argues that a person of ordinary skill in the art would have found it obvious to treat the circular buffer as a single file based on Yerazunis’ disclosure of storing head and tail pointers that define the areas of the circular buffer in which

⁸ Because we determine that Petitioner has demonstrated a reasonable likelihood that the combination of Yerazunis and Fiore teaches the preamble, we need not make a determination, at this stage of the proceeding, whether the preamble is limiting.

video data is stored pertaining to each gun firing event. Pet. 25–26. (citing Ex. 1017, 17:50–56; Ex. 1051 ¶ 182). Petitioner also argues that using multiple files would have been more time consuming than using a single file and that treating the circular buffer as a single file would have been one of a finite number of identified solutions for implementing Yerazunis’ circular buffer. *Id.* at 26 (citing *KSR Int’l Co. v. Teleflex Inc.*, 550 U.S. 398, 421 (2007) (“finite number of identified, predictable solutions”). Petitioner also relies, in the alternative, on Fiore which Petitioner argues discloses a circular storage buffer 15 that is treated as a single file. Pet. 26 (citing Ex. 1009 ¶¶ 22–23, 51, 59–60, 71).

Patent Owner points out that Yerazunis does not mention “any ‘file’ at all” and argues Yerazunis does not render obvious the use of a single “file” within a memory loop under a proper construction⁹ of that term. *Id.* at 24. Patent Owner argues that Yerazunis’ use of pointers to reference address locations is not sufficient to demonstrate that it would have been obvious to use a single file to store data in the circular buffer. *Id.* at 25. Patent Owner also argues that Fiore does not disclose storing a data file within a memory loop and instead teaches saving discrete files in a separate database. *Id.* at 28 (Ex. 1009 ¶ 22).

Having reviewed Petitioner’s contentions and Patent Owner’s arguments to the contrary, we are persuaded, at this stage of the proceeding, by Petitioner’s arguments summarized above that the combination of Yerazunis and Fiore teach “treating the memory loop as a single file” and

⁹ Patent Owner’s arguments (Prelim. Resp. 25–28) disputing Petitioner’s construction of “file” are summarized above in the section discussing claim construction.

“protecting the multiple portions, within the single file, from being overwritten by subsequent recording in the memory loop.” We note that Petitioner relies, in the alternative, on Fiore for teaching the recited “file” and although Patent Owner argues that Fiore does not disclose storing a data file within a memory loop, Patent Owner does not sufficiently dispute that Fiore teaches a “file.” We, therefore, need not explicitly construe the term “file” for purposes of institution. We agree with Petitioner that Fiore teaches a circular storage buffer that is treated as a single file. For example, Fiore discloses “a circular storage buffer having a memory mapped file” and “stor[ing] the input signal data in the memory mapped file.” Ex. 1009 ¶ 20.

As to Patent Owner’s argument that Yerazunis and Fiore do not store a file within the circular buffer, we disagree. Yerazunis discloses that it stores data within the circular buffer and combined with Fiore’s teaching of storing “input signal data in the memory mapped file,” the combination teaches “treating the memory loop as a single file.” Ex. 1017, 3:25–38, 8:26–30, 15:9–13, 17:48–59; Ex. 1009 ¶ 20.

b) Whether Yerazunis and Fiore Teach “protecting the multiple portions, within the single file, from being overwritten by subsequent recording in the memory loop”

Claim 1 recites “protecting the multiple portions, within the single file, from being overwritten by subsequent recording in the memory loop.” Ex. 1018, 8:28–30. Petitioner relies on Yerazunis’ gun camera embodiment which discloses an event sensor generating a gun firing signal which “causes ‘specified frame data associated with [the] firing event both before and after the event’ to be ‘preserved,’ such that it ‘cannot be overwritten as a result of further use of the gun or subsequent firing events.’” Pet. 28 (citing Ex. 1017, 3:25–38, 8:26–30, 15:9–13). Petitioner relies further on Yerazunis’

disclosure that data associated with subsequent firing events are stored within unused portions of the circular buffer memory. *Id.* (citing Ex. 1017, 3:31–33). Petitioner also relies, in the alternative, on Fiore’s disclosure of indexing collections of frame data for respective events as multiple portions within a memory mapped file for teaching the preservation of event data as files in Yerazunis’ buffer. *Id.* at 30 (citing Ex. 1009 ¶¶ 22, 23, 51, 59, 60).

Patent Owner disputes that the car implementation or the gun implementation teach “protecting the multiple portions, within the single file, from being overwritten by subsequent recording in the memory loop.” Prelim. Resp. 29–32. For both implementations, Patent Owner argues that “Yerazunis discloses a system whereby the entirety of a circular buffer (i.e., all data in the buffer) is preserved in response to a triggering signal by ceasing to record over previously *used* (i.e., recorded) portions of the Yerazunis buffer(s).” Prelim. Resp. 29. The car implementation, according to Patent Owner, “is a simple ‘buffer-record-and-stop’ scheme, in which the video data is stored in a circular buffer until a triggering event, at which point the system records a small amount of additional video, and then stops the recording altogether.” Prelim. Resp. 30 (citing Ex. 1017, 2:19–25; 8:26–32).

In the gun camera implementation, according to Patent Owner, the system uses only unused blocks of memory for each firing event by recording to one unused portion and then switching to record in a second unused portion. Prelim. Resp. 30–31 (citing Ex. 1017, 17:9–15, 56–58). Additionally, Patent Owner points out that Yerazunis’s purge button erases the contents of the circular buffer which further indicates that “the entire contents of the buffer are protected and unprotected as a whole.” *Id.* at 31 (citing Ex. 1017, 9:47–51). As for Fiore, Patent Owner again argues that

Fiore does not write-protect portions of data within a memory loop or circular buffer. *Id.* 32.

At this stage of the proceeding, we are persuaded by Petitioner’s contentions of a reasonable likelihood that the combination of Yerazunis and Fiore teach “protecting the multiple portions, within the single file, from being overwritten by subsequent recording in the memory loop.”

Specifically, in the gun implementation, Yerazunis teaches that frame data associated with the firing event both before and after the event is preserved and cannot be overwritten and that data associated with a subsequent firing event is stored in an unused portion of the circular buffer. Ex. 1017, 3:25–38, 8:26–30, 15:9–13.

To the extent Patent Owner argues that preserving data by using unused portions of the circular buffer for subsequent recording does not teach write-protecting that data, we disagree. Yerazunis is explicit that it preserves and prevents overwriting of recorded data (Ex. 1017, 17:48–59), which we determine sufficiently supports Petitioner’s arguments at this stage of the proceeding.

Patent Owner’s argument that Fiore does not teach write protection of portions of data “within a memory loop or circular buffer” does not address Petitioner’s combination which also relies on Yerazunis for storing data within its circular memory buffer. *See* Pet. 28 (citing Ex. 1017, 3:31–33).

c) Whether Yerazunis and Fiore Disclose “allowing the editing of the imaged data in protected multiple portions stored in the memory loop within the single file via a recorder control while recording additional segments of the image data in the memory loop within the single file”

Petitioner argues that Yerazunis teaches editing of the imaged data by disclosing a purge button 76 that, when activated, causes write-protected portions of the circular buffer to be released from protection and causes the

contents of the circular buffer and any still images that have been captured to be erased. Pet. 31 (citing Ex. 1017, 9:47–53). Petitioner emphasizes that the release from protection occurs while recording additional segments of data. *Id.* at 32–33 (citing Ex. 1017, 2:1–8, 2:19–23, 4:45–49, 7:11–14, 9:34–38, 17:56–61). Petitioner also relies on Yerazunis’ disclosure that a date/time may be stamped onto each associated frame. *Id.* at 33 (Ex. 1017, 19:1–9). Finally, Petitioner relies, in the alternative, on Fiore’s disclosure that its memory mapped file and indexing enables multiple processes to read and write to the same memory concurrently. *Id.* at 33 (citing Ex. 1009 ¶¶ 23, 68, 71–72). Fiore’s teachings, according to Petitioner, would enable Yerazunis’ editing to occur while recording. *Id.*

Patent Owner argues that erasing image data altogether “goes beyond the plain and ordinary meaning of ‘edit,’ the dictionary definitions for which generally include the notion of modifying, altering or rearranging information from its original written form.” Prelim. Resp. 33. Patent Owner also argues that overlaying time and date information on digital frame data also goes beyond the plain and ordinary meaning of “edit.” *Id.* at 33–34.

At this stage of the proceeding, we are persuaded of a reasonable likelihood that the combination of Yerazunis and Fiore teaches “allowing the editing of the imaged data in protected multiple portions stored in the memory loop within the single file via a recorder control while recording additional segments of the image data in the memory loop within the single file.” Specifically, we are persuaded at this stage of the proceeding that Yerazunis’ teaching of allowing image data to be purged and the overlaying or stamping of date and time information on frames teaches “editing of the imaged data” as recited in claim 1. Patent Owner’s arguments depend on a narrow interpretation of “edit” that excludes purging of data or stamping of

additional data that we do not agree with at this stage of the proceeding. Patent Owner is expected to assert all claim construction arguments and evidence in the Patent Owner Response and during trial as permitted by our rules. Failure to do so may constitute waiver of these arguments.

5. *Conclusion – Claim 1*

For the foregoing reasons, we determine Petitioner has established a reasonable likelihood that the combination of Yerazunis and Fiore teaches the limitations of claim 1 and a reasonable likelihood that Petitioner will prevail in demonstrating that claim 1 is unpatentable as obvious over Yerazunis and Fiore.

6. *Analysis of Dependent Claims 2–7, 9–15, and 19*

Petitioner addresses each of the limitations of dependent claims 2–7, 9–15 and 19 providing support from Yerazunis, alone or in combination with Fiore, and Dr. Sarhan’s testimony. Pet. 33–45. Because Petitioner demonstrates a reasonable likelihood of success in proving that at least one claim of the ’540 patent is unpatentable, we institute on all grounds and all claims raised in the Petition. *See* 37 C.F.R. § 42.108(a). Therefore, at this stage of the proceeding, it is not necessary for us to provide an assessment of every claim in the ground challenged by Petitioner, especially, as in this case, when Patent Owner does not separately argue those claims. Those challenges, in our view, are best left for trial after full development of the record.

E. *Obviousness over the Combination of Ely and Fiore (Ground 2a)*

Petitioner argues claims 1–7, 9–14, and 19 of the ’540 patent would have been obvious over Ely, alone or in combination with Fiore. Pet. 52–71. Below we provide a brief overview of Ely and then analyze Petitioner’s contentions in light of Patent Owner’s arguments.

I. Ely (Ex. 1020)

Ely is titled “Distributed Video Data Storage in Video Surveillance System,” and relates to a video surveillance system including a central control station and a plurality of video cameras each mounted inside a dome housing unit. Ex. 1020, codes (54), (57). According to Ely, the video surveillance system also includes

[a] video data buffer memory, storing compressed video data generated by the camera, [which] is mounted with each camera in the respective dome unit. Data buffered at the dome units may be selectively protected from over-writing in response to alarm signals and then retrieved for display or tape-recording by the central control station.

Id. at code (57).

Figure 3 of Ely, reproduced below, depicts a video camera unit used in a video surveillance system. Ex. 1020, 5:21–24.

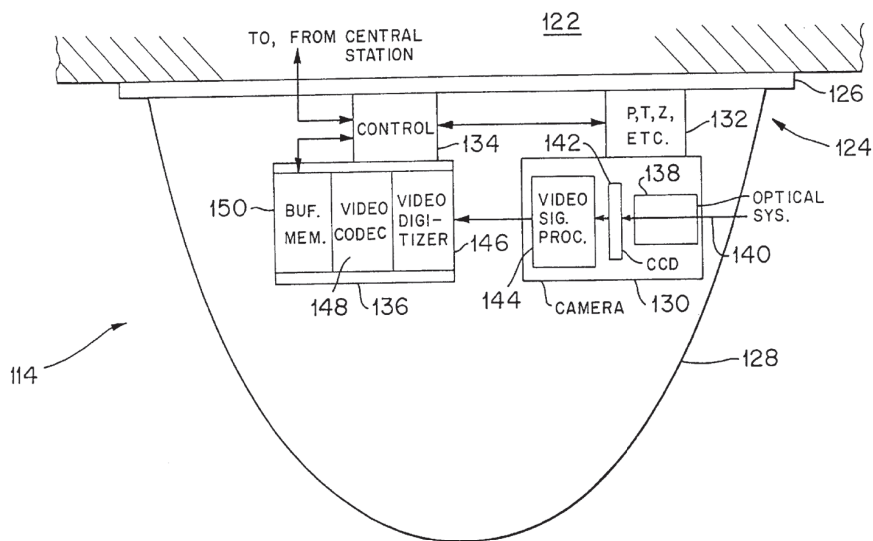


FIG. 3

Figure 3 shows a camera unit 114, which is mounted at a ceiling 122, and includes a housing 124 and a control circuit 134 programmed to carry out memory control, data storage and retrieval functions. *Id.* at 6:4–10, 6:43–46.

The control circuit 134 transmits to the central station compressed video data representing video signals generated by camera 130. *Id.* at 7:17–21. In parallel, “the live compressed video data formed by the video codec 148 is also stored in the memory 150.” *Id.* at 7:26–28. According to Ely,

[p]referably the memory addressing and writing of data into the memory is controlled by the control circuit 134 so that the memory 150 serves as a ring buffer, in which currently generated compressed video data is written over the oldest compressed video data that had previously been stored in the memory 150. However, over-writing of the oldest data is subject to inhibition in response to alarm commands. On such occasions, the live compressed video data is written into a portion of the memory device 150 which does not hold video data that is to be preserved.

Id. at 7:28–38. When the control circuit 134 receives an alarm command,

the control circuit 134 protects from over-writing compressed digital video data previously stored in the memory 150, and corresponding to a time interval beginning at a predetermined time prior to receipt of the alarm command, and continuing for a predetermined time after receipt of the alarm command.”

Id. at 7:48–55.

2. *Combination of Ely and Fiore*

Petitioner argues that a person of ordinary skill in the art “would have been motivated to implement Ely’s video surveillance system with Fiore’s file-based approach for the circular storage buffer and event data stored therein.” Pet. 54. Petitioner argues that Fiore’s file-based approach would provide the same benefits in combination with Ely as it did in combination with Yerazunis under Ground 1a, which we have described above in § III.D.3. *Id.* (“As detailed in Sections IV.A.2, Fiore also describes numerous benefits of its file-based approach.”) Petitioner argues that a person of ordinary skill would have had a reasonable expectation of success because Fiore provides a detailed disclosure of its file-based approach, and

applying those techniques to Ely's surveillance system would have been routine and well within the skill of a person of ordinary skill in the art. *Id.*

Patent Owner argues that Ely's goal is to permanently store video signals on video tape while Fiore is directed to recording on a circular storage buffer. Prelim. Resp. 44–45. According to Patent Owner, Ely's goal of analog storage on video tape would be thwarted if the data were to be transmitted as a digital data file because a digital data file is not stored on video tape. *Id.* at 45. Additionally, Patent Owner argues Fiore does not teach selectively write-protecting segments of data within a circular buffer and therefore a person of ordinary skill would not look to Fiore as guidance on a system to selectively write-protect data segments within a circular buffer. *Id.* at 45–46.

At this stage of the proceeding, we are persuaded that Petitioner has established a reasonable likelihood that a person of ordinary skill would have combined the teachings of Ely and Fiore for the reasons provided by Petitioner and summarized above. Patent Owner's argument that Ely's goal of analog storage would be thwarted by Fiore's teaching of storing files in the circular buffer as digital files is not consistent with Ely's disclosure. Ely discloses that video signals are stored in a ring buffer in digital form. *See* Ex. 1020, 2:55–64, 3:1–5; 6:48–53. Thus, the fact that Ely eventually stores those signals on video tape in analog form, does not necessarily contradict the motivation to combine Ely with Fiore.

Patent Owner's remaining arguments are similar to those it made with respect to the combination of Yerazunis and Fiore in Ground 1a. For the same reasons as before, these arguments are unavailing.

3. *Analysis of Claim 1*

Petitioner contends that the combination of Ely and Fiore teaches each of the limitations of claim 1, supporting its contentions with evidence from the asserted prior art and from the testimony of Dr. Sarhan. Pet. 53–66. Patent Owner disputes certain aspects of Petitioner’s contentions. Prelim. Resp. 38–44. We have reviewed Petitioner’s contentions for the preamble¹⁰ and undisputed limitations of claim 1 and are persuaded Petitioner has established a reasonable likelihood that the combination of Ely and Fiore teaches these undisputed limitations. We focus our attention on the disputed elements of claim 1 below.

a) *Whether Ely and Fiore Teach “file” Storage*

Patent Owner argues that Ely fails to teach “treating the memory loop as a single file” and, in fact, makes no mention of ‘file’ at all. Patent Owner argues that storage of data in a memory loop or buffer would be incompatible of Ely’s final goal of storing data in analog format on video tape. *Id.* at 39–40 (citing Ex. 1020, code (57), 3:29–36, 4:31–35). For these same reasons, Patent Owner argues Ely is incompatible with Fiore. *Id.* Patent Owner also argues that Fiore does not store a data file within a memory loop.

We disagree with Patent Owner’s arguments based on the present record. As Patent Owner acknowledges, Petitioner relies, in the alternative, on Fiore for its teaching of circular storage buffer as single memory-mapped file. Pet. 60 (citing Ex. 1009 ¶¶ 22, 23, 51, 59, 60). Fiore expressly

¹⁰ Because we determine that Petitioner has demonstrated a reasonable likelihood that the combination of Ely, Fiore, and Lewellen teaches the preamble, we need not make a determination, at this stage of the proceeding, whether the preamble is limiting.

discloses “stor[ing] the input signal data in the memory mapped file” which supports Petitioner’s contentions. Ex. 1009 ¶ 20. Patent Owner’s argument that because Ely ultimately stores video on a video tape, it is incompatible with storing video in digital format and, for the same reason, incompatible with Fiore is inconsistent with Ely’s disclosure and the manner in which Petitioner relies on Ely. Petitioner expressly relies on Ely’s ring buffer as teaching the memory loop and, when combined with Fiore, as teaching “treating the memory loop as a single file.” Pet. 60 (stating that a POSITA would have been motivated to turn to Fiore in implementing Ely’s ring buffer.) As explained above, (*see* § III.E.2) Ely discloses that video signals are stored in a ring buffer in digital form. *See* Ex. 1020, 2:55–64, 3:1–5; 6:48–53. Finally, Patent Owner’s argument that Fiore does not teach storing a data file within a memory loop does not address Petitioner’s combination of Ely and Fiore in which video data is stored in Ely’s ring buffer (i.e. in the memory loop).

b) Whether Ely and Fiore Teach “protecting the multiple portions, within the single file, from being overwritten by subsequent recording in the memory loop”

Patent Owner argues that Ely fails to teach “write-protecting of ‘portions’ of its buffer memory” and instead teaches “inhibiting” the overwriting of previously recorded data and that this protection mechanism applies to the entire circular buffer, rather than protecting multiple portions of the circular buffer. Prelim. Resp. 41 (citing Ex. 1020, 2:65–3:16, 4:1–8, 7:30–36, 11:67–12:19, 14:24–38). Patent Owner argues that Fiore also does not teach write-protecting portions of data within a memory loop. *Id.* at 42–43.

At this stage of the proceeding, we are persuaded of a reasonable likelihood that Ely teaches “protecting the multiple portions, within the single file, from being overwritten by subsequent recording in the memory loop” as recited in claim 1. Petitioner relies on Ely’s disclosure that when an alarm command is received the “control circuit protects from over-writing compressed digital video data previously stored in the memory 150” and that this protected data “correspond[s] to a time interval beginning at a predetermined time prior to receipt of the alarm command, and continu[es] for a predetermined time after receipt of the alarm command.” Pet 61–62 (citing Ex. 1020, 7:34–38, 7:48–55, 10:11–15). This data “can be selectively retrieved in response to user instruction either for display (block 180) or directly for taperecording (block 182).” *Id.* at 10:17–23. By protecting a specific portion of the memory (pre- and post- alarm) and by allowing for selective retrieval of this protected data, Ely sufficiently supports, at this stage of the proceeding, Petitioner’s argument that Ely designates portions of the circular buffer for write protection. Patent Owner’s argument regarding Fiore does not address the combination of Ely and Fiore.

4. *Conclusion – Claim 1*

For the foregoing reasons, we determine Petitioner has established a reasonable likelihood that the combination of Ely and Fiore teaches the limitations of claim 1 and a reasonable likelihood that Petitioner will prevail in demonstrating that claim 1 is unpatentable as obvious over the combination.

5. *Analysis of Dependent Claims 2–7, 9–14, and 19*

Petitioner addresses each of the limitations of dependent claims 2–7, 9–14, and 19 providing support from Ely, alone or in combination with

Fiore, and Dr. Sarhan's testimony. Pet. 66–71. Because Petitioner demonstrates a reasonable likelihood of success in proving that at least one claim of the '540 patent is unpatentable, we institute on all grounds and all claims raised in the Petition. *See* 37 C.F.R. § 42.108(a). Therefore, at this stage of the proceeding, it is not necessary for us to provide an assessment of every claim in the ground challenged by Petitioner, especially, as in this case, when Patent Owner does not separately argue those claims. Those challenges, in our view, are best left for trial after full development of the record.

F. Remaining Grounds 1b, 1c, and 2b–2d

Because Petitioner demonstrates a reasonable likelihood of success in showing that at least one claim of the '540 patent is unpatentable, we institute on all grounds and all claims raised in the Petition. *See* 37 C.F.R. § 42.108(a). Therefore, at this stage of the proceeding, it is not necessary for us to provide an assessment of every challenge raised by Petitioner, especially, as in this case, when Patent Owner does not separately argue all grounds. Those challenges, in our view, are best left for trial after full development of the record.

IV. CONCLUSION

Petitioner has demonstrated a reasonable likelihood of prevailing in showing the unpatentability of at least one challenged claim of the '540 patent and we institute on all grounds raised and all claims challenged in the Petition. At this stage of the proceeding, however, we have not made a final determination with respect to the patentability of the challenged claims.

V. ORDER

For the foregoing reasons, it is

ORDERED that, pursuant to 35 U.S.C. § 314(a), an *inter partes* review of claims 1–19 of the '540 patent is instituted with respect to all grounds of unpatentability set forth in the Petition; and

FURTHER ORDERED that, pursuant to 35 U.S.C. § 314(c) and 37 C.F.R. § 42.4(b), *inter partes* review of the '540 patent shall commence on the entry date of this Order, and notice is hereby given of the institution of a trial.

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MOTOROLA SOLUTIONS, INC.,
Petitioner,

v.

STELLAR, LLC,
Patent Owner.

IPR2024-01205
Patent 7,593,034 B2

Before BRIAN J. McNAMARA, ROBERT L. KINDER, and
NABEEL U. KHAN, *Administrative Patent Judges*.

KHAN, *Administrative Patent Judge*.

DECISION
Granting Institution of *Inter Partes* Review
35 U.S.C. § 314

I. INTRODUCTION

A. *Background and Summary*

Motorola Solutions, Inc. (“Petitioner”)¹ filed a Petition (Paper 1, “Pet.”) requesting an *inter partes* review of claims 1–20 (“the challenged claims”) of U.S. Patent No. 7,593,034 B2 (“the ’034 patent,” Ex. 1010). Stella, LLC (“Patent Owner”)² timely filed a Preliminary Response (Paper 8, “Prelim. Resp.”).

An *inter partes* review may not be instituted “unless . . . the information presented in the petition . . . shows that there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.” 35 U.S.C. § 314(a) (2018). Having considered the arguments and evidence presented by Petitioner and Patent Owner, we determine that Petitioner has demonstrated a reasonable likelihood of prevailing on at least one of the challenged claims of the ’034 patent and we exercise our discretion to institute *inter partes* review as to all the challenged claims of the ’034 patent on all the grounds of unpatentability set forth in the Petition.

B. *Related Proceedings*

The parties identify the following pending matter as involving the ’034 patent: *Stellar, LLC v. Motorola Solutions, Inc. et al.*, Case No. 4:23-cv-750 (E.D. Tex.). Pet. 84; Paper 4, 1.

¹ Petitioner identifies Motorola Solutions, Inc. and WatchGuard Video, Inc. as the real parties-in-interest. Pet. 84.

² Patent Owner identifies Stellar, LLC as the real party-in-interest. Paper 4, 1.

C. The '034 Patent (Ex. 1010)

The '034 patent, titled “Loop Recording with Book Marking,” relates to a surveillance apparatus processing images by “(1) continuously recording a stream of imaged data, (2) write protecting segments of the recorded stream, and (3) sending write protected segments from a local memory to a remote memory using a wireless transmitter.” Ex. 1010, code (54), 2:7–11. As background, the '034 patent notes that “[o]ne of the major shortcomings of the existing camcorder technology is that the memory runs out too soon” and “when the memory is full, users have to return to their home/work computer or media station to transfer the recorded data from the camera to free up the memory.” *Id.* at 1:27–28, 1:30–33. According to the '034 patent, there have been descriptions of cameras that can continuously save recorded images to a circular buffer, but notes that “there is still a need for a recording camera that provides better recording and editing functions.” *Id.* at 1:35–2:2.

Figure 1 of the '034 patent, reproduced below, shows “a camera mounted on a pair of glasses connected to a circular buffer in a local memory that is controlled by a ring.” Ex. 1010, 3:38–40.

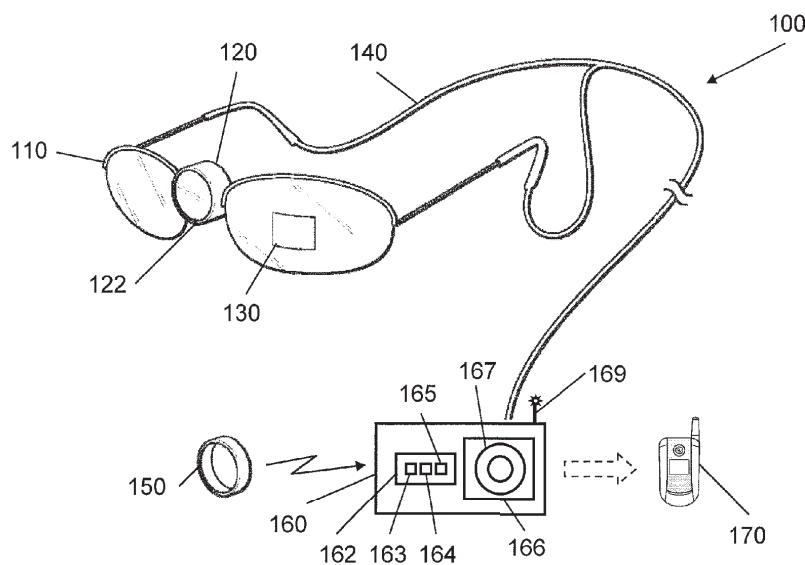
**FIG. 1**

Figure 1 depicts a surveillance apparatus 100 comprising eyeglasses 110 having a camera 120 mounted at the nose bridge, wherein the camera 120 is coupled to a belt-worn recorder 160 by a data and power cord 140. *Id.* at 3:50–54. The recorder 160 records audio/video data. *Id.* at 4:48–49.

According to the '034 patent,

a recording facility 163 could record the data stream from camera 120 to local memory 166, a protecting facility 164 could protect segments (not shown) of recorded data on memory 166, or a sending facility 165 could transmit protected segments (not shown) of recorded data to remote memory 170.

Id. at 5:22–28. The '034 patent describes that “image data received by recorder 160 is stored in a circular buffer 167 on memory 166.” *Id.* at 5:50–51. The '034 patent also describes that signaling device 150 can be used to control the system “by turning the camera on and off, recording a portion of image data, stop the recording, zooming in and out of image data; or transmitting protected data into the remote memory 170.” *Id.* at 6:50–54.

Figure 3 of the '034 patent, reproduced below, shows the circular buffer of Figure 1. Ex. 1010, 3:43–44.

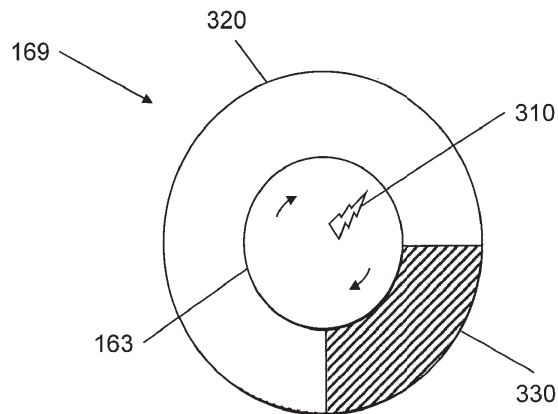


FIG. 3

Figure 3 depicts “circular buffer 167 in memory 166, with unprotected segment 320 and write-protected segment 330.” *Id.* at 7:21–23. As the recording facility 163 continuously records the data stream 310 into circular buffer 167, it records over unprotected segment 320, while skipping over protected segments 330. *Id.* at 7:24–29. According to the '034 patent, “the portion of the circular buffer that is marked as write-protected data cannot be overwritten once the recorder loops back to the beginning of the media.” *Id.* at 7:29–31.

D. Illustrative Claims

Claims 1 and 12, the independent claims of the '034 patent at issue in the proceeding, are reproduced below with limitation identifiers in brackets corresponding to claim analysis headings in the Petition. *See, e.g.*, Pet. 19–35.

1. [Preamble] A surveillance apparatus, comprising:

[Element 1] a camera having an image capturing component that captures images, and a converting component that converts the images into at least one data stream;

[Element 2] a local memory functionally coupled to the camera;

[Element 3] a wireless transmitter functionally coupled to the local memory;

[Element 4] a recording facility that continuously records the data stream into available portions of a circular buffer in the local memory as a first file using a digital video file format;

[Element 5] a protecting facility that responds to a signal to record by designating a segment of the circular buffer as a write-protected portion and by indexing the write-protected portion as a second distinct file in the circular buffer, wherein the segment includes a pre-recorded subset recorded before the signal is received and a post-recorded subset to be recorded after the signal is received; and

[Element 6] a sending facility that uses the transmitter to wirelessly transmit the second file to a remote memory.

Ex. 1010, 11:46–67; Ex. 1038.

12. [Preamble] A method of processing imaged data from a camera, comprising the following steps:

[Element 1] receiving a stream of the imaged data;

[Element 2] recording the stream into available portions of a circular buffer as a first file using a digital video file format;

[Element 3] responding to a signal by write-protecting a segment that includes a newly recorded portion of the buffer, wherein the newly recorded portion is recorded before the signal is received, and includes a post-recorded portion to be recorded after the signal is received;

[Element 4] indexing write protected portions of the buffer as separate, distinct files during the step of recording; and

[Element 5] wirelessly transmitting at least one of the distinct files from the write-protected portions of the circular buffer to a remote memory.

Ex. 1010, 12:27–41; Ex. 1038.

E. Evidence

The Petition relies on the following references:

Reference	Exhibit No.
US 2002/0191952 A1; filed Apr. 9, 2002; published Dec. 19, 2002 (“Fiore”).	1009
EP 1 064 783 B1; filed Mar. 25, 1999; published June 4, 2003 (“Mann”).	1015
US 7,158,167 B1; filed Sept. 9, 1998; issued Jan. 2, 2007 (“Yerazunis”).	1017
US 2004/0008255 A1; filed July 11, 2002; published Jan. 15, 2004 (“Lewellen”).	1019
US 5,982,418; issued Nov. 9, 1999 (“Ely”).	1020
US 6,804,638 B2; filed June 20, 2001; issued Oct. 12, 2004 (“Fiedler”).	1037

Petitioner also relies on the Declaration of Nabil J. Sarhan, Ph.D. (Ex. 1003) in support of its arguments. The parties rely on other exhibits as discussed below.

F. Asserted Grounds of Unpatentability

Petitioner asserts that claims 1–20 would have been unpatentable on the following grounds:

Ground	Claim(s) Challenged	35 U.S.C. § ³	Reference(s)/Basis
1a ⁴	1–6, 9, 11–18	103(a)	Yerazunis, Fiore
1b	7, 8	103(a)	Yerazunis, Fiore, Lewellen
1c	10	103(a)	Yerazunis, Fiore, Mann
1d	19, 20	103(a)	Yerazunis, Fiore, Fiedler
2a	1–9, 11–18	103(a)	Ely, Fiore, Lewellen
2b	10	103(a)	Ely, Fiore, Lewellen, Mann
2c	19, 20	103(a)	Ely, Fiore, Lewellen, Fiedler

II. EXERCISE OF DISCRETION

In the Preliminary Response, Patent Owner contends that we should exercise our discretion to deny the Petition in favor of the parallel litigation. Prelim. Resp. 5–18. The Board has held that the advanced state of a parallel district court action is a factor that may weigh in favor of denying a petition under § 314(a). *See NHK Spring Co. v. Intrix-Plex Techs., Inc.*, IPR2018-00752, Paper 8 at 20 (PTAB Sept. 12, 2018) (precedential); Trial Practice Guide, 58 & n.2. We consider the following factors to assess “whether efficiency, fairness, and the merits support the exercise of authority to deny institution in view of an earlier trial date in the parallel proceeding”:

³ The Leahy-Smith America Invents Act (“AIA”), Pub. L. No. 112-29, 125 Stat. 284, 287–88 (2011), amended 35 U.S.C. §§ 102 and 103 and became effective March 16, 2013. Because the ’034 patent was filed before this date, the pre-AIA versions of 35 U.S.C. §§ 102 and 103 apply. *See* Ex. 1010, code (22).

⁴ Because Petitioner describes each ground as obvious over a primary reference “alone or as combined with” other references, each ground includes two possible combinations of references. However, for purposes of this Decision, we analyze each ground as if it were over all the listed references combined. *See, e.g.*, Pet. 7 (“**Ground 1a**: Claims 1–6, 9, and 11–18 would have been obvious under 35 U.S.C. § 103 over [Yerazunis] *alone or as combined with* [Fiore].” (emphasis added)); *see generally id.* at 7–8.

1. whether the court granted a stay or evidence exists that one may be granted if a proceeding is instituted;
2. proximity of the court's trial date to the Board's projected statutory deadline for a final written decision;
3. investment in the parallel proceeding by the court and the parties;
4. overlap between issues raised in the petition and in the parallel proceeding;
5. whether the petitioner and the defendant in the parallel proceeding are the same party; and
6. other circumstances that impact the Board's exercise of discretion, including the merits.

Apple Inc. v. Fintiv, Inc., IPR2020-00019, Paper 11 at 5–6 (PTAB Mar. 20, 2020) (precedential) (“*Fintiv*”). In evaluating these factors, we “take[] a holistic view of whether efficiency and integrity of the system are best served by denying or instituting review.” *Id.* at 6.

On June 21, 2022, the Director of the USPTO issued several clarifications concerning the application of the *Fintiv* Factors. *See Interim Procedure For Discretionary Denials In AIA Post-Grant Proceedings With Parallel District Court Litigation*, issued June 21, 2022 (“Guidance Memo”)⁵. The Director’s memo states that “the precedential impact of *Fintiv* is limited to the facts of that case.” Guidance Memo 2. Under the Guidance Memo “the PTAB will not rely on the *Fintiv* factors to discretionarily deny institution in view of parallel district court litigation where a petition presents compelling evidence of unpatentability.” Guidance Memo 2.

[C]ompelling, meritorious challenges will be allowed to proceed at the PTAB even where district court litigation is proceeding in parallel. Compelling, meritorious challenges are those in which the evidence, if unrebutted in trial, would plainly lead to a

⁵ Available at https://www.uspto.gov/sites/default/files/documents/interim_proc_discretionary_denials_aia_parallel_district_court_litigation_memo_20220621_.pdf.

conclusion that one or more claims are unpatentable by a preponderance of the evidence.”

Guidance Memo 4.

The Guidance memo further states

[c]onsistent with *Sotera Wireless, Inc.*, the PTAB will not discretionarily deny institution in view of parallel district court litigation where a petitioner presents a stipulation not to pursue in a parallel proceeding the same grounds or any grounds that could have reasonably been raised before the PTAB.

Guidance Memo, 3. *See Sotera Wireless, Inc. v. Masimo Corp.*, IPR2020-01019, Paper 12 (PTAB Dec. 1, 2020) (precedential as to § II.A).

The Guidance memo also states

when considering the proximity of the district court’s trial date to the date when the PTAB final written decision will be due, the PTAB will consider the median time from filing to disposition of the civil trial for the district in which the parallel litigation resides.

Guidance Memo 3⁶. With these factors and guidance in mind, we consider parties’ contentions.

I. Factors 1, 2, and 5

Patent Owner notes that Petitioner and its real party-in-interest (WatchGuard Video, Inc., acquired by Petitioner in 2019) are the only defendants in the parallel litigation. Prelim. Resp. 16 (citing Ex. 2013). Patent Owner also notes that Petitioner has not sought a stay in the parallel litigation and argues that a stay is unlikely because the court has entered an order setting trial to begin shortly after a Decision to Institute would be entered in this proceeding. Prelim. Resp. 9–10; Ex. 2006, 1 (Order setting

⁶ *See* <https://www.uscourts.gov/statistics-reports/analysis-reports/federal-court-management-statistics>.

trial date for March 10, 2025). Taken alone, factors 1, 2, and 5 favor exercising discretion to deny institution.

2. *Factors 3, 4, and 6*

Patent Owner emphasizes that, given the advanced state of the parallel litigation, the District Court and the parties have expended significant time and resources in preparing the parallel litigation for trial. Prelim. Resp. 12–15. Patent Owner advises that the District Court has appointed a technical advisor, considered extensive claim construction briefs, held a hearing and entered a *Markman* ruling on sixteen claim terms, and had yet to decide *Daubert* motions at the time Patent Owner filed its Preliminary Response. *Id.* at 13–14. Patent Owner points to its Infringement Contentions containing over 850 pages of claim charts alleging infringement of 14 claims over 8 asserted patents, as well as its investments in preparing opening and rebuttal expert reports and depositions to be conducted between the filing of its Preliminary Response and trial in the parallel litigation. *Id.* at 12–13. Patent Owner also cites the parties’ investment of time and resources in assessing Petitioner’s invalidity contentions based on over 115 prior art references including 16 for the patent and patent application references relied on in the Petition. *Id.* at 13.

Although we are sensitive to the expenditure of time and effort preparing for trial in the parallel litigation, we also recognize the limited time and resources available in conducting a trial in the parallel litigation. Patent Owner’s infringement case alone, involving over 850 claim charts, could present a substantial, if not overwhelming, burden on the district court’s resources. Trying invalidity issues adds to that burden.

Patent Owner acknowledges that “Petitioner’s expert report on validity repeats all of the assertions in this Petition.” Prelim. Resp. 13. Thus,

a significant portion of the resources consumed in preparing for trial would likely be useful in this proceeding. On November 11, 2024, Petitioner offered a stipulation, stating that, upon institution on this proceeding, Petitioner “will not pursue as to the challenged claims any ground raised or that reasonably could have been raised during the IPR” in the parallel litigation. *See* Ex. 1043 (filed in this proceeding Nov. 27, 2024). Petitioner’s stipulation applies to the following proceedings, which includes this proceeding: IPR2024-01205, challenging claims 1-20 of U.S. Patent No. 7,593,034; IPR2024-01206, challenging claims 1-13 of U.S. Patent No. 9,485,471; IPR2024-01207, challenging claims 1-22 of U.S. Patent No. 8,692,882; and IPR2024-01208, challenging claims 1-23 of U.S. Patent No. 9,912,914.

3. *Conclusion – Discretionary Denial*

As all the claims of the ’034 patent are challenged in this proceeding, Petitioner’s stipulation applies to the entirety of the ’340 patent. In view of Petitioner’s stipulation, the substantial number of issues to be addressed in the District Court, Patent Owner’s acknowledgement that Petitioner’s expert report in the parallel litigation repeats the assertions in this Petition, and the potential reduction of issues to be tried in the parallel litigation, our weighing of the factors is against exercising discretion to deny institution. As discussed below, we also recognize that Petitioner’s contentions have merit.

In consideration of the above, we decline to exercise discretion to deny institution. We now address the substantive issue presented in the Petition.

III. ANALYSIS

A. *Principles of Law*

Petitioner bears the burden of persuasion to prove unpatentability of the claims challenged in the Petition, and that burden never shifts to Patent Owner. *Dynamic Drinkware, LLC v. Nat'l Graphics, Inc.*, 800 F.3d 1375, 1378 (Fed. Cir. 2015).

A patent claim is unpatentable under 35 U.S.C. § 103 if the differences between the claimed invention and the prior art are such that the claimed invention as a whole would have been obvious before the effective filing date of the claimed invention to a person having ordinary skill in the art to which the claimed invention pertains. The question of obviousness is resolved on the basis of underlying factual determinations including: (1) the scope and content of the prior art; (2) any differences between the claimed subject matter and the prior art; (3) the level of skill in the art; and (4) any objective evidence of obviousness or non-obviousness⁷. *Graham v. John Deere Co.*, 383 U.S. 1, 17–18 (1966).

B. *Level of Ordinary Skill in the Art*

In determining the level of ordinary skill in the art, various factors may be considered, including the “type of problems encountered in the art; prior art solutions to those problems; rapidity with which innovations are made; sophistication of the technology; and educational level of active workers in the field.” *In re GPAC Inc.*, 57 F.3d 1573, 1579 (Fed. Cir. 1995) (internal quotation marks and citation omitted).

Petitioner’ declarant, Dr. Sarhan, opines that a person of ordinary skill in the art in the field “would have been a person having at least a Bachelor’s

⁷ Neither party has introduced any objective evidence of nonobviousness.

Degree in electrical engineering, computer science, or computer engineering, or undergraduate training in an equivalent field and at least two years of relevant experience in electronics technology.” Pet. 7 (citing Ex. 1003 ¶¶ 24–25). Dr. Sarhan further opines that “[a]dditional graduate education could substitute for professional experience, and significant work experience could substitute for formal education.” *Id.* (citing Ex. 1003 ¶¶ 24–25).

Patent Owner does not contest Petitioner’s proposed level of ordinary skill. *See generally* Prelim. Resp.

For purposes of this Decision, we adopt Petitioner’s proposed level of ordinary skill, which is supported by Dr. Sarhan’s testimony, except that we find that the phrase “at least” in Petitioner’s proposed definition creates a vague, open-ended upper bound for the level of ordinary skill, and we therefore do not adopt that aspect of the proposal.

C. Claim Construction

We apply the same claim construction standard used in district court actions under 35 U.S.C. § 282(b), namely that articulated in *Phillips v. AWH Corp.*, 415 F.3d 1303 (Fed. Cir. 2005) (en banc). *See* 37 C.F.R. § 42.100(b) (2020).

In applying that standard, claim terms generally are given their ordinary and customary meaning as would have been understood by a person of ordinary skill in the art at the time of the invention and in the context of the entire patent disclosure. *Phillips*, 415 F.3d at 1312–13. “In determining the meaning of the disputed claim limitation, we look principally to the intrinsic evidence of record, examining the claim language itself, the written description, and the prosecution history, if in evidence.” *DePuy Spine, Inc. v. Medtronic Sofamor Danek, Inc.*, 469 F.3d 1005, 1014 (Fed. Cir. 2006) (citing *Phillips*, 415 F.3d at 1312–17). Only claim terms in controversy

require express construction, “and only to the extent necessary to resolve the controversy.” *Nidec Motor Corp. v. Zhongshan Broad Ocean Motor Co.*, 868 F.3d 1013, 1017 (Fed. Cir. 2017); *see also Vivid Techs., Inc. v. Am. Sci. & Eng’g, Inc.*, 200 F.3d 795, 803 (Fed. Cir. 1999) (“[O]nly those terms need be construed that are in controversy, and only to the extent necessary to resolve the controversy.”).

a) “a local memory functionally coupled to the sensor”

Petitioner proposes that the term “a local memory functionally coupled to the sensor” be construed to mean “a memory that is distanced less than 20 cm from the camera and is coupled to the camera using entirely physical connectors.” Pet. 9. Petitioner asserts that the parties have agreed to this construction in the district court litigation. *Id.* (citing Ex. 1021, 1). Patent Owner does not dispute this construction and its arguments do not depend on the construction of the term. We determine that an explicit construction of “a local memory functionally coupled to the sensor” is not necessary for purposes of this Decision.

b) “file”

Petitioner also argues that “the term ‘file’ should be given its plain and ordinary meaning as of June 2007, which was ‘an identifiable collection of data.’” Pet. 9–10 (citing Ex. 1003 ¶¶ 122–128). Petitioner argues that in the ’034 patent, the entire circular buffer is treated as a file and write-protected segments are also treated as files. *Id.* at 10 (citing Ex. 1001, 2:29–51, 5:66–6:7, 9:18–26). According to Petitioner, the ’034 patent does not describe any particular file type or structure for these files. *Id.* Petitioner also argues that the prosecution history does not limit the claimed files to any particular type of file. *Id.* at 11 (citing Ex. 1011, 77; Ex. 1013, 285–286). Petitioner also relies on several dictionary definitions as supporting its

construction of the term file. *Id.* at 11–12 (citing Ex. 1025, 518; Ex. 1026, 467; Ex. 1027, 283).

Patent Owner asserts that “Petitioner’s vague and unduly broad definition of ‘file’ is not only contradicted by the prosecution history, but also the extrinsic evidence it relies upon.” Prelim. Resp. 4–5. Patent Owner states that it “reserves the right to present claim construction arguments if trial is instituted.” *Id.* at 5. Patent Owner cites the prosecution history of the ’034 patent to argue that the term “file” indicates “something that would ‘facilitate [the] exchange of data’ and eliminate the need for further ‘processing.’” *Id.* at 33–34 (quoting Ex. 1013, 285–286). Patent Owner also argues that the prosecution history shows that the recited files are stored within the circular buffer. *Id.* at 34. Finally, Patent Owner argues that Petitioner’s proposed construction is “at odds with its own extrinsic evidence.” *Id.* at 34–35 (citing Ex. 1025, 3; 1026, 3; 1027, 3).

Having reviewed the parties’ arguments we determine, as explained further below in our analysis of claim 1 (§ III.D.4.c), that an express construction of the term “file” is not necessary at this stage of the proceeding.

A final determination as to claim construction will be made at the close of the proceeding, after any hearing, based on all the evidence of record. The parties are expected to assert all their claim construction arguments and evidence in the Petition, Patent Owner’s Response, Petitioner’s Reply, Patent Owner’s Sur-reply, or otherwise during trial, as permitted by our rules.

*D. Obviousness over the Combination of Yerazunis and Fiore
(Ground 1a)*

Petitioner argues claims 1–6, 9, and 11–18 of the '034 patent would have been obvious over Yerazunis in combination with Fiore. Pet. 12–44. Below we provide a brief overview of Yerazunis and Fiore and then analyze Petitioner's contentions in light of Patent Owner's arguments.

1. Yerazunis (Ex. 1017)

Yerazunis is titled "Video Recording Device for a Targetable Weapon," and relates to "a video recording device which is adapted to store video images corresponding generally to the area surrounding the sighting area of a targetable weapon such as a gun." Ex. 1017, code (54), 1:18–21.

Yerazunis discloses a video recording device that "records video frames successively in at least one circular buffer memory organized as a continuous loop overwriting the oldest frame within the respective buffer memory with a more recently received frame." Ex. 1017, 2:19–23.

According to Yerazunis,

[u]pon detection of a trigger event, the video recording device records a predetermined number of additional frames and then ceases to record further frame data. In this manner, a video event record is obtained which commences prior to the triggering event and extends in time after the triggering event.

Id. at 2:53–58.

Yerazunis also describes an embodiment in which such a video recording device is mounted to a targetable weapon, such as a gun, and aligned so as to record images surrounding the line of fire of the weapon. Ex. 1017, 3:9–12. Upon the removal of the gun from a holster, the video recording device starts recording of video frames to the circular buffer memory and, upon detection of the firing signal, stores additional frames for

a short period of time. *Id.* at 3:17–20, 3:25–28. According to Yerazunis, “[u]pon a firing event, specified frame data associated with that firing event both before and after the event is preserved and cannot be overwritten as a result of further use of the gun or subsequent firing events.” *Id.* at 3:28–31.

Figures 9, 10a, and 10b of Yerazunis, reproduced below, depict a gun having a video recording device mounted below the barrel of the gun and its use. Ex. 1017, 4:7–14.

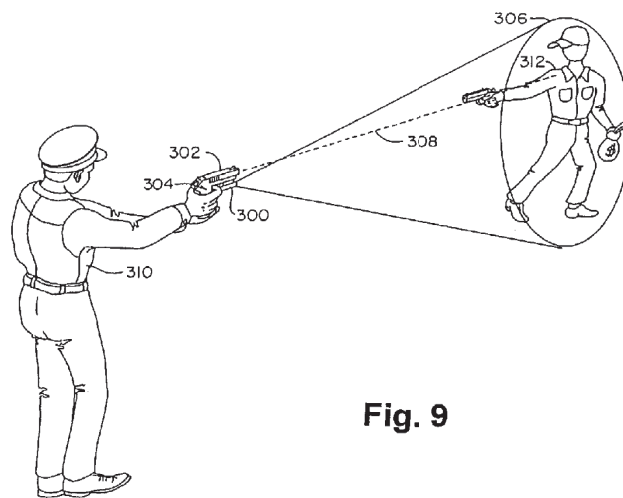


Fig. 9

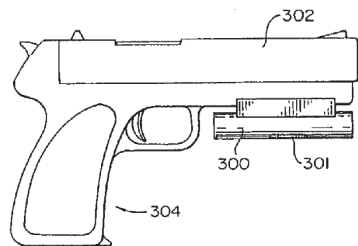


Fig. 10a

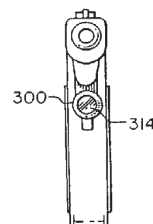


Fig. 10b

Figures 10a and 10b depict a video recording device 300 mounted below the barrel 302 of the gun 304. *Id.* at 15:24–25. Figure 9 shows that the video recording device 300 has “a field of view 306 generally surrounding the line of fire or target line 308 of the gun 304.” *Id.* at 14:47–50. According to Yerazunis,

the video recording device 300 includes a sensor, which is responsive to the discharge of the gun 304 to cause the video recording device 300 to continue to record for a brief interval following the discharge of the gun into a designated portion of a memory and to then preserve video frame information generated before and after the discharge of the weapon by the officer.

Id. at 14:55–61.

2. *Fiore (Ex. 1009)*

Fiore is titled “Data Recording and Playback System and Method,” and relates to “data recording and playback systems for monitoring processes or occurrences of events which allows the replay and/or analysis of a time sampled signal.” *Ex. 1009*, code (54), ¶ 3. Specifically, *Fiore* discloses a data recording and playback system having:

a monitoring device that provides an input signal data, a memory device adapted to receive and temporarily store the input signal data from the monitoring device as data frames with time stamps, the memory device having addresses associated thereto, and a circular storage buffer having a memory mapped file with same address space as the memory device, the circular storage buffer being adapted to receive the temporarily stored input signal data from the memory device, and to store the input signal data in the memory mapped file.

Id. ¶ 20. *Fiore* describes that “the circular storage buffer stores recent data frames over aged data frames in the memory mapped file.” *Id.* ¶ 21.

According to *Fiore*, the memory mapped file is “adapted to allow playback of stored input signal data from the circular storage buffer without interrupting simultaneous recording of new input signal data into the circular storage buffer.” *Id.* ¶ 23.

Figure 2 of *Fiore*, reproduced below, depicts a signal processor used in implementing the data recording and playback system. *Ex. 1009* ¶ 27.

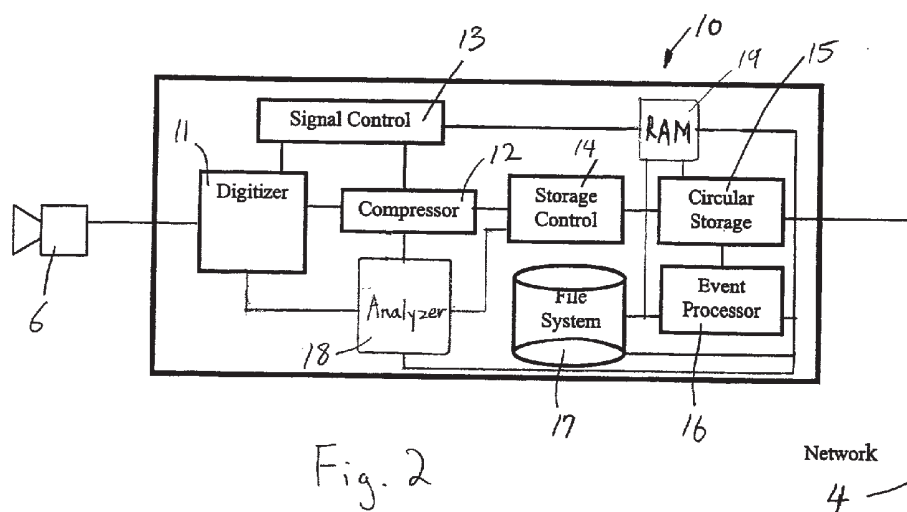


Figure 2 shows the signal processor 10 having a storage control 14 that “receives the digitized and/or compressed input signal data from the monitoring device 6, and stores the input signal data and the analysis data in the circular storage buffer 15 together with a time stamp for each record.”

Id. ¶ 47. According to Fiore,

the circular storage buffer 15 has two unique positions, the head and tail. The head represents the position in the circular storage buffer 15 having the most recent signal data, and the tail position represents the position in the buffer having the oldest signal data that is leaving the circular storage buffer 15, i.e. being overwritten by the most recent signal data.

Id. Fiore also describes that “the circular storage buffer may be implemented as a reserved area in memory, a disk file, or as a storage in a looped media.” *Id.* ¶ 65.

3. Combination of Yerazunis and Fiore

Petitioner contends that a POSITA would have been motivated to combine Yerazunis and Fiore for multiple reasons, including that both references disclose data recording systems that store data in a circular buffer and preserve data associated with an event. Pet. 18–19. Petitioner also

contends that a POSITA would have been motivated to implement Yerazunis' video recording device with Fiore's file-based approach for the circular storage buffer because doing so would provide the benefits of having the access speed of Random Access Memory (RAM), making indexing of data transparent to the circular storage buffer's access objects, and avoiding issues with switching between RAM and disk storage. *Id.* (citing Ex. 1009 ¶¶ 22, 23, 51, 59, 60, 65, 67, 68, 72; Ex. 1003 ¶ 172).

Patent Owner disputes Petitioner's contention. Prelim. Resp. 35–39. Patent Owner argues that because Yerazunis stops recording video data after a predetermined number of frames following a trigger, it is incompatible with a fundamental purpose of Fiore, which is to avoid dropping any frames that would lead to loss of critical data. *Id.* at 36, 37–38 (citing Ex. 1017, 2:53–55; Ex. 1009 ¶¶ 12–13). Patent Owner argues that to preserve data, Fiore transfers that data to a different memory location instead of selectively write protecting that data within a circular buffer. *Id.* at 37 citing (Ex. 1009 ¶¶ 47, 48, 63). Thus, according to Patent Owner “a POSITA would not look to Fiore for guidance on a system to selectively write-protect on a circular buffer.” *Id.* Patent Owner argues that Fiore does not disclose selectively write-protecting individual segments of time-stamped event data within a circular buffer nor does it disclose storing individual event files within a circular buffer. *Id.* at 38 (citing Ex. 1009 ¶¶ 10, 20, 22, 71).

At this stage of the proceeding, we are persuaded that Petitioner has established a reasonable likelihood that a person of ordinary skill would have combined the teachings of Yerazunis and Fiore for the reasons provided by Petitioner and summarized above. Several of Patent Owner's arguments do not directly address the specific combination proposed by Petitioner nor the specific motivation provided by Petitioner. For example,

as explained further below in our analysis of claim 1, the gun embodiment of Yerazunis does not stop recording video after a triggering event. *See* Ex. 1017, 17:50–59. Moreover, Fiore’s file-based approach would provide the benefits highlighted by Petitioner regardless of whether Yerazunis stops recording video after a triggering event or continues recording to the next event. Similarly, the argument that Fiore does not selectively write protect data does not address Petitioner’s combination, which relies on Yerazunis, not Fiore, for teaching selectively write protecting data. Patent Owner’s argument also does not explain why a person of ordinary skill would not use Fiore’s file-based approach in implementing Yerazunis’ video recording device. Finally, Patent Owner’s argument that Fiore does not store individual segments within the circular buffer does not address Petitioner’s reliance on Yerazunis’ gun implementation in which individual segments are stored in the circular buffer. *See* Pet. 32 (citing Ex. 1017, 3:25–38, 8:26–30, 15:9–13, 17:48–59).

4. *Analysis of Claim 1*

Petitioner contends that the combination of Yerazunis and Fiore teach each of the limitations of claim 1, supporting its contentions with evidence from the asserted prior art and from the testimony of Dr. Sarhan. Pet. 20–36. Patent Owner disputes certain aspects of Elements 4 and 5. Prelim. Resp. 26–39. We have reviewed Petitioner’s contentions for the preamble⁸ and undisputed limitations of claim 1 and are persuaded Petitioner has established a reasonable likelihood that the combination of Yerazunis and

⁸ Because we determine that Petitioner has demonstrated a reasonable likelihood that the combination of Yerazunis and Fiore teaches the preamble, we need not make a determination, at this stage of the proceeding, whether the preamble is limiting.

Fiore teaches these undisputed limitations. We focus our attention on the disputed elements of claim 1 below.

a) Whether Yerazunis and Fiore Teach Continuous Recording

Element 4 of claim 1 recites, in pertinent part, “a recording facility that continuously records the data stream into available portions of a circular buffer.” Ex. 1010, 11:53–56. Petitioner contends that Yerazunis’ video recording device ‘records video frames successively in at least one circular buffer memory organized as a continuous loop.’” Pet. 27–28 (citing Ex. 1017, 2:19–23, 17:9–20, 17:50–59). Patent Owner argues “Yerazunis fails to disclose ‘a recording facility that *continuously* records the data stream’” Prelim. Resp. 29. Patent Owner argues that “Yerazunis discloses a system where recording *ceases* after a predetermined number of additional frames following a triggering event” and therefore fails to disclose a continuity of recording between events that would necessitate selective write protection of event-only data. *Id.* at 29–30 (citing Ex. 1017, 2:23–25, 2:53–55, 4:49–52, 7:62–64, 8:2–7, 8:30–32, 11:27–30, 12:14–17, 12:17–23, 13:5–11, 14:1–7, 14:12–18).

At this stage of the proceeding, we are persuaded that Petitioner has established a reasonable likelihood that Yerazunis teaches a recording facility that continuously records the data stream. Yerazunis’ disclosure that the “video recording device records video frames successively in at least one circular buffer memory organized as a continuous loop overwriting the oldest frame within the respective buffer memory with a more recently received frame,” sufficiently supports Petitioner’s contention. Ex. 1017, 2:19–23.

Patent Owner argues that Yerazunis does not continuously record because it ceases to record after receipt of a triggering event but this

argument does not address Yerazunis’ gun embodiment which differs from the car embodiment because it does not cease recording after the triggering event. *See* Ex. 1017, 17:50–59. Specifically, in the gun embodiment, “recording of data continues since a subsequent firing event may occur” and this “process continues as each trigger event occurs until the buffer memory is full.” *Id.* at 17:49–61. For this reason, we determine Patent Owner’s argument that Yerazunis ceases to record after a triggering event is not true for Yerazunis’ gun embodiment.

b) Whether Yerazunis and Fiore Teach the “a First File Using a Digital Video File Format”

Elements 4 of claim 1 recites “first file using a digital video file format.” Petitioner relies on Yerazunis’ disclosure that its microprocessor “compresses the digitized frame data and stores the compressed frame data in the next sequential location of a circular buffer” (Ex. 1017, 2:45–47) and argues that, based on this disclosure, a “POSITA would have understood the compressed frame data as ‘using a digital video file format.’” Pet. 28–29 (citing Ex. 1003 ¶ 183). Patent Owner argues that “Yerazunis fails to teach . . . *a first file using a digital video file format.*” Prelim. Resp. 31.

At this stage of the proceeding, we are persuaded by Petitioner’s arguments of a reasonable likelihood that one of ordinary skill in the art would have understood Yerazunis’ disclosure of compressing digitized frame data as teaching “using a digital video file format.”⁹ Petitioner’s

⁹ Although we do not rely on it for our Decision, we note that Fiore discloses that the video signal from a camera “may be compressed using the known video compression algorithms MJPG or MPEG, for example.” Ex. 1009 ¶ 44. This disclosure also supports Petitioner’s contention that one of ordinary skill would have understood that the disclosure of compressed frame data teaches using digital video file format.

argument is supported by Dr. Sarhan’s testimony, which is unrebutted at this stage of the proceeding. *See* Ex. 1003 ¶ 183 (“A POSITA would have understood the compressed frame data as ‘using a digital video file format.’”).

c) Whether Yerazunis and Fiore Teach “indexing the write-protected portion as a second distinct file in the circular buffer”

Claim 1 recites “indexing the write-protected portion as a second distinct file in the circular buffer.” Petitioner acknowledges that “Yerazunis does not *expressly* refer to recording the data stream into the circular buffer ‘as a file’” but argues that Yerazunis does disclose, in the gun embodiment, using head and tail pointers to define areas of circular buffer memory and storing those pointers in a table to allow later retrieval of the video data. Pet. 30 (citing Ex. 1017, 17:50–56). According to Petitioner, a “POSITA would have found it obvious to record the data stream in the circular buffer ‘as a file’ based on Yerazunis’ disclosure of storing video data corresponding to particular events ‘in a table’ for ‘later retrieval.’” *Id.* (citing Ex. 1003 ¶ 186). Petitioner argues that file-based recordings were one of a finite number of ways of recording video data and that using files was a well-known approach for doing so. *Id.* at 30–31 (citing Ex. 1003 ¶ 186).

Petitioner also argues, in the alternative, that Fiore teaches using files to store video data. Pet. 31–32. According to Petitioner, “Fiore implements circular storage buffer 15 as a memory-mapped file and describes indexing collections of frame data for respective event as files within the memory-mapped file.” Pet. 31 (citing Ex. 1009 ¶¶ 22–23, 51, 59, 60).

Patent Owner disputes Petitioner’s construction of “file” and argues that Yerazunis does not disclose a file under a proper construction. *Id.* at

32–35. Patent Owner argues “Yerazunis makes no mention of any ‘file’ at all, let alone as part of the circular buffer or as an output format.” *Id.* at 30. Patent Owner argues that Yerazunis’ disclosure of a table does not teach the recited “file” and that, regardless, the table is not stored in the circular buffer.

At this stage of the proceeding, we are persuaded that Petitioner has established a reasonable likelihood that the combination of Yerazunis and Fiore teaches recording video data stream as a “file.” First, we note that Petitioner relies, in the alternative, on Fiore for teaching the recited “file” and Patent Owner does not address Petitioner’s arguments related to Fiore, other than briefly stating that Fiore does not disclose storing the files within the circular buffer. *See* Prelim. Resp. 34 (“Nowhere does Yerazunis (nor Fiore, for that matter) disclose storing a ‘file’ within the circular buffer itself, which Patent Owner specifically asserted to be ‘non-obvious.’”). We agree with Petitioner’s contentions regarding Fiore. For example, Fiore discloses “a circular storage buffer having a memory mapped file” and “stor[ing] the input signal data in the memory mapped file.” Ex. 1009 ¶ 20. These statements, which explicitly disclose storing input data in a file, supports Petitioner’s contention that the combination of Yerazunis and Fiore teaches both the “first file” and the “second distinct file” recited in claim 1. As to Patent Owner’s argument that Yerazunis and Fiore do not store a file within the circular buffer, we disagree. Yerazunis discloses that it stores data within the circular buffer. Ex. 1017, 3:25–38, 8:26–30, 15:9–13, 17:48–59. Moreover, Fiore also discloses storing “input signal data in the memory mapped file” which is within the circular storage buffer. *See* Ex. 1009 ¶ 20. Based on these teachings, one of ordinary skill would

understand that the combination of Yerazunis and Fiore teaches storing files within the circular buffer.

Because Petitioner's contention that Fiore discloses a "file" are not challenged persuasively by Patent Owner at this stage, we need not determine an express construction of "file" to make our determination. However, for the sake of providing guidance to the parties, we note the following regarding the whether Yerazunis alone teaches the use of files to record a data stream. Although Patent Owner does not offer an express construction for the term "file" it does argue, however, based upon the prosecution history of the '034 patent, that the term "file" indicates "something that would '*facilitate [the] exchange of data*' and eliminate the need for further '*processing.*'" Prelim. Resp. 33–34 (citing Ex. 1013, 285–286). At this stage of the proceeding, we note that even if the term "file" were to be limited in the way Patent Owner proposes, Patent Owner does not explain why the video data stored in Yerazunis circular buffer would not be able to facilitate the exchange of data or eliminate the need for further processing. *See* Prelim. Resp. 33–35. Moreover, at this stage of the proceeding and based on the current record, we agree with Petitioner that a person of ordinary skill in the art would understand that files were a well-known way of storing information in memory, such as Yerazunis' circular buffer, at the time of the invention of the '034 patent. Ex. 1003 ¶ 186; *see also* Ex. 1017, 7:7–61 (describing the circular buffer as semiconductor memory), 18:7–12 (describing the circular buffer as DRAM storage). The parties should address these issues as trial proceeds, consistent with our rules.

d) *Whether Yerazunis and Fiore Teach “designating a segment of the circular buffer as a write-protected portion”*

Element 5 recites “a protecting facility that responds to a signal to record by designating a segment of the circular buffer as a write-protected portion.” Petitioner relies on Yerazunis’ disclosure of an event sensor generating a gun firing signal which “causes ‘specified frame data associated with [the] firing event both before and after the event’ to be ‘preserved,’ such that it ‘cannot be overwritten as a result of further use of the gun or subsequent firing events.’” Pet. 32 (citing Ex. 1017, 3:25–8, 8:26–30, 15:9–13).

Patent Owner disputes that either of the car implementation and the gun implementation teach “designating a segment of the circular buffer as a write-protected portion.” Prelim. Resp. 26–29. For both implementations, Patent Owner argues that “Yerazunis discloses a system whereby the entire buffer (i.e., all data) is preserved in response to a triggering signal by ceasing to record over previously *used* (i.e., recorded) portions of the buffer.” Prelim. Resp. 26. The car implementation, according to Patent Owner, “is a simple ‘buffer-record-and-stop’ scheme, in which the video data is stored in a circular buffer until a triggering event, at which point the system records a small amount of additional video, and then stops the recording altogether.” Prelim. Resp. 27 (citing Ex. 1017, 2:19–25). In this scheme, “the entire buffer (not just a segment of it) is saved.” *Id.* at 28.

In the gun implementation, according to Patent Owner, the system uses only unused blocks of memory for each firing event by recording to one unused portion and then switching to record in a second unused portion. Prelim. Resp. 28 (citing Ex. 1017, 17:9–15, 56–58). Additionally, Patent Owner points out that Yerazunis’ purge button erases the contents of the

circular buffer which further indicates that “the entire contents of the buffer are protected and unprotected as a whole.” *Id.*

At this stage of the proceeding, we are persuaded by Petitioner’s contentions of a reasonable likelihood that the combination of Yerazunis and Fiore teach “designating a segment of the circular buffer as a write-protected portion.” Specifically, in the gun implementation, Yerazunis teaches that frame data associated with the firing event both before and after the event is preserved and cannot be overwritten and that data associated with a subsequent firing event is stored in an unused portion of the circular buffer. Ex. 1017, 3:25–38, 8:26–30, 15:9–13. Because data associated with each firing event is preserved, we agree that Yerazunis teaches designating a segment (i.e., the segment associated with a particular firing event as distinct from another firing event) of the circular buffer as write-protected.

To the extent Patent Owner argues that preserving data by using unused portions of the circular buffer for subsequent recording does not teach write-protecting that data, we disagree. Yerazunis is explicit that it preserves and prevents overwriting of recorded data (Ex. 1017, 17:48–59) which we determine sufficiently supports Petitioner’s arguments at this stage of the proceeding.

5. *Conclusion – Claim 1*

For the foregoing reasons, we determine Petitioner has established a reasonable likelihood that the combination of Yerazunis and Fiore teaches the limitations of claim 1 and that Petitioner will prevail in demonstrating that claim 1 is unpatentable as obvious over Yerazunis and Fiore.

6. *Analysis of Independent Claim 12 and Dependent Claims 2–6, 9, 11, and 13–18*

Petitioner notes that independent claim 12 is similar to independent claim 1 and relies on its contentions for claim 1. Pet. 19–36. Petitioner addresses each of the limitations of dependent claims 2–6, 9, 11, and 13–18 providing support from Yerazunis, alone or in combination with Fiore, and Dr. Sarhan’s testimony. Pet. 36–44. Because Petitioner demonstrates a reasonable likelihood of success in proving that at least one claim of the ’034 patent is unpatentable, we institute on all grounds and all claims raised in the Petition. *See* 37 C.F.R. § 42.108(a). Therefore, at this stage of the proceeding, it is not necessary for us to provide an assessment of every claim in the ground challenged by Petitioner, especially, as in this case, when Patent Owner does not separately argue those claims. Those challenges, in our view, are best left for trial after full development of the record.

E. *Obviousness over the Combination of Ely, Fiore, and Lewellen (Ground 2a)*

Petitioner argues claims 1–9 and 11–18 of the ’034 patent would have been obvious over Ely, alone or in combination with Fiore, in further view of Lewellen. Pet. 56–80. Below we provide a brief overview of Ely and Lewellen and then analyze Petitioner’s contentions in light of Patent Owner’s arguments.

1. *Ely (Ex. 1020)*

Ely is titled “Distributed Video Data Storage in Video Surveillance System,” and relates to a video surveillance system including a central control station and a plurality of video cameras each mounted inside a dome

housing unit. Ex. 1020, codes (54), (57). According to Ely, the video surveillance system also includes

[a] video data buffer memory, storing compressed video data generated by the camera, [which] is mounted with each camera in the respective dome unit. Data buffered at the dome units may be selectively protected from over-writing in response to alarm signals and then retrieved for display or tape-recording by the central control station.

Id. at code (57).

Figure 3 of Ely, reproduced below, depicts a video camera unit used in a video surveillance system. Ex. 1020, 5:21–24.

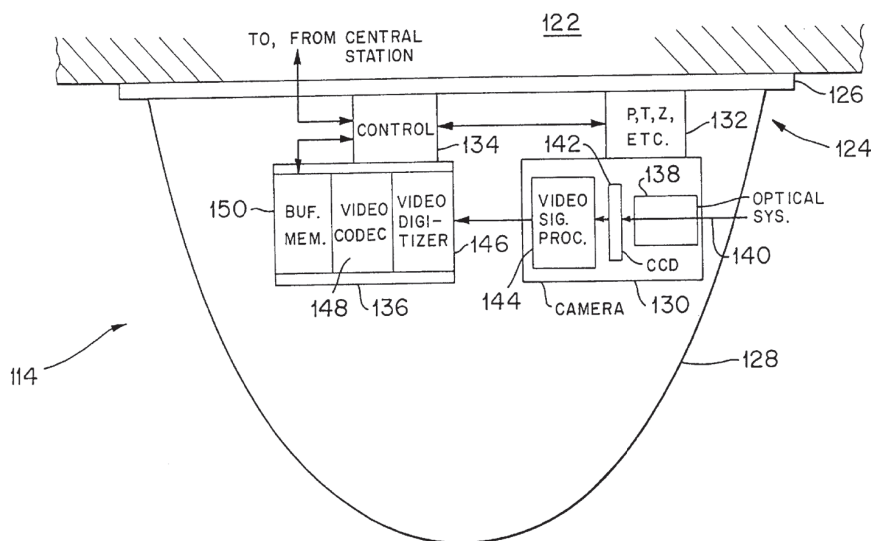


FIG. 3

Figure 3 shows a camera unit 114, which is mounted at a ceiling 122, and includes a housing 124 and a control circuit 134 programmed to carry out memory control, data storage and retrieval functions. *Id.* at 6:4–10, 6:43–46. The control circuit 134 transmits to the central station compressed video data representing video signals generated by camera 130. *Id.* at 7:17–21. In parallel, “the live compressed video data formed by the video codec 148 is also stored in the memory 150.” *Id.* at 7:26–28. According to Ely,

[p]referably the memory addressing and writing of data into the memory is controlled by the control circuit 134 so that the memory 150 serves as a ring buffer, in which currently generated compressed video data is written over the oldest compressed video data that had previously been stored in the memory 150. However, over-writing of the oldest data is subject to inhibition in response to alarm commands. On such occasions, the live compressed video data is written into a portion of the memory device 150 which does not hold video data that is to be preserved.

Id. at 7:28–38. When the control circuit 134 receives an alarm command, the control circuit 134 protects from over-writing compressed digital video data previously stored in the memory 150, and corresponding to a time interval beginning at a predetermined time prior to receipt of the alarm command, and continuing for a predetermined time after receipt of the alarm command.”

Id. at 7:48–55.

2. *Lewellen (Ex. 1019)*

Lewellen is titled “Vehicle Video System and Method,” and relates to “video systems for vehicles such as police cars.” Ex. 1019, code (54), ¶ 2. Lewellen discloses a vehicle video system that records video information on a digital video recorder and includes a local wireless interface, such as a Bluetooth-compatible interface, so that “the digital video information collected by the vehicle video system is automatically transferred to the database when the vehicle is parked, removing the need for any human intervention for the logging and cataloging of video tapes.” *Id.* ¶ 10; *see also id.* ¶ 31.

3. *Combination of Ely, Fiore, and Lewellen*

Petitioner argues that a person of ordinary skill in the art “would have been motivated to implement Ely’s surveillance system with Fiore’s file-based approach for the circular storage buffer and event data stored therein.” Pet. 58. Petitioner argues that Fiore’s file-based approach would provide the

same benefits in combination with Ely as it did in combination with Yerazunis under Ground 1a, which we have described above in § II.D.3. *Id.* (“As detailed in Sections IV.A.2–3, Fiore also describes numerous benefits of its file-based approach.”). Petitioner argues that a person of ordinary skill would have combined Ely and Fiore with Lewellen “to implement Lewellen’s local wireless interface for transmitting alarm data preserved with the file-based circular buffer approach of the Ely/Fiore system.” Pet. 59. According to Petitioner, a person of ordinary skill would have been motivated “to use Lewellen’s interface 390 to automatically transmit a file in the Ely/Fiore video recording device to a mobile phone, with the mobile phone then automatically forwarding the file to a remote memory.” Pet. 60 (citing Ex. 1003 ¶ 264; Ex. 1019 ¶¶ 10, 31, 37, 41). Petitioner argues that Lewellen’s local wireless interface is low power and very inexpensive and that the “benefit of providing the local wireless interface 390 is that digital information recorded by the digital video recorder 370 may be automatically transmitted and received to and from compatible devices.” *Id.* at 60 (citing Ex. 1019 ¶¶ 42, 43).

Patent Owner argues that Ely’s goal is to permanently store video signals on video tape while Fiore is directed to recording on a circular storage buffer. Prelim. Resp. 45. According to Patent Owner, Ely’s goal of analog storage on video tape would be thwarted if the data were to be transmitted as a digital data file because a digital data file is not stored on video tape. *Id.* Additionally, Patent Owner argues Fiore does not teach selectively write-protecting segments of data within a circular buffer and therefore a person of ordinary skill would not look to Fiore as guidance on a system to selectively write-protect data segments on a circular buffer. *Id.* at 45–46.

At this stage of the proceeding, we are persuaded that Petitioner has established a reasonable likelihood that a person of ordinary skill would have combined the teachings of Ely, Fiore, and Lewellen for the reasons provided by Petitioner and summarized above. Patent Owner's argument that Ely's goal of analog storage would be thwarted by Fiore's teaching of storing files in the circular buffer as digital files is not consistent with Ely's disclosure. Ely discloses that video signals are stored in a ring buffer in digital form. *See* Ex. 1020, 2:55–64, 3:1–5; 6:48–53. Thus, the fact that Ely eventually stores those signals on video tape in analog form, does not contradict the motivation to combine Ely with Fiore. At this stage, we do not determine that Fiore's disclosure of storing digital files is inconsistent with Ely's goal.

Patent Owner's remaining arguments are similar to those it made with respect to the combination of Yerazunis and Fiore in Ground 1a. For the same reasons as before, these arguments are unavailing.

4. Analysis of Claim 1

Petitioner contends that the combination of Ely, Fiore, and Lewellen teaches each of the limitations of claim 1, supporting its contentions with evidence from the asserted prior art and from the testimony of Dr. Sarhan. Pet. 61–71. Patent Owner disputes certain aspects of Elements 4 and 5. Prelim. Resp. 39–47. We have reviewed Petitioner's contentions for the preamble¹⁰ and undisputed limitations of claim 1 and are persuaded Petitioner has established a reasonable likelihood that the combination of

¹⁰ Because we determine that Petitioner has demonstrated a reasonable likelihood that the combination of Ely, Fiore, and Lewellen teaches the preamble, we need not make a determination, at this stage of the proceeding, whether the preamble is limiting.

Ely, Fiore, and Lewellen teaches these undisputed limitations. We focus our attention on the disputed elements of claim 1 below.

a) Whether Ely, Fiore, and Lewellen Teach the “File” Limitations

Patent Owner argues that “as with Yerazunis, Ely fails to teach the claimed concept of recording the stream as *a first file* using *a digital video file format*.” Prelim. Resp. 42. We disagree for the same reasons explained above with respect to Ground 1a. We are persuaded by Petitioner’s arguments of a reasonable likelihood that one of ordinary skill in the art would have understood Ely’s disclosure of storing compressed video generated by its cameras as teaching “using a digital video file format.”¹¹ Petitioner’s argument is supported by Dr. Sarhan’s testimony, which is unrebutted at this stage of the proceeding. *See* Ex. 1003 ¶ 273 (“A POSITA would have understood the compressed video data as ‘using a digital video file format’ and further understood Ely’s ‘ring buffer; to mean a ‘circular buffer’ of the type disclosed in the ’034 patent.”)

Patent Owner again disputes Petitioner’s construction of “file” and argues that, under a proper construction, “[n]owhere does Ely (nor Fiore) disclose storing a ‘file’ within the circular buffer itself.” Prelim. Resp. 44. As with Ground 1a, we disagree with Patent Owner’s arguments. Petitioner relies, in the alternative, on Fiore for its teaching of storing video frame data in a circular storage buffer as a memory-mapped file. Pet. 67 (citing

¹¹ Although we do not rely on it for our Decision, we note that Ely expressly discloses that video cameras can output compressed digital video in the H.261 standard and that such compressed digital video could be stored in Ely’s memory device 150. Ex. 1020, 7:2–11. This disclosure also supports Petitioner’s contention that one of ordinary skill would have understood that the disclosure of compressed video teaches using digital video file format.

Ex. 1009 ¶¶ 22, 23, 51, 59, 60). Fiore expressly discloses “stor[ing] the input signal data in the memory mapped file.” Ex. 1009 ¶ 20. Fiore supports Petitioner’s contention that the combination of Ely, Fiore, and Lewellen teaches both the “first file” and the “second distinct file” recited in claim 1.

b) Whether Ely, Fiore, and Lewellen Teach “Designating a Segment of the Circular Buffer as a Write-Protected Portion”

Patent Owner argues that Ely does not teach “designating a segment of the circular buffer as a write-protected portion” and instead teaches “inhibiting” the overwriting of previously recorded data and that this protection mechanism applies to the entire circular buffer, not a select segment. Prelim. Resp. 40 (citing Ex. 1020, 2:65–3:16, 4:1–8, 7:30–36, 11:67–12:19, 14:24–38).

At this stage of the proceeding, we are persuaded of a reasonable likelihood that that Ely teaches “designating a segment of the circular buffer as a write-protected portion” as recited in claim 1. Ely discloses that when an alarm command is received the “control circuit 134 protects from overwriting compressed digital video data previously stored in the memory 150” and that this protected data “correspond[s] to a time interval beginning at a predetermined time prior to receipt of the alarm command, and continu[es] for a predetermined time after receipt of the alarm command.” Ex. 1020, 7:50–55. This data “can be selectively retrieved in response to user instruction either for display (block 180) or directly for taperecording (block 182).” *Id.* at 10:17–23. By protecting a specific portion of the memory (pre- and post- alarm) and by allowing for selective retrieval of this protected data, Ely sufficiently supports, at this stage of the proceeding, Petitioner’s

argument that it designates a segment of the circular buffer for write protection.

5. Conclusion – Claim 1

For the foregoing reasons, we determine Petitioner has established a reasonable likelihood that the combination of Ely, Fiore, and Lewellen teaches the limitations of claim 1 and that Petitioner will prevail in demonstrating that claim 1 is unpatentable as obvious over the combination.

6. Analysis of Independent Claim 12 and Dependent Claims 2–9, 11, and 13–18

Petitioner notes that independent claim 12 is similar to independent claim 1 and relies on its contentions for claim 1. Pet. 61–71. Petitioner addresses each of the limitations of dependent claims 2–9, 11, and 13–18 providing support from Ely, alone or in combination with Fiore, in further view of Lewellen, and Dr. Sarhan’s testimony. Pet. 72–80. Because Petitioner demonstrates a reasonable likelihood of success in proving that at least one claim of the ’034 patent is unpatentable, we institute on all grounds and all claims raised in the Petition. *See* 37 C.F.R. § 42.108(a). Therefore, at this stage of the proceeding, it is not necessary for us to provide an assessment of every claim in the ground challenged by Petitioner, especially, as in this case, when Patent Owner does not separately argue those claims. Those challenges, in our view, are best left for trial after full development of the record.

F. Remaining Grounds 1b–1d, 2b, and 2c

Because Petitioner demonstrates a reasonable likelihood of success in showing that at least one claim of the ’034 patent is unpatentable, we institute on all grounds and all claims raised in the Petition. *See* 37 C.F.R.

§ 42.108(a). Therefore, at this stage of the proceeding, it is not necessary for us to provide an assessment of every challenge raised by Petitioner, especially, as in this case, when Patent Owner does not separately argue these grounds. Those challenges, in our view, are best left for trial after full development of the record.

IV. CONCLUSION

Petitioner has demonstrated a reasonable likelihood of prevailing in showing the unpatentability of at least one challenged claim of the '034 patent and we institute on all grounds raised and all claims challenged in the Petition. At this stage of the proceeding, however, we have not made a final determination with respect to the patentability of the challenged claims.

V. ORDER

For the foregoing reasons, it is

ORDERED that, pursuant to 35 U.S.C. § 314(a), an *inter partes* review of claims 1–20 of the '034 patent is instituted with respect to all grounds of unpatentability set forth in the Petition; and

FURTHER ORDERED that, pursuant to 35 U.S.C. § 314(c) and 37 C.F.R. § 42.4(b), *inter partes* review of the '034 patent shall commence on the entry date of this Order, and notice is hereby given of the institution of a trial.

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UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

MEMORANDUM

DATE: June 21, 2022

TO: Members of the Patent Trial and Appeal Board

FROM: Katherine K. Vidal *Katherine Kelly Vidal*
Under Secretary of Commerce for Intellectual Property and
Director of the United States Patent and Trademark Office (USPTO or the Office)

SUBJECT: INTERIM PROCEDURE FOR DISCRETIONARY DENIALS IN AIA POST-
GRANT PROCEEDINGS WITH PARALLEL DISTRICT COURT
LITIGATION

Introduction

Congress designed the America Invents Act (AIA) post-grant proceedings “to establish a more efficient and streamlined patent system that will improve patent quality and limit unnecessary and counterproductive litigation costs.” H.R. Rep. No. 112–98, pt. 1, at 40 (2011), 2011 U.S.C.C.A.N. 67, 69; *see* S. Rep. No. 110–259, at 20 (2008). Parallel district court and AIA proceedings involving the same parties and invalidity challenges can increase, rather than limit, litigation costs. Based on the USPTO’s experience with administering the AIA, the agency has recognized the potential for inefficiency and gamesmanship in AIA proceedings, given the existence of parallel proceedings between the Office and district courts. To minimize potential conflict between the Patent Trial and Appeal Board (PTAB) and district court proceedings, the Office designated as precedential *Apple Inc. v. Fintiv, Inc.*¹ This precedential decision articulates

¹ *See Apple Inc. v. Fintiv, Inc.*, IPR2020-00019, Paper 11 (PTAB Mar. 20, 2020) (designated precedential May 5, 2020).

the following set of nonexclusive factors (the *Fintiv* factors) that the PTAB considers on a case-specific basis in determining whether to institute an AIA post-grant proceeding where there is parallel district court litigation:

1. whether the court granted a stay or evidence exists that one may be granted if a proceeding is instituted;
2. proximity of the court's trial date to the Board's projected statutory deadline for a final written decision;
3. investment in the parallel proceeding by the court and the parties;
4. overlap between issues raised in the petition and in the parallel proceeding;
5. whether the petitioner and the defendant in the parallel proceeding are the same party; and
6. other circumstances that impact the Board's exercise of discretion, including the merits.

The Office issued a Request for Comments (RFC)² on the PTAB's current approaches to exercising discretion on whether to institute an AIA proceeding, including situations involving parallel district court litigation. The Office received 822 comments from a wide range of stakeholders. In light of the feedback received, the Office is planning to soon explore potential rulemaking on proposed approaches through an Advanced Notice of Proposed Rulemaking. In the meantime, I have determined that several clarifications need to be made to the PTAB's current application of *Fintiv* to discretionary institution where there is parallel litigation.

As explained below, to benefit the patent system and the public good, the PTAB will not rely on the *Fintiv* factors to discretionarily deny institution in view of parallel district court litigation where a petition presents compelling evidence of unpatentability. This memorandum also confirms that the precedential import of *Fintiv* is limited to facts of that case. Namely, *Fintiv* involved institution of an AIA proceeding with a parallel district court litigation. The

² Discretion to Institute Trials Before the Patent Trial and Appeal Board, 85 FR 66502 (Oct. 20, 2020); Discretion to Institute Trials Before the Patent Trial and Appeal Board; Extension of Comment Period, 85 FR 73437 (Nov. 18, 2020).

plain language of the *Fintiv* factors is directed to district court litigation and does not apply to parallel U.S. International Trade Commission (ITC) proceedings, as the ITC lacks authority to invalidate a patent and the ITC's invalidity rulings are not binding on the Office or on district courts.

Consistent with *Sotera Wireless, Inc.*,³ the PTAB will not discretionarily deny institution in view of parallel district court litigation where a petitioner presents a stipulation not to pursue in a parallel proceeding the same grounds or any grounds that could have reasonably been raised before the PTAB. Additionally, when considering the proximity of the district court's trial date to the date when the PTAB final written decision will be due, the PTAB will consider the median time from filing to disposition of the civil trial for the district in which the parallel litigation resides.⁴ This memorandum clarifies those practices.

This memorandum is issued under the Director's authority to issue binding agency guidance to govern the PTAB's implementation of various statutory provisions, including directions regarding how those statutory provisions will apply to sample fact patterns. *See, e.g.*, 35 U.S.C. 3(a)(2)(A); PTAB Standard Operating Procedure (SOP) 2 at 1–2.

Analysis

Compelling Merits

In the AIA, Congress established post-grant proceedings, including IPR, PGR, and covered business method (CBM) proceedings to improve and ensure patent quality by providing “quick and cost-effective alternatives to litigation” for challenging issued patents. H.R. Rep. No. 112–98, pt. 1, at 48; *see also* S. Rep. No. 110–259, at 20 (explaining that the “post-grant review

³ *Sotera Wireless, Inc. v. Masimo Corp.*, IPR2020-01019, Paper 12 (PTAB Dec. 1, 2020) (precedential as to § II.A).

⁴ <https://www.uscourts.gov/statistics-reports/analysis-reports/federal-court-management-statistics>

system . . . will give third parties a quick, inexpensive, and reliable alternative to district court litigation to resolve questions of patent validity”). Congress granted the Office “significant power to revisit and revise earlier patent grants” as a mechanism “to improve patent quality and restore confidence in the presumption of validity that comes with issued patents.” *Cuozzo Speed Techs., LLC v. Lee*, 579 U.S. 261, 272 (2016) (quoting H.R. Rep. No. 112-98, pt. 1, at 45, 48). Given those objectives, compelling, meritorious challenges will be allowed to proceed at the PTAB even where district court litigation is proceeding in parallel. Compelling, meritorious challenges are those in which the evidence, if unrebutted in trial, would plainly lead to a conclusion that one or more claims are unpatentable by a preponderance of the evidence. That said, the PTAB retains discretion to deny institution for proceedings where abuse has been demonstrated.

Fintiv factor six reflects that the PTAB considers the merits of a petitioner’s challenge when determining whether to institute a post-grant proceeding in view of parallel district court litigation. Where the information presented at the institution stage is merely sufficient to meet the statutory institution threshold,⁵ the PTAB has the authority, where warranted, to exercise discretion to deny institution in view of the other *Fintiv* factors. In contrast, where the PTAB determines that the information presented at the institution stage presents a compelling

⁵ Institution of an IPR is authorized by statute only when “the information presented in the petition . . . and any response . . . shows that there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.” 35 U.S.C. § 314(a) (2018). Similarly, institution of a PGR, including a CBM, is authorized only when “the information presented in the petition . . . , if such information is not rebutted, would demonstrate that it is more likely than not that at least 1 of the claims challenged in the petition is unpatentable” *Id.* § 324(a).

unpatentability challenge, that determination alone demonstrates that the PTAB should not discretionarily deny institution under *Fintiv*.⁶

This clarification strikes a balance among the competing concerns of avoiding potentially conflicting outcomes, avoiding overburdening patent owners, and strengthening the patent system by eliminating patents that are not robust and reliable. Consistent with Congress's giving the Office the authority to revisit issued patents, the PTAB will not deny institution based on *Fintiv* if there is compelling evidence of unpatentability. This approach "allows the proceeding to continue in the event that the parallel proceeding settles or fails to resolve the patentability question presented in the PTAB proceeding." *Fintiv*, Paper 11 at 15. The patent system and the public good benefit from instituting compelling unpatentability challenges.

ITC and *Fintiv*

In 2018, the PTAB issued a decision in *NHK Spring*.⁷ There, the PTAB held that the advanced state of a parallel district court litigation involving similar validity disputes could be a factor weighing in favor of denying institution of an IPR because of concerns over the inefficient

⁶ The compelling evidence test affirms the PTAB's current approach of declining to deny institution under *Fintiv* where the evidence of record so far in the case would plainly lead to a conclusion that one or more claims are unpatentable. See, e.g., *Illumina Inc. v. Trs. of Columbia Univ.*, IPR2020-00988, Paper 20 (PTAB Dec. 8, 2020) (declining to deny under *Fintiv* in light of strong evidence on the merits even though four factors weighed in favor of denial and remaining factor was neutral); *Synthego Corp. v. Agilent Techs., Inc.*, IPR2022-00402, Paper 11 (May 31, 2022) (granting institution as efficiency and integrity of the system would not be served by denying institution of petition with particularly strong evidence on the merits); *Samsung Elecs. Co. v. Scramoge Tech., Ltd.*, IPR2022-00241, Paper 10 (June 13, 2022) (*Fintiv* analysis concludes that "very strong" evidence on the merits outweigh concurrent litigation involving earlier scheduled trial date and significant overlap in proceedings).

⁷ *NHK Spring Co. v. Intri-Plex Techs., Inc.*, IPR2018-00752, Paper 8 (PTAB Sept. 12, 2018) (precedential). This decision also based the denial of institution on Director discretion under 35 U.S.C. § 325(d).

use of PTAB's resources. *NHK Spring*, Paper 8 at 19–20. Later, in 2020, the PTAB announced the *Fintiv* factors, which the PTAB considers when a patent owner raises an argument for discretionary denial under *NHK Spring* due to an earlier trial date. *Fintiv*, Paper 11 at 5–6. The *Fintiv* factors focus on the interplay between IPRs and district court litigation. Through that focus, the *Fintiv* factors seek to avoid duplicative efforts between the PTAB and federal district courts. For example, *Fintiv* factor one asks whether the “court” has granted a stay or if one may be granted. Similarly, *Fintiv* factor two looks at the proximity of the “court” trial date. Likewise, *Fintiv* factor three concerns the amount of investment in the parallel proceeding by the “court” and the parties. *Fintiv* factors five and six refer to the same parallel proceeding described in factor three.

Although the *Fintiv* factors are directed to district court litigation and not ITC proceedings,⁸ the PTAB has, in the past, denied AIA reviews based on parallel ITC investigations.⁹ Important differences, however, distinguish ITC investigations from patent invalidity trials in federal district courts. Unlike district courts, the ITC lacks authority to invalidate a patent and its invalidity rulings are not binding on either the Office or a district court. *See Tandon Corp. v. U.S.I.T.C.*, 831 F.2d 1017, 1019 (Fed. Cir. 1987). Therefore, an ITC determination cannot conclusively resolve an assertion of patent invalidity, which instead requires either district court litigation or a PTAB proceeding to obtain patent cancellation. Thus, denying institution because of a parallel ITC investigation will not necessarily minimize

⁸ *Fintiv* refers to ITC proceedings in discussing factor one. *Fintiv*, Paper 11 at 8–9. Addressing the situation where district court litigation is stayed pending an ITC investigation, *Fintiv* states in *dicta* that “it is difficult to maintain a district court proceeding on patent claims determined to be invalid at the ITC.” *Id.* at 9.

⁹ *See, e.g., Philip Morris Prods. S.A. v. Rai Strategic Holdings, Inc.*, IPR2020-00919, Paper 9 (PTAB Nov. 16, 2020).

potential conflicts between PTAB proceedings and district court litigation. For the foregoing reasons, the PTAB no longer discretionarily denies petitions based on applying *Fintiv* to a parallel ITC proceeding. This memorandum memorializes that practice. The PTAB will not discretionarily deny petitions based on applying *Fintiv* to a parallel ITC proceeding.

***Sotera* Stipulations**

Fintiv factor four looks at the overlap between the issues raised in the IPR petition and in the parallel proceeding in order to evaluate “concerns of inefficiency and the possibility of conflicting decisions.” *Fintiv*, Paper 11 at 12. If the petition includes the same or substantially the same claims, grounds, arguments, and evidence as presented in the parallel proceeding, this fact has favored denial. *Id.* at 12. Conversely, if the petition includes materially different grounds, arguments, and/or evidence than those presented in the district court, this fact has tended to weigh against exercising discretion to deny institution. *Id.* at 12–13.

When a petitioner stipulates not to pursue in a parallel district court proceeding the same grounds as in the petition or any grounds that could have reasonably been raised in the petition, it mitigates concerns of potentially conflicting decisions and duplicative efforts between the district court and the PTAB. *See Sotera*, Paper 12 at 18–19. With such a stipulation, if an IPR or PGR is instituted, the grounds the PTAB resolves will differ from those present in the parallel district court litigation. For these reasons, the PTAB will not discretionarily deny institution of an IPR or PGR in view of parallel district court litigation where a petitioner stipulates not to pursue in a parallel district court proceeding the same grounds as in the petition or any grounds that could have reasonably been raised in the petition. This clarification avoids inconsistent outcomes

between the PTAB and the district court and allows the PTAB to review grounds that the parallel district court litigation will not resolve.

Trial Date

Fintiv factor two considers the proximity of the court’s trial date to the Board’s projected statutory deadline for a final written decision. When applying this factor, the PTAB has taken the “courts’ trial schedules at face value absent some strong evidence to the contrary.”¹⁰ Thus, the PTAB has generally weighed this factor in favor of exercising discretion to deny institution if the trial date is scheduled before the projected statutory deadline for a final written decision.

In response to the RFC, a number of commenters expressed concern with the use of trial dates as a factor.¹¹ Stakeholders correctly noted that scheduled trial dates are unreliable and often change. A court’s scheduled trial date, therefore, is not by itself a good indicator of whether the district court trial will occur before the statutory deadline for a final written decision.

Accordingly, when analyzing the proximity of the court’s trial date under factor two of *Fintiv*, when other relevant factors weigh against exercising discretion to deny institution or are neutral, the proximity to trial should not alone outweigh all of those other factors. *See In re Genentech, Inc.*, 566 F.3d 1338, 1347 (Fed Cir. 2009). Parties may present evidence regarding the most recent statistics on median time-to-trial for civil actions in the district court in which the

¹⁰ *Apple Inc. v. Fintiv, Inc.*, IPR2020-00019, Paper 15 at 13 (May 13, 2020) (informative) (applying the *Fintiv* factors articulated in the precedential *Fintiv* decision).

¹¹ *See USPTO Executive Summary of Public Views on Discretionary Institution of AIA Proceedings* (Jan. 2021) (available at <https://www.uspto.gov/sites/default/files/documents/USPTOExecutiveSummaryofPublicViewsonDiscretionaryInstitutiononAIAProceedingsJanuary2021.pdf>).

parallel litigation resides¹² for the PTAB's consideration. Where the parties rely on time-to-trial statistics, the PTAB will also consider additional supporting factors such as the number of cases before the judge in the parallel litigation and the speed and availability of other case dispositions. See *id.*; *In re Google LLC*, No. 2021-178, 2021 WL 5292267 at *3 (Fed. Cir. 2021).

Conclusion

In summary, the PTAB will not deny institution of an IPR or PGR under *Fintiv* (i) when a petition presents compelling evidence of unpatentability; (ii) when a request for denial under *Fintiv* is based on a parallel ITC proceeding; or (iii) where a petitioner stipulates not to pursue in a parallel district court proceeding the same grounds as in the petition or any grounds that could have reasonably been raised in the petition. Additionally, when the PTAB is applying *Fintiv* factor two, the PTAB will consider the speed with which the district court case may come to trial and be resolved. The PTAB will weigh this factor against exercising discretion to deny institution under *Fintiv* if the median time-to-trial is around the same time or after the projected statutory deadline for the PTAB's final written decision. That said, even if the PTAB does not deny institution under *Fintiv*, it retains the right to deny institution for other reasons under 35 U.S.C. §§ 314(a), 324(a), and 325(d). For example, the PTAB may deny institution if other pertinent circumstances are present, such as abuse of process by a petitioner.

This interim guidance applies to all proceedings pending before the Office. This interim guidance will remain in place until further notice. The Office expects to replace this interim guidance with rules after it has completed formal rulemaking.

¹²

The most recent statistics are available at: <https://www.uscourts.gov/statistics/table/na/federal-court-management-statistics/2022/03/31-1>.

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Update: On March 24, 2025, the USPTO published an updated [Guidance memorandum on USPTO's rescission of "Interim Procedure for Discretionary Denials in AIA Post-Grant Proceedings with Parallel District Court Litigation"](#), which can be found in the Guidance Memorandum section of the [PTAB resources page](#).

USPTO rescinds memorandum addressing discretionary denial procedures

February 28, 2025

Today, the USPTO rescinded the June 21, 2022, memorandum entitled "Interim Procedure for Discretionary Denials in AIA Post-Grant Proceedings with Parallel District Court Litigation" (Memorandum).

Parties to post-grant proceedings should refer to Patent Trial and Appeal Board (PTAB) precedent for guidance, including [Apple Inc. v. Fintiv, Inc., IPR2020-00019, Paper 11 \(PTAB Mar. 20, 2020\) \(precedential\)](#) and [Sotera Wireless, Inc. v. Masimo Corp., IPR2020-01019, Paper 12 \(PTAB Dec. 1, 2020\) \(precedential as to § II.A\)](#).

To the extent any other PTAB or Director Review decisions rely on the Memorandum, the portions of those decisions relying on the Memorandum shall not be binding or persuasive on the PTAB.

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Patent Trial and Appeal Board

MEMORANDUM

To: Members of the Patent Trial and Appeal Board

From: 
Scott R. Boalick, Chief Administrative Patent Judge

Subject: Guidance on USPTO's rescission of "Interim Procedure for Discretionary Denials in AIA Post-Grant Proceedings with Parallel District Court Litigation"

Date: March 24, 2025

On February 28, 2025, the USPTO rescinded the June 21, 2022 memorandum entitled "Interim Procedure for Discretionary Denials in AIA Post-Grant Proceedings with Parallel District Court Litigation" ("Interim Procedure"). The Interim Procedure was intended to provide guidance while the USPTO explored potential rulemaking, but the USPTO did not subsequently propose a final rule addressing the Director's and, by delegation, the Patent Trial and Appeal Board's ("Board") exercise of discretionary institution in an *inter partes* review ("IPR") or a post-grant review ("PGR") in view of a parallel litigation. In the absence of rulemaking, the USPTO rescinded the Interim Procedure to restore policy in this area to the guidance in place before the Interim Procedure, including the Board's precedential decisions in *Apple Inc. v. Fintiv, Inc.*, IPR2020-00019, Paper 11 (PTAB Mar. 20, 2020) ("*Fintiv*") and *Sotera Wireless, Inc. v. Masimo Corp.*, IPR2020-01019, Paper 12 (PTAB Dec. 1, 2020) ("*Sotera*"). This memorandum sets forth additional guidance.

First, the Interim Procedure's recission applies to any case in which the Board has not issued an institution decision, or where a request for rehearing or Director Review of an institution decision was filed and remains pending. The Board will consider timely requests for additional briefing on the application of the Interim Procedure's recission on a case-by-case basis. Absent extraordinary circumstances, the Board will not revisit a decision on institution if the time for seeking Director Review or rehearing has passed.

Second, the Board will apply the *Fintiv* factors when there is a parallel proceeding at the International Trade Commission ("ITC"). As the *Fintiv* decision explains, although an ITC final invalidity determination does not have preclusive effect, it is difficult as a practical matter to assert patent claims that the ITC has determined are invalid. *See Fintiv*, Paper 11 at 8–9. Additionally, instituting an IPR or a PGR where the ITC has set a target date for completing its investigation (i.e., the full Commission's final determination) to occur earlier than the Board's deadline to issue a final written decision in a challenge involving the same patent claims means that multiple tribunals may be adjudicating validity at the same time, which may increase duplication and expenses for the parties and the tribunals. Thus, the Board is more likely to deny institution where the ITC's projected final determination date is earlier than the Board's deadline to issue a final written decision, and the Board is less likely to deny institution under *Fintiv* where the ITC projected final determination date is after the Board's deadline to issue a final written decision.

Third, a timely-filed *Sotera* stipulation¹ (i.e., a stipulation from a petitioner that, if an IPR or PGR is instituted, the petitioner will not pursue in district court

¹ *See NXP USA, Inc. v. Impinj, Inc.*, IPR2021-01556, Paper 13 (Sept. 7, 2022) (precedential) (holding that the only appropriate time for a petitioner to offer a stipulation is prior to the Board's decision on institution).

(or in the ITC) any ground raised or that could have been reasonably raised in the IPR/PGR) is highly relevant, but will not be dispositive by itself. Instead, the Board will consider such a stipulation as part of its holistic analysis under *Fintiv*.

Fourth, in applying *Fintiv*, the Board may consider any evidence that the parties make of record that bears on the proximity of the district court's trial date or the ITC's final determination target date, including median time-to-trial statistics for civil actions in the district court in which the parallel litigation resides.

Fifth, as stated in *Fintiv*, the factors considered in the exercise of discretion are part of a balanced assessment of all the relevant circumstances in the case, including the strength of the merits. However, compelling merits alone is not dispositive in making the assessment.

MEMORANDUM

To: All PTAB Judges

From: Coke Morgan Stewart 
Acting Under Secretary of Commerce for Intellectual Property
and Acting Director of the United States Patent and Trademark Office

Subject: Interim Processes for PTAB Workload Management

Date: March 26, 2025

The Patent Trial and Appeal Board (PTAB) is tasked with several statutory duties under 35 U.S.C. § 6(b), including deciding *ex parte* appeals from adverse examiner decisions by patent applicants and conducting America Invents Act (AIA) trial proceedings, such as *inter partes* reviews (IPRs) and post-grant reviews (PGRs). To ensure that the PTAB continues to meet its statutory obligations as to *ex parte* appeals, while continuing to maintain its capacity to conduct AIA proceedings, the Director will exercise her discretion on institution of AIA proceedings under 35 U.S.C. §§ 314(a) and 324(a) as outlined below.

First, decisions on whether to institute an IPR or PGR will be bifurcated between (i) discretionary considerations and (ii) merits and other non-discretionary statutory considerations. Under this interim procedure, the Director, in consultation with at least three PTAB judges, will determine whether discretionary denial of institution is appropriate. If it is appropriate, the Director will issue a decision denying institution. If it is not appropriate, the Director will issue a decision regarding that determination and refer the petition to a three-member panel of the PTAB assigned according to Standard Operating Procedure (SOP) 1 (Rev. 16). The three-member panel will then handle the case in the normal course including by issuing a decision on institution addressing the merits and other non-discretionary statutory considerations.

Second, to facilitate this bifurcated approach, the USPTO will permit parties to file separate briefing on requests for discretionary denial of institution. The discretionary denial briefing shall proceed as follows: (1) within two months of the date on which the PTAB enters a Notice of Filing Date Accorded to a petition, a patent owner may file a brief explaining any applicable bases for discretionary denial of institution; and (2) a petitioner may file an opposition brief no later than one month after the patent owner files its brief. Leave to file further briefing may be permitted for good cause. Consistent with 37 C.F.R. § 42.24, discretionary denial briefing will be limited to 14,000 words. A reply brief, if any, will be limited to 5,600 words. The merits briefing schedule and the schedule for requesting rehearing or Director Review as to a decision on institution remain unchanged.

Third, consistent with the discretionary considerations enumerated in existing Board precedent (including *Fintiv*, *General Plastic*, and *Advanced Bionics**) and the Consolidated Trial Practice Guide (Nov. 2019), the parties are permitted to address all relevant considerations, which may include:

- Whether the PTAB or another forum has already adjudicated the validity or patentability of the challenged patent claims;
- Whether there have been changes in the law or new judicial precedent issued since issuance of the claims that may affect patentability;
- The strength of the unpatentability challenge;
- The extent of the petition's reliance on expert testimony;
- Settled expectations of the parties, such as the length of time the claims have been in force;
- Compelling economic, public health, or national security interests; and

* *Apple Inc. v. Fintiv, Inc.*, IPR2020-00019, Paper 11 (Mar. 20, 2020) (precedential); *Gen. Plastic Indus. Co. v. Canon Kabushiki Kaisha*, IPR2016-01357, Paper 19 (Sept. 6, 2027) (precedential as to § II.B.4.i); *Advanced Bionics, LLC v. MED-EL Elektromedizinische Geräte GmbH*, IPR2019-01469, Paper 6 (Feb. 13, 2020) (precedential).

- Any other considerations bearing on the Director's discretion.

The Director will also consider the ability of the PTAB to comply with pendency goals for *ex parte* appeals, its statutory deadlines for AIA proceedings, and other workload needs. *See* 35 U.S.C. § 316(b).

These processes aim to improve PTAB efficiency, maintain PTAB capacity to conduct AIA proceedings, reduce pendency in *ex parte* appeals, and promote consistent application of discretionary considerations in the institution of AIA proceedings. The processes described herein will be implemented in IPR and PGR proceedings where the deadline for the patent owner to file a preliminary response has not yet passed. In that situation, if the time for filing discretionary denial briefing as described herein has already elapsed, the patent owner may submit discretionary denial briefing within one month of the date of this memorandum.

The processes described herein are temporary in nature due, in part, to the current workload needs of the PTAB.

Silveira, Matthew J.

From: Nightingale, Joshua R.
Sent: Monday, November 25, 2024 7:53 AM
To: Trials
Cc: Marlott, John A.; Galvan, Hilda C.; DLF- Lit Paras; Stellar-DLF Intl;
jshapiro@devlinlawfirm.com; tdevlin@devlinlawfirm.com;
jlennon@devlinlawfirm.com
Subject: IPR2024-01205, -01206, -01207, -01208
Attachments: Stellar v Motorola Solutions - Nov 11 2024 Correspondence.pdf

Dear Honorable Board,

Petitioner requests authorization to file the attached November 11, 2024 correspondence as an exhibit in IPR2024-01205, -01206, -01207, and -01208.

In the correspondence, in accordance with the USPTO's Director Memorandum of June 21, 2022 (entitled "Interim Procedure for Discretionary Denials in AIA Post-Grant Proceedings with Parallel District Court Litigation"), citing the precedential decision in *Sotera Wireless, Inc. v. Masimo Corp.*, IPR2020-01019, Paper 12 at 18-19 (PTAB Dec. 1, 2020), Petitioner Motorola stipulates that, for each of these IPR proceedings, "if the Patent Trial and Appeal Board ('PTAB') institutes IPR, then Motorola will not pursue as to the challenged claims any ground raised or that reasonably could have been raised during the IPR in the above-captioned litigation, EDTX 4:23-cv-750-SDJ."

Patent Owner's Preliminary Responses (POPRs) dated November 18, 2024 state: "A week before the filing date of this preliminary response, Petitioner generally suggested a stipulation, but the contours of it are unclear. For example, Petitioner has not committed as to which specific invalidity theories it will not pursue if the Board institutes trial here." See, e.g., IPR2024-01205, POPR at 15-16 n.2.

Petitioner seeks to have the attached correspondence entered as an exhibit so that the Board can evaluate Petitioner's stipulation.

Patent Owner does not oppose this request.

Respectfully,
Josh Nightingale

Joshua R. Nightingale
Partner
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November 11, 2024

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Re: *Stellar, LLC v. Motorola Solutions, Inc. et al.*, No. 4:23-cv-750-SDJ

Counsel:

Motorola Solutions, Inc. and Watchguard Video, Inc. (“Motorola”) hereby stipulate that, for each of the *inter partes* review (“IPR”) proceedings listed below, if the Patent Trial and Appeal Board (“PTAB”) institutes IPR, then Motorola will not pursue as to the challenged claims any ground raised or that reasonably could have been raised during the IPR in the above-captioned litigation, EDTX 4:23-cv-750-SDJ.

- IPR2024-01205, challenging claims 1-20 of U.S. Patent No. 7,593,034
- IPR2024-01206, challenging claims 1-13 of U.S. Patent No. 9,485,471
- IPR2024-01207, challenging claims 1-22 of U.S. Patent No. 8,692,882
- IPR2024-01208, challenging claims 1-23 of U.S. Patent No. 9,912,914

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Motorola v. Stellar
Motorola Exhibit 1043

Appx117

JONES DAY

Timothy Devlin
November 11, 2024
Page 2

To avoid any doubt, for each of the IPR proceedings listed above, if the PTAB declines institution, then Motorola reserves the right to pursue the grounds of the denied petition or any other grounds in the parallel litigation.

Sincerely,

John A. Marlott

John A. Marlott

cc: Motorola-JD@jonesday.com

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), I certify that I caused to be served on the counsel for Patent Owner a true and correct copy of Petitioner's Exhibit 1043 by electronic means at the following email addresses for counsel of record:

Stellar-DLF_Intl@devlinlawfirm.com
dlflitparas@devlinlawfirm.com

Dated: November 27, 2024

/ Joshua R. Nightingale /

Joshua R. Nightingale

Reg. No. 67,865

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December 10, 2024

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stellar@nelbum.com

Re: *Stellar, LLC v. Motorola Solutions, Inc., et al, No. 4-23-cv-750-SDJ*

Counsel:

In accordance with the USPTO Director's Memorandum of June 21, 2022 (entitled "Interim Procedure for Discretionary Denials in AIA Post-Grant Proceedings with Parallel District Court Litigation"), citing the precedential decision in *Sotera Wireless, Inc. v. Masimo Corp.*, IPR2020-01019, Paper 12 at 18-19 (PTAB Dec. 1, 2020), Motorola Solutions, Inc. and Watchguard Video, Inc. ("Motorola") hereby stipulate that, for each of the *inter partes* review ("IPR") proceedings listed below, if the Patent Trial and Appeal Board ("PTAB") institutes IPR, then Motorola will not pursue as to the challenged claims any ground raised or that reasonably could have been raised during the IPR in the above-captioned litigation, EDTX 4:23-cv-750-SDJ.

- IPR2024-01284, challenging claims 1-19 of U.S. Patent No. 8,310,540
- IPR2024-01285, challenging claims 1-18 of U.S. Patent No. 8,928,752

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JONES DAY

Timothy Devlin
December 10, 2024
Page 2

- IPR2024-01313, challenging claims 1-25 of U.S. Patent No. 10,523,901
- IPR2024-01314, challenging claims 1-20 of U.S. Patent No. 10,965,910

To avoid any doubt, for each of the IPR proceedings listed above, if the PTAB declines institution, then Motorola reserves the right to pursue the grounds of the denied petition or any other grounds in the parallel litigation.

Sincerely,

John A. Marlott

John A. Marlott

cc: Motorola-JD@jonesday.com

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MOTOROLA SOLUTIONS, INC.
Petitioner

v.

STELLAR, LLC
Patent Owner

U.S. Patent No. 7,593,034

Case IPR2024-01205*

**PETITIONER'S AUTHORIZED RESPONSE TO
PATENT OWNER'S REQUEST FOR DIRECTOR REVIEW**

* Patent Owner filed identical Requests for Director Review in each of IPR2024-01205, -01206, -01207, and -01208. Petitioner is accordingly filing identical responses in each of these proceedings. Citations herein are to IPR2024-01205.

I. The Request Does Not Raise Any Important Issues Of Law Or Policy.

The USPTO's rescission of the June 21, 2022 "Guidance Memo" moots the majority of Patent Owner's Request for Director Review ("Request"). Sections II and IV of the Request, arguing that the Board failed to properly perform a "compelling merits" analysis in accordance with the now-rescinded Guidance Memo and *CommScope* are mooted entirely. And the policy change regarding *Sotera* stipulations requested in Section VI of the Request is likewise mooted.

II. The Board Did Not Abuse Its Discretion Or Otherwise Commit Error.

The lone argument that is *not* moot is found in Sections III and V, with Patent Owner alleging an abuse of discretion by the Board in assessing the *Fintiv* factors in the Institution Decision ("DI"). The Board did not abuse its discretion or err here.

In its analysis of *Fintiv* factors 1-6, the Board did not state any reliance on the now-rescinded Guidance Memo. Instead, consistent with precedential authority, the Board took a "holistic view" and "sought to balance considerations such as system efficiency, fairness, and patent quality." *Apple Inc. v. Fintiv, Inc.*, IPR2020-00019, Paper 11 at 5-6 (PTAB Mar. 20, 2020) (Precedential) (*Fintiv I*). The Board evaluated the *Fintiv* factors and concluded that its "weighing of the factors is against exercising discretion to deny institution." DI at 10-12. The Board did not abuse its discretion or err, and the Board regularly institutes IPR under similar circumstances (*i.e.*, *Sotera* stipulation, additional challenged claims in IPR not asserted in court, strong merits).

Initially, as to *Fintiv* factor 1, the Board did not clearly err in recognizing that no stay motion had yet been filed in the district court at the time of the DI, which meant this factor was *neutral*—not that it weighed in favor of denying institution, as Patent Owner implies (Request at 3). *See Apple, Inc. v. Fintiv, Inc.*, IPR2020-00019, Paper 15 at 12 (PTAB May 13, 2020) (Informative) (*Fintiv II*). And Patent Owner’s argument to the Board that “a stay is unlikely” (DI at 10) ultimately proved incorrect, as Judge Jordan has now entered a temporary stay of the E.D. Texas litigation (*see* Request at FN 3); Judge Jordan has “ORDERED that all deadlines and hearings scheduled in this matter are STAYED pending further order of the Court.” *See Stellar v. Motorola Solutions*, E.D. Tex. No. 23-cv-00750, Dkt. 156 (Feb. 24, 2025); Dkt. 153 (unsealed stay motion); Dkt. 106 (prior scheduling order); IPR2024-01284, EX1058. The litigation will remain stayed until Judge Jordan issues a further ruling “after considering the PTAB’s additional institution decisions [in IPR2024-01284, -01285, -01313, -01314]” (challenging four other patents in same family). Dkt. 156 at 2. No longer neutral, *Fintiv* factor 1 now supports institution. *See Fintiv I* at 6-9. And even if a trial date was still set, no bright-line rule required denial. *Id.* at 5 n.5.

The Board also did not abuse its discretion in finding that *Fintiv* factors 3, 4, and 6 favored institution at the time of the DI. Request at 6-9. *First*, the Board’s finding that Petitioner’s *Sotera* stipulation favored institution (DI at 11-12) was entirely consistent with the precedential holding that such stipulations “weigh[]

strongly in favor of not exercising discretion to deny institution under 35 U.S.C. § 314(a).” *Sotera Wireless v. Masimo*, IPR2020-01019, Paper 12 at 18-19 (PTAB Dec. 1, 2020) (Precedential as to § II.A). The Request contends (at 4, 8-9) that the Board erred in analyzing *Fintiv* factor 4 because it “ignored” that Petitioner’s *Sotera* stipulation is “essentially meaningless” in view of “systems prior art” theories at the district court. But Patent Owner never made this argument to the Board regarding factor 4 (*see* POPR at 15-16), and the Board could not have clearly erred or abused its discretion regarding an argument not presented to it. In any case, as *Sotera* explicitly recognizes, Petitioner’s stipulation is meaningful because it “mitigates any concerns of duplicative efforts between the district court and the Board, as well as concerns of potentially conflicting decisions.” *Sotera* at 19. Moreover, the Board has found “the fact that Petitioner may rely [on] IPR-ineligible grounds before the district court” weighs *against* discretionary denial, further supporting the Board’s decision here. *Abbott Vascular, Inc. v. Flexstent, LLC*, IPR2019-00882, Paper 11 at 30-31 (PTAB Oct. 7, 2019) (“the district court proceeding will involve prior art products, which are not asserted in this IPR, potentially enabling the district court to focus its limited trial time on the prior art products, should the need arise to do so”).

Second, the Board did not clearly err in finding that “all” patent claims being challenged in the IPR (as opposed to the smaller subset asserted in district court) favored institution under factor 4. DI at 12. Rather, the Board’s finding is consistent

with *Fintiv* and other Board precedent. *See, e.g., 3Shape A/S v. Align Tech.*, IPR2019-00160, Paper 9 at 39 (June 11, 2019) (“[D]iffering claim sets is a factor that weighs against [discretionary denial.]”); *Illumina, Inc. v. Natera, Inc.*, IPR2019-01201, Paper 19 at 6-7 (PTAB Dec. 18, 2019) (no discretionary denial where district court trial “would address only a subset of the claims challenged in [IPR] Petition” and “denial of the Petition could cause Petitioner harm because Patent Owner could later assert the additional claims against Petitioner or its customers, yet Petitioner would be time-barred from bringing a later IPR on these claims”).

Third, the Board’s finding that the merits favor institution under *Fintiv* factor 6 was not clearly erroneous. DI at 12. While Patent Owner attempts to conflate the “compelling merits” analysis per the now-rescinded Guidance Memo with the “merits” consideration of *Fintiv* factor 6 (Req. at 6, 8-9), the Request acknowledges that the DI considered factor 6 and concluded that “Petitioner’s contentions have merit” (*id.* at 6). Indeed, in the DI, the Board instituted on multiple, alternative grounds of unpatentability, uniformly rejected Patent Owner’s arguments on the merits, and identified no weaknesses in the Petition. The Board’s finding that the merits of the Petition weigh in favor of institution was correct and consistent with precedential Board authority. *Fintiv I* at 14-16; *see also Intel Corp. v. VLSI*, IPR2019-01192, Paper 15 at 13 (PTAB Jan. 9, 2020) (Petition’s merits “outweigh concerns about inefficient use of resources”).

Fourth, the Board did not clearly err in finding that IPR institution may lessen the “burden on the district court’s resources.” DI at 11-12. The Board acknowledged “the substantial number of issues to be addressed in the District Court,” and correctly found that Petitioner’s IPR challenge against “all” claims of the patent and its *Sotera* stipulation applying to all claims may result in “the potential reduction of issues to be tried in the parallel litigation.” *Id.* That finding was consistent with Federal Circuit precedent. *VirtualAgility v. Salesforce.com*, 759 F.3d 1307, 1314 (Fed. Cir. 2014) (where PTAB proceeding “could dispose of the entire litigation” regarding challenged patent, this is “the ultimate simplification of issues”). Patent Owner’s assertions (Request at 4, 7-8) about the number of asserted patent claims and the anticipated trial length “amount to mere disagreement [with the Board], not clearly erroneous factual findings.” *Personalized Media Commc’ns, LLC v. Apple Inc.*, 57 F.4th 1346, 1356 n.7 (Fed. Cir. 2023).

Finally, regarding timing, Patent Owner asserted eight different patents against Petitioner, which worked diligently to prepare and timely file eight corresponding IPR Petitions totaling over 650 pages and challenging all 160 patent claims. Petitioner engaged a technical expert who investigated and analyzed the prior art, and submitted three comprehensive declarations totaling nearly 1000 pages in support of the eight IPRs. That this effort took time is unsurprising and does not reflect an “eleventh-hour petition” timed to gain some unfair tactical advantage.

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Dated: March 10, 2025

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MOTOROLA SOLUTIONS, INC.
Petitioner

v.

STELLAR, LLC
Patent Owner

U.S. Patent No. 8,310,540

Case IPR2024-01284*

**PETITIONER'S AUTHORIZED RESPONSE TO
PATENT OWNER'S ("PO'S") REQUEST FOR DIRECTOR REVIEW**

* Patent Owner filed identical Requests for Director Review in each of IPR2024-01284, -01285, -01313, and -01314. Petitioner is accordingly filing identical responses in each of these proceedings. Citations herein are to IPR2024-01284.

Petitioner designs, develops and manufactures body worn and in-car camera systems used to protect the public and federal, state and local law enforcement officers. These IPRs are thus of compelling national security interest. After PO filed suit asserting eight patents against these vital public safety products, Petitioner identified invalidating prior art not considered during prosecution. Petitioner naturally defended these important products in the litigation itself but also—relying on the USPTO’s “binding agency guidance” that the PTAB “**will not** discretionarily deny institution” in view of a *Sotera* stipulation—worked diligently and at great expense to prepare and timely file eight IPR Petitions challenging all 160 patent claims. The Board instituted all eight IPRs on multiple, alternative grounds of unpatentability, rejecting PO’s merits arguments. The Board did not err in declining to discretionarily deny institution of the four IPRs here (Petitioner will separately request rehearing of the March 28 Director Review decision in the four related IPRs, expanding on the arguments herein).

Petitioner Played By The Rules In Relying On Binding Agency Guidance To Defend Its Public Safety Products, And The Change To Those Rules Cannot Be Given Retroactive Effect. When Petitioner filed its August 2024 IPR petitions, and for over six months thereafter, the USPTO’s “binding agency guidance” was that “the PTAB **will not** discretionarily deny institution of an IPR” if there is a *Sotera* stipulation. June 2022 Memo at 7-8. Yes, the June 2022 Memo was rescinded in a

February 28, 2025 Notice. But in the months of litigation before that, Petitioner relied on the USPTO's "binding agency guidance" in investing significant resources to prepare and file the IPRs (filing fees alone were hundreds of thousands of dollars).

Petitioner acknowledges that the February 28, 2025 Notice expresses a new policy. But for Petitioner here, and for the small number of other similarly-situated parties with previously-filed and still-undecided petitions as of February 28, 2025, the June 2022 Memo should remain the applicable "binding agency guidance" on discretionary denials. Beyond the fundamental unfairness of penalizing Petitioner for relying on the previous binding agency guidance, the March 26, 2025 Workload Memo stated a desire to "promote consistent application of discretionary considerations in the institution of AIA proceedings"; the retroactive application of the changed policy does the opposite. And, retroactively applying the rescission of the "binding agency guidance" not only threatens the cost-competitiveness of these public safety products, it raises due process and Administrative Procedure Act concerns. *See Lincoln v. Vigil*, 508 U.S. 182, 197 (1993) ("general statements of policy" exempt from rulemaking requirements must only "advise the public **prospectively** of the manner in which the agency proposes to exercise a discretionary power") (cleaned up) (emphasis added); *Bowen v. Georgetown Univ. Hosp.*, 488 U.S. 204, 208 (1988) ("Retroactivity is not favored in the law."); *Kirwa v. U.S. Dep't of Def.*, 285 F. Supp. 3d 21, 41 (D.D.C. 2017) (a "new rule" that

“effects a substantive change from the agency’s prior regulation or practice” “is impermissibly retroactive”) (cleaned up).

Institution Is Consistent With Precedential Board Decisions. The February 28, 2025 Notice says that parties “should refer to [*Fintiv* and *Sotera*]... for guidance.” *Fintiv* directs the Board to “fairness,” “merits” and “patent quality” considerations in assessing discretionary denial. *Fintiv*, Paper 11 at 5, 6. Regarding “fairness,” it is fundamentally unfair to rescind “binding agency guidance” dictating when the Board “will not” discretionarily deny institution, and then retroactively apply a new policy wholly erasing the dispositive significance of a *Sotera* stipulation. As for the “merits” and “patent quality,” the Board has already determined that Petitioner’s patentability challenges here have merit, raising patent quality concerns that IPRs were purposefully designed to address. And per *Sotera*, Petitioner’s stipulation “weighs strongly in favor of not exercising discretion to deny institution” under factor 4 because it “mitigates any concerns of duplicative efforts between the district court and the Board, as well as concerns of potentially conflicting decisions.” *Sotera* at 19.

Factor 4 also favors institution because Petitioner has challenged “all” the patent claims in these IPRs (as opposed to the subset asserted in district court). *See, e.g., 3Shape A/S v. Align Tech.*, IPR2019-00160, Paper 9 at 39 (June 11, 2019) (“[D]iffering claim sets is a factor that weighs against [discretionary denial].”). This was Petitioner’s one chance to challenge all claims of the asserted patents in an IPR,

which weighs against discretionary denial. *See Kroy IP Holdings v. Groupon, Inc.*, 127 F.4th 1376, 1381 (Fed. Cir. 2025) (patentee not estopped from asserting in litigation claims omitted from IPR petition); *Illumina, Inc. v. Natera, Inc.*, IPR2019-01201, Paper 19 at 6-7 (PTAB Dec. 18, 2019) (no discretionary denial where district court “would address only a subset of the claims challenged in [IPR] Petition” and “denial of the Petition could cause Petitioner harm”).

The Board also properly concluded that factors 1 and 2 weighed against discretionary denial. PO acknowledges there is **no trial date** and “the district court removed the July 2025 trial date from the calendar.” Paper 14 FN 4. And the district court temporarily **stayed the case** when the Board instituted the four related IPRs. At the very least, Judge Jordan’s entry of a temporary stay upon institution of the first four IPRs was strong “evidence” per *Fintiv* that the case would be permanently stayed when the second four IPRs were instituted. The temporary stay showed that the district court was willing to pause the litigation pending IPR decisions that “could dispose of the entire litigation” which is “the ultimate simplification of issues.” *VirtualAgility v. Salesforce.com*, 759 F.3d 1307, 1314 (Fed. Cir. 2014).

Regarding factor 3, the Board considered the investment in the district court, but rightly concluded that significant work remained. *See Smartflash v. Apple Inc.*, 621 F. App’x 995, 1005 (Fed. Cir. 2015) (“Despite the substantial time and effort already spent in this case, the most burdensome task”—the trial—“is yet to come.”);

CyWee Grp. Ltd. v. Samsung Elecs., No. 17-CV-00140, 2019 WL 11023976, at *6 (E.D. Tex. Feb. 14, 2019) (“even after the completion of claim construction and most of the discovery in the case, the most burdensome part of the case, for both the parties and the court, is the period immediately before, during, and after trial.”). Furthermore, the district court has **not**, to this day, issued a claim construction ruling; the court gave only “preliminary constructions” at the hearing, stressing that “[t]he Court’s not made any final decisions” on claim construction, and stating the court would be issuing a claim construction order in the future (but still has not done so). E.D. Tex. No. 23-cv-00750, Dkt. 68 at 3, 84. Nor has the court issued orders ruling on multiple, pending motions (Dkt. 54, 77, 79, 112, 114, 116), which weighs against discretionary denial. *Fintiv*, Paper 11 at 9-10 (if “district court has not issued orders relating to the [challenged patent], this fact weighs against” discretionary denial).

The Board found merit in Petitioner’s multiple, alternative unpatentability grounds. Petitioner’s challenges did not reflect “eleventh-hour petitions” timed to gain some unfair tactical advantage—there are 160 claims, and it took time to prepare the comprehensive petitions. As for the March 26, 2025 Workload Memo’s identification of “compelling national security interests” as a factor, the result of discretionary denial here would be increased litigation costs and uncertainty to Petitioner, unfairly burdening further design, development and production of critical public safety equipment for state, local and U.S. federal law enforcement.

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Dated: April 8, 2025

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MOTOROLA SOLUTIONS, INC.
Petitioner

v.

STELLAR, LLC
Patent Owner

U.S. Patent No. 7,593,034

Case IPR2024-01205*

**PETITIONER’S REQUEST FOR REHEARING OF
ORDER GRANTING DIRECTOR REVIEW,
VACATING THE DECISION GRANTING INSTITUTION, AND
DENYING INSTITUTION OF *INTER PARTES* REVIEW (PAPER 19)**

* The Director issued a single order resolving Patent Owner’s (“PO’s”) Request for Director Review in each of IPR2024-01205, -01206, -01207, and -01208.

Petitioner is accordingly filing identical Requests for Rehearing in each of these cases. Citations herein are to IPR2024-01205.

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I. INTRODUCTION

Petitioner designs, develops, and manufactures body-worn and in-car camera systems used to protect the public and federal, state, and local law enforcement officers. The Petitions here challenge four patents asserted against those vital public-safety products in litigation. The Board instituted IPRs of each patent (and four others that are still undergoing Director Review), in accordance with “binding agency guidance” governing the evaluation of IPR petitions and parallel district court litigation. The Director’s discretionary decision to vacate institution of the four Petitions after rescinding that binding guidance—and after the Board had already determined there is a reasonable likelihood that the challenged claims asserted against Petitioner’s public-safety products are invalid on multiple grounds—jeopardizes compelling national security interests and should be reversed.

A. When Petitioner filed these four IPR Petitions in July 2024, a petitioner was entitled to consideration of its petition on the merits without the possibility of a discretionary denial based on parallel litigation, so long as it presented a *Sotera* stipulation. From June 21, 2022 until February 28, 2025, “binding agency guidance” provided that “the PTAB **will not** discretionarily deny institution ... in view of parallel district court litigation” in these circumstances. June 2022 Memo at 3, 7-8. Relying on that binding guidance, Petitioner worked diligently and at great expense to prepare and timely file IPR Petitions challenging all 160 patent claims across the

eight patents asserted against it. The Board instituted all eight IPRs on multiple, alternative grounds of unpatentability, uniformly rejecting PO's merits arguments. Yet, after rescinding the "binding agency guidance" prohibiting a discretionary denial based on parallel litigation where a *Sotera* stipulation has been presented, the Director issued an order reversing the Board's decisions, faulting the Board for giving "too much weight to Petitioner's *Sotera* stipulation" (Paper 19 at 2)—even though such a stipulation, before the rescission, was "dispositive" and expressly prohibited a discretionary denial. Whether the rescission of the June 2022 Memo amounts to improper rulemaking or a change in policy, it was applied retroactively to Petitioner in violation of the APA and Petitioner's due-process rights.

B. Even if the rescission could be retroactively applied to Petitioner (which it cannot), instituting the IPRs here still furthers the goals of the precedential *Fintiv* and *Sotera* decisions, and "the consistent application of discretionary considerations in the institution of AIA proceedings." March 26, 2025 Memo at 3. Petitioner previously stipulated not to pursue in district court the grounds raised or that could have reasonably been raised in the Petitions, just as *Sotera* contemplates. Moreover, the court case is presently **stayed** "pending the PTAB's ultimate resolution of Motorola's IPRs" (Ex. 1044 at 5)—demonstrating that, in the words of *Fintiv* (at 7), the court is "willing to avoid duplicative efforts" and to "await the PTAB's final resolution of the patentability issues raised in the [IPRs]." And there is **no trial date**,

nor is a trial date expected to be set anytime soon, with the court stating just last week that “neither the parties nor the Court **can even begin to consider a trial date**” until multiple pending motions are resolved, which is another reason the case is currently stayed. Ex. 1044 at 4. Denying institution of IPRs already found to have merit when the litigation against vital public-safety products is stayed and there is no trial date even on the horizon contradicts USPTO policy and practice.

C. To the extent the Director is otherwise unwilling to reverse her discretionary denial decision for the reasons above and remains concerned that the IPRs will not be a “true alternative” to the district court proceeding (Paper 19 at 3-4), Petitioner is willing to make an expanded stipulation. The Director’s decision references Petitioner’s assertion of invalidity arguments in the district court that included unpublished system prior art in combination with prior art in these Petitions (grounds that could not be raised in the Petitions). *Id.* at 4. Petitioner will stipulate not to pursue those combinations or any other prior art invalidity grounds in the district court, should the Director reverse her discretionary denial decision and reinstate the IPRs. Before the rescission, Petitioner had no reason to believe that a stipulation exceeding *Sotera*’s scope would be relevant to the discretionary analysis. But declining to consider an expanded stipulation now would deprive Petitioner of any opportunity to account for the intervening rescission. With this expanded stipulation, there is simply no basis to discretionarily deny review.

On the facts here, the Director should grant rehearing of her March 28 Order and reinstate these four IPRs. Of note, Petitioner seeks narrow relief; there are surely very few petitions that were instituted under the previous binding guidance and then institution was subsequently vacated by applying the new rules. The Director should exercise her discretion in favor of Petitioner in the specific procedural situation here.

II. BACKGROUND

In the two years leading up to Petitioner filing its Petitions—and for half a year thereafter—the USPTO’s “binding agency guidance” was that “the PTAB will not discretionarily deny institution of an IPR” based on parallel litigation if there is a *Sotera* stipulation. June 2022 Memo at 3, 7-8. Petitioner relied on that rule in investing significant resources to prepare and file the IPRs (filing fees alone were hundreds of thousands of dollars). And the Board instituted all four IPRs on February 13, 2025, citing, *inter alia*, Petitioner’s *Sotera* stipulation and the merits of the petitions. On February 27, PO requested Director Review. The next day, the USPTO rescinded its binding guidance without explanation, simply directing parties to “refer to” pre-June 2022 precedent going forward. February 28, 2025 Notice.

After Petitioner responded to PO’s request on March 10, the USPTO took three actions in quick succession. *First*, Chief ALJ Boalick issued a memo stating for the first time that the rescission would retroactively change the rules applicable to certain petitions filed before the rescission, including in “any case ... where a

request for rehearing or Director Review of an institution decision was filed and remains pending.” March 24 Memo at 2. And the Chief ALJ stated that, contrary to the June 2022 Memo’s “binding agency guidance,” “a timely-filed *Sotera* stipulation” would now be “highly relevant, but will not be dispositive by itself. Instead, the Board will consider such a stipulation as part of its holistic analysis under *Fintiv*.” March 24, 2025 Memo at 1-2. *Second*, the Director issued a memo with Interim Processes for how “the Director will exercise her discretion on institution of AIA proceedings” prospectively, *i.e.*, “where the deadline for the patent owner to file a preliminary response has not yet passed.” March 26, 2025 Memo at 1, 3. *Third*, the Director vacated the Board’s institution decisions in these four IPR proceedings based on her application of the *Fintiv* factors “as a whole” and without treating Petitioner’s *Sotera* stipulation as dispositive, as was required when the Petitions were filed and the Board instituted these IPRs.

III. DISCUSSION

A. Retroactively Applying the Rescission of “Binding Agency Guidance” Violates the APA and Due Process.

Retroactively applying the February 28, 2025 rescission of the June 2022 Memo violates the APA and Petitioner’s due process rights.

1. The APA Prohibits Retroactively Applying Changed Rules.

Congress directed the USPTO to engage in rulemaking related to IPRs, including “setting forth the standards for the showing of sufficient grounds to

institute a review,” and “establishing and governing inter partes review ... and the relationship of such review to other proceedings.” 35 U.S.C. § 316(a)(2), (4). The USPTO has yet to complete rulemaking on the relationship of IPRs to parallel litigation despite repeatedly starting that process. But the Director issued the June 2022 Memo under her “authority to issue binding agency guidance.” June 2022 Memo at 3. The APA does not permit the Director to rescind binding agency guidance without advance notice and retroactively apply it to instituted IPRs.

To start, “[w]hen an agency changes course, as [the USPTO] did here, it must be cognizant that longstanding policies may have engendered serious reliance interests that must be taken into account.” *Dep’t of Homeland Sec. v. Regents of the Univ. of California*, 591 U.S. 1, 30-31 (2020) (cleaned up). Neither the February 28, 2025 Notice nor the March 24, 2025 Memo reflects any consideration of the reliance interests engendered by the June 2022 Memo, notwithstanding the March 24, 2025 Memo’s *post hoc* announcement that the rescission would be applied retroactively to a narrow set of petitioners like Petitioner here. The rescission cannot reasonably be applied on Director Review to parties that filed petitions, presented *Sotera* stipulations, and maintained their petitions through institution, all in reliance on the June 2022 Memo. *See Am. Bar Ass’n v. United States Dep’t of Educ.*, 370 F. Supp. 3d 1, 33 (D.D.C. 2019) (granting summary judgment for plaintiffs claiming that application of changed standards to deny relief was arbitrary and capricious).

Characterizing rules addressing the relationship between IPRs and parallel proceedings as policy statements does not insulate those rules from review under the APA. Regardless of whether the USPTO’s adoption of *Fintiv* without notice-and-comment rulemaking is valid, *see Apple v. Stewart*, No. 24-1864 (Fed. Cir.), the USPTO’s rescission of the June 2022 Memo required notice and comment because “it effects a change in existing law or policy which affects individual rights and obligations.” *Animal Legal Def. Fund v. Quigg*, 932 F.2d 920, 927 (Fed. Cir. 1991) (cleaned up). That characteristic is critical to recognizing a rule as “‘binding’ or hav[ing] the ‘force of law.’” *Chrysler Corp. v. Brown*, 441 U.S. 281, 302 (1979) (citation omitted). And, in fact, the PTAB has already acknowledged the rescission is a “change of binding guidance.” *E.g., HP Inc. v. Universal Connectivity Techs., Inc.*, IPR2024-01428, Paper 12, at 2 (Apr. 8, 2025). Whatever the outcome of *Apple*, the rescission of the June 2022 Memo is invalid because it was unaccompanied by notice-and-comment rulemaking. *See* 35 U.S.C. § 316; 5 U.S.C. § 553.

Characterizing the rescission as a policy statement does not save it. “[G]eneral statements of policy ... advise the public **prospectively** of the manner in which the agency proposes to exercise a discretionary power.” *Lincoln v. Vigil*, 508 U.S. 182, 197 (1993) (cleaned up) (emphasis added); *see also* 5 U.S.C. § 522(a)(2)(ii) (a “statement of policy ... may be relied on ... by an agency against a party ... only if ... the party has actual and timely notice of the terms thereof”). Thus, however it

is characterized, the rescission may not be applied **retroactively**, as the Director has done here. Only substantive rules may be applied retroactively, and even they “will not be construed to have retroactive effect unless their language requires this result.” *Bowen v. Georgetown Univ. Hosp.*, 488 U.S. 204, 208 (1988).

Finally, it is no answer to say that the Director’s June 2022 Memo was only binding on the Board and not the Director herself. The Director is part of the Board. *See* 35 U.S.C. § 6(a). As the March 26, 2025 Memo explaining how the Director “will exercise her discretion” going forward recognizes, establishing rules for the exercise of discretion properly restricts the Director’s own discretion under 35 U.S.C. § 314(d). Indeed, that Memo is intended to “promote consistent application of discretionary considerations in the institution of AIA proceedings,” March 26, 2025 Memo at 3, which prevents the arbitrary and capricious exercise of discretion. The same was true of the June 2022 Memo. Rescission of that “binding agency guidance” cannot be applied retroactively without violating the APA. *See* 5 U.S.C. § 706(2).

2. Retroactive Application Violates Due Process.

“‘[C]onstitutional protections sounding in due process and equal protection, as embodied in our longstanding traditions and precedents addressing retroactivity in the law’” may also “constrain retroactive application.” *Kirwa v. U.S. Dep’t of Def.*, 285 F. Supp. 3d 21, 41 (D.D.C. 2017) (quoting *De Niz Robles v. Lynch*, 803 F.3d

1165, 1171–72 (10th Cir. 2015) (Gorsuch, J.)). Here, applying rescission of the June 2022 Memo retroactively would violate Petitioner’s due process rights.

The June 2022 Memo, which “restrict[ed] the exercise of official discretion,” gave Petitioner “a legitimate entitlement” to consideration of its petitions on the merits so long as it presented a *Sotera* stipulation. *Tarpeh-Doe v. United States*, 904 F.2d 719, 722 (D.C. Cir. 1990). That “binding agency guidance” did not merely allow consideration of a *Sotera* stipulation, it provided that “the PTAB **will not deny institution** of an IPR ... under *Fintiv* ... where a petitioner stipulates not to pursue in a parallel district court proceeding the same grounds as in the petition or any grounds that could have reasonably been raised in the petition.” June 2022 Memo at 9 (emphasis added). As the March 24, 2025 Memo recognized, a *Sotera* stipulation was “dispositive by itself.” This sort of “explicitly mandatory language” creates a constitutionally protected interest. *Tarpeh-Doe*, 904 F.2d at 723 (cleaned up).

The rescission “as applied to” Petitioner “summarily denies” Petitioner the right to consideration of its Petitions on the merits, contrary to the June 2022 Memo that governed when it filed the Petitions and the PTAB instituted the IPRs, which “implicate[s] due-process concerns.” *Kirwa*, 285 F. Supp. 3d at 274. The provision for Director Review does not change this fact. Because the June 2022 Memo restricted the Director’s discretion, too, “all events necessary to establish” Petitioner’s rights had occurred, preventing the retroactive application of the

rescission. *Covey v. Hollydale Mobilehome Ests.*, 116 F.3d 830, 837-38 (9th Cir. 1997).

Compliance with due process mandates applying the June 2022 Memo to the Petitions, which precludes discretionary denial based on parallel litigation in view of a *Sotera* stipulation, and reinstating the institution of these four IPRs.

B. Institution Is Consistent With *Fintiv*, *Sotera*, and Post-Rescission Guidance.

Even under the USPTO’s changed policy, there is no reasonable basis to discretionarily deny institution. The February 28, 2025 Notice states that parties “should refer to [*Fintiv* and *Sotera*]... for guidance.” *Fintiv* directs the Board to “fairness,” “merits” and “patent quality” considerations in assessing discretionary denial. *Fintiv* at 5, 6. It is fundamentally unfair to rescind “binding agency guidance” dictating when the Board “will not” discretionarily deny institution, and then retroactively apply a new policy wholly erasing the dispositive significance of a *Sotera* stipulation. Further, the Board instituted on multiple, alternative grounds of unpatentability, raising patent quality concerns that IPRs were designed to address.

Fintiv factors 1 and 2 weigh heavily against discretionary denial. The proximity of trial to the Board’s projected statutory deadline for a final written decision cannot support denial because, as PO acknowledges, there is **no trial date** and “the district court removed the July 2025 trial date from the calendar.” IPR2024-01313, Paper 14, FN 4. Moreover, a trial date is nowhere close to being set: Judge

Jordan stated last week that “neither the parties nor the Court **can even begin to consider a trial date**” until multiple pending motions are resolved. Ex. 1044 at 4 (emphasis added).

The district court case is also currently **stayed** and has been for more than two months. On April 21, Judge Jordan extended the stay and ordered the case to “remain **STAYED** pending the PTAB’s ultimate resolution of the First IPR Group [these four IPRs] and the Second IPR Group [the four related IPRs].” Ex. 1044 at 2, and 5 (“It is therefore **ORDERED** that all deadlines and hearings scheduled in this matter are **STAYED** pending the PTAB’s ultimate resolution of Motorola’s IPRs.”). That stay order “allays concerns about inefficiency,” and demonstrates Judge Jordan’s willingness “to avoid duplicative efforts” and to “await the PTAB’s final resolution of the patentability issues raised in the [IPRs].” *Fintiv* at 7. And, of course, “the PTAB’s ultimate resolution of Motorola’s IPRs” on the merits, Ex. 1044 at 5, “could dispose of the entire litigation,” which is “the ultimate simplification of issues.” *VirtualAgility v. Salesforce.com*, 759 F.3d 1307, 1314 (Fed. Cir. 2014).

Regarding factor 3, the Board considered the investment in the district court, but rightly concluded that significant work remained, and PO itself acknowledges that “significant work remains to be done for trial in the underlying case” (Paper 8 at 14). *See Smartflash v. Apple Inc.*, 621 F. App’x 995, 1005 (Fed. Cir. 2015) (“Despite the substantial time and effort already spent in this case, the most

burdensome task”—the trial—“is yet to come.”); *CyWee Grp. Ltd. v. Samsung Elecs.*, 2019 WL 11023976, at *6 (E.D. Tex. Feb. 14, 2019) (“[T]he most burdensome part of the case, for both the parties and the court, is the period immediately before, during, and after trial.”). Notably, Judge Jordan’s April 21 stay order emphasized the substantial remaining work to be done in the district court as an additional basis for a stay, referencing “twenty-nine pending motions ... that must be resolved before a trial date can be set,” including PO’s “motion to amend its infringement contentions, Motorola’s motions to strike, Motorola’s motions for summary judgment, and ... numerous motions to seal.” Ex. 1044 at 2. Many of the pending motions relate directly to the challenged patents (*e.g.*, Dkt. 54, 77, 79, 112, 114, 116). This work could be avoided entirely if IPRs are completed and the asserted claims found unpatentable, which further weighs against denial. *Fintiv* at 9-10.

Moreover, the timing of the stay motion—and thus the extent of pre-trial development in the parallel litigation—was dictated by the district court. The “universal practice” in the Eastern District of Texas is to postpone ruling on or deny stay requests when the Board has not yet acted on IPR petitions. *AR Design Innovations v. Ashley Furniture Indus.*, 2021 WL 6496714, at *3 (E.D. Tex. Jan. 11, 2021) (Jordan, J.); *see also CyWee*, 2019 WL 11023976, at *5 (“virtually pointless” to seek stay “before the IPR was instituted, as this Court would have almost certainly denied it”). Motorola moved for a stay as soon as it reasonably could have.

As for *Fintiv* factor 4, and per the precedential *Sotera* decision, Petitioner’s stipulation “weighs **strongly** in favor of not exercising discretion to deny institution” because it “mitigates any concerns of duplicative efforts between the district court and the Board, as well as concerns of potentially conflicting decisions.” *Sotera* at 19 (emphasis added). That “Petitioner’s invalidity arguments in the district court are more expansive and include combinations of the prior art asserted in these proceedings with unpublished system art,” Paper 19 at 4, should be immaterial. Nothing in *Sotera* requires a stipulation not to pursue combinations based on unpublished system art that cannot be asserted in an IPR—indeed, according to *Sotera* itself, the “broad stipulation” Petitioner provided here already “ensures that an [IPR] is a ‘true alternative’ to the district court proceeding.” *Sotera* at 19; *see also Meta Platforms v. Eight KHZ*, IPR2023-01003, Paper 9 at 10-12 (Jan. 9, 2024).

Factor 4 also favors institution because Petitioner has challenged “all” the patent claims in these IPRs (a smaller subset—14 of 160 total claims across 8 patents—are asserted in court). *See, e.g., 3Shape A/S v. Align Tech.*, IPR2019-00160, Paper 9 at 39 (June 11, 2019) (“[D]iffering claim sets is a factor that weighs against [discretionary denial].”). This was Petitioner’s one chance to challenge all claims of the asserted patents in an IPR, which weighs against discretionary denial. *See Kroy IP Holdings v. Groupon, Inc.*, 127 F.4th 1376, 1381 (Fed. Cir. 2025) (patentee not estopped from asserting in litigation claims omitted from IPR petition); *Illumina, Inc.*

v. Natera, Inc., IPR2019-01201, Paper 19 at 6-7 (Dec. 18, 2019) (no discretionary denial where district court “would address only a subset of the claims challenged in [IPR] Petition”). Petitioner’s IPRs were not “eleventh-hour petitions” timed to gain some unfair tactical advantage. Given the “large number of patents [8] and claims challenged [160]” (*Sotera* at 17), Petitioner should not be penalized for devoting the necessary time to take its one shot to prepare and file comprehensive IPR petitions.

Fintiv factor 6 also favors institution. The Board instituted each of these four IPRs on multiple, alternative grounds of unpatentability, uniformly rejected PO’s arguments on the merits, and identified no weaknesses in the Petitions. A month later, the Board instituted IPRs for the other four patents asserted against Petitioner in similarly comprehensive institution decisions. All eight patents are part of the same family and all eight IPRs are based on the same two primary art references. *See* Petition at 5; IPR2024-01313, Paper 12, 5 (“The subject matter of the challenged claims is closely related to the subject matter of the claims of the patents in the previously instituted IPRs and the remaining pending petitions, as evidenced by the overlap of the asserted references and arguments advanced in these cases.”). Institution is warranted on the merits of the petitions to address patent quality concerns and to maintain the integrity of the patent system, and will promote system efficiency given the considerable overlap in the claims and grounds of unpatentability across the 8 IPRs, as the Board itself recognized. *See Fintiv* at 5-6.

As for the March 26, 2025 Memo's identification of "[c]ompelling ... national security interests" as a factor, the result of discretionary denial here would be increased litigation costs and uncertainty to Petitioner, unfairly burdening further design, development and production of critical public safety equipment for state, local, and U.S. federal law enforcement.

C. Motorola's Willingness to Expand Its Stipulation in Light of the Changed Rules Also Warrants Institution.

Before rescission of the June 2022 Memo's "binding agency guidance," Petitioner had no reason to believe that a stipulation exceeding *Sotera*'s scope would have any bearing on the analysis of parallel litigation. Had Petitioner been aware of the Director's change in guidance, it would have had an opportunity to stipulate not to assert in district court the prior art asserted in its Petitions even in combination with unpublished system prior art that could not be asserted in the Petitions. If the Director is not otherwise willing to reverse her discretionary denial and reinstate the institution of these four IPRs on the grounds stated above, Petitioner will do just that, as shown in the attached stipulation. *See* Ex. 1045. Petitioner's expanded stipulation agreeing not to pursue in court any grounds of prior art invalidity should resolve any remaining concern about "ensur[ing] that these IPR proceedings would be a 'true alternative' to the district court proceeding." Paper 19 at 3-4. With that expanded stipulation, which there is good cause to consider given the intervening change in USPTO policy, there is simply no basis to discretionarily deny institution.

Date: April 28, 2025

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing PETITIONER'S REQUEST FOR REHEARING OF ORDER GRANTING DIRECTOR REVIEW, VACATING THE DECISION GRANTING INSTITUTION, AND DENYING INSTITUTION OF INTER PARTES REVIEW (PAPER 19) and Exhibits 1044 and 1045 were served via email at the following email addresses for counsel of record:

Stellar-DLF_Intl@devlinlawfirm.com
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Dated: April 28, 2025

/Joshua R. Nightingale /
Counsel for Petitioner

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

STELLAR, LLC	§	
	§	
v.	§	CIVIL NO. 4:23-CV-750-SDJ
	§	
MOTOROLA SOLUTIONS, INC, ET	§	
AL.	§	

ORDER

The above-captioned case is stayed pending the PTAB's decision on whether to institute inter partes review on the eight patents asserted here. (Dkt. #156). These patents were split into two petitions of four patents (referred to as "First IPR Group" and "Second IPR Group"). Motorola's Second Supplemental Notice Regarding *Inter Partes* Review Filings, (Dkt. #166), provides an update on the status of those institution decisions.

IPRs were instituted for both tranches of patents. (Dkt. #149, #162). Plaintiff Stellar, LLC requested director review of the PTAB's institution decision for the First IPR Group. (Dkt. #166 at 2). The director granted the request and vacated the PTAB's decision to grant institution. (Dkt. #163). By April 28, 2025, Defendants "will seek rehearing of the Acting Director's decision regarding the First IPR Group." (Dkt. #166 at 2).

As to the Second IPR Group, Stellar has likewise requested director review. (Dkt. #166 at 3). The director has not issued a decision on this request. But if the director vacates the institution decisions for the Second IPR Group, then Defendants will seek rehearing of that decision too. (Dkt. #166 at 3).

Because the institution decisions remain subject to ongoing review and appeal, Defendants believe that “the Court should maintain the present stay of this case pending the resolution of the challenges to the PTAB’s institution decisions, as well as any appellate challenges to the actions of the USPTO Acting Director in the unique factual circumstances here.” (Dkt. #166 at 3). The Court therefore ordered Stellar to file a notice as to whether “the case should remain stayed pending the ultimate resolution of all appeals related to the institution decisions of both the First IPR Group and the Second IPR Group.” (Dkt. #167).

Stellar’s notice stated that it did not oppose continuing the stay for that reason. (Dkt. #168). But Stellar also requested that after the IPRs were resolved, the Court should “lift the stay in its entirety thereafter to allow the parties to reestablish a trial date on the Court’s calendar.” (Dkt. #168 at 2). This request, however, ignores the twenty-nine pending motions before this Court that must be resolved before a trial date can be set. Therefore, after full consideration, the Court **ORDERS** this case remain **STAYED** pending the PTAB’s ultimate resolution of the First IPR Group and the Second IPR Group; and pending the Court’s resolution of Stellar’s motion to amend its infringement contentions, Motorola’s motions to strike, Motorola’s motions for summary judgment, and the parties’ numerous motions to seal. Because this stay moots Stellar’s currently pending motion to stay, (Dkt. #151), that motion is **DENIED as moot**.

I. BACKGROUND

Plaintiff Stellar alleges that Defendant Motorola has infringed and continues to infringe eight of its patents. (Dkt. #1). As a result of this alleged infringement, Stellar seeks compensatory damages. As it currently stands, the case has been pending for almost 20 months. Discovery is complete, and the final pretrial conference was scheduled for June 18, 2025. But in light of the PTAB's institution decisions on several of the patents in this case, all hearings and deadlines were stayed two months ago. (Dkt. #156).

Turning to the case docket, the Court has before it several filings that must be reviewed and pending motions that must be resolved. Only after resolving these motions can the Court consider setting a trial date. Those motions and filings include the following:

1. Stellar's motion to amend its infringement contentions and related briefing (Dkt. #54, #58, #64, #67)
2. Motorola's three motions to strike and related briefing (Dkt. #77, #90); (Dkt. #79, #88, #99, #102); (Dkt. #112, #123, #131, #140)
3. Motorola's two motions for summary judgment and related briefing (Dkt. #114, #122, #133, #141); (Dkt. #116, #126, #135, #137)
4. Motorola's motion to stay and related briefing/notices (Dkt. #151, #155, #159, #162, #163, #164, #165, #166, #168)
5. The parties' motions to seal (Dkt. #76, #78, #87, #89, #98, #101, #111, #113, #115, #120, #121, #125, #130, #132, #134, #136, #138, #139, #150, #154, #158, #161)

The Court therefore considers whether a stay is warranted.

II. LEGAL STANDARD

"A district court has the inherent power to control its own docket, including the power to stay proceedings before it." *NFC Tech. LLC v. HTC Am., Inc.*, No. 2:13-

CV-1058, 2015 WL 1069111, at *1 (E.D. Tex. Mar. 11, 2015) (citing *Clinton v. Jones*, 520 U.S. 681, 706, 117 S.Ct. 1636, 137 L.Ed.2d 945 (1997)). How to best manage a court's docket "calls for the exercise of judgment, which must weigh competing interests and maintain an even balance." *Landis v. N. Am. Co.*, 299 U.S. 248, 254, 57 S.Ct. 163, 81 L.Ed. 153 (1936).

III. DISCUSSION

Even if the PTAB were not currently considering whether to vacate one or both sets of its IPR institution decisions, the set of twenty-nine pending motions before the Court requires a stay. The motion to amend, three motions to strike, and two motions for summary judgment each bear on what evidence, theories, and issues remain for trial. Absent the Court's resolution of all these pending motions, neither the parties nor the Court can even begin to consider a trial date.

Based on the current uncertainty as to the PTAB's IPR decisions, along with the number of motions and related filings the Court must review, resolve, or both before trial, (Dkt. #54, #58, #64, #67, #76, #77, #78, #79, #87, #88, #89, #90, #98, #99, #101, #102, #111, #112, #113, #114, #115, #116, #120, #121, #122, #123, #125, #126, #130, #131, #132, #133, #134, #135, #136, #137, #138, #139, #140, #141, #150, #151, #154, #155, #158, #159, #161, #162, #163, #164, #165, #166, #168), a stay is warranted.

IV. CONCLUSION

It is therefore **ORDERED** that all deadlines and hearings scheduled in this matter are **STAYED** pending the PTAB's ultimate resolution of Motorola's IPRs and the Court's resolution of the motions listed above. *See supra* Part I.

It is further **ORDERED** that Motorola's Opposed Motion for Stay Pending *Inter Partes* Reviews, (Dkt. #151), is **DENIED as moot**.

So **ORDERED** and **SIGNED** this 21st day of April, 2025.


SEAN D. JORDAN
UNITED STATES DISTRICT JUDGE

Stipulation

Re: *Stellar, LLC v. Motorola Solutions, Inc., et al, No. 4-23-cv-750-SDJ*

If the USPTO Director is unwilling to grant institution or reinstate the *inter partes* review (“IPR”) proceedings listed below absent an expanded stipulation broader than the *Sotera* stipulation previously presented in EX1043, then Motorola Solutions, Inc. and Watchguard Video, Inc. (“Motorola”) hereby further stipulate:

- for each IPR listed below, if the IPR is instituted or reinstated at the Patent Trial and Appeal Board (“PTAB”), then Motorola will not pursue in the above-captioned litigation (EDTX 4:23-cv-750-SDJ) as to the challenged claims any prior art invalidity grounds, including invalidity grounds based on any system prior art alone or any system prior art in combination with any patents or printed publications.
 - IPR2024-01205, challenging claims 1-20 of U.S. Patent No. 7,593,034
 - IPR2024-01206, challenging claims 1-13 of U.S. Patent No. 9,485,471
 - IPR2024-01207, challenging claims 1-22 of U.S. Patent No. 8,692,882
 - IPR2024-01208, challenging claims 1-23 of U.S. Patent No. 9,912,914

To avoid any doubt, for each of the IPR proceedings listed above, if institution is declined, then Motorola reserves the right to pursue the grounds of the denied petition or any other prior art invalidity grounds in the parallel litigation.

On behalf of Motorola,

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6/19/25, 11:29 AM

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Patent Trial and Appeal Case Tracking System (P-TACTS)

▼ Case # [IPR2024-01205](#) INSTITUTION DENIED
Patent # [7593034](#)

Parties MOTOROLA SOLUTIONS, INC. et al. v. Stellar, LLC

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DocumentsClaims

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Papers

Next available paper #24

All (23) [Board](#) (5) [Petitioner](#) (10) [Patent Owner / Respondent](#) (8)

▼ (0)

✓	Paper #	↓	Filing date	Paper type	Document name	Pages	Filing party	Availability
✓	23		05/23/2025	Denying Rehearing Request from Director Review Decision	Denying Rehearing Request from Director Review Decision	7	Board	Public
✓	22		05/06/2025	Other: other	Patent Owner's Response to Petitioner's Request for Rehearing	8	Patent Owner	Public
✓	21		04/28/2025	Rehearing request: Other	Petitioner's Updated Exhibit List (IPR2024-01205)	6	Petitioner	Public
✓	20		04/28/2025	Rehearing request: Other	Request for Rehearing of Director Review Decision (IPR2024-01205)	22	Petitioner	Public
✓	19		03/28/2025	Director Review Decision Reversing Institution Decision	Order: Granting Director Review, Vacating the Decision Granting Institution, and Denying Institution of Inter Partes	5	Board	Public
✓	18		03/11/2025	Notice: Notice of deposition	Patent Owner's Notice of Deposition	3	Patent Owner	Public
✓	17		03/10/2025	Other: other	Authorized Response to Director Review Request	8	Petitioner	Public
✓	16		03/04/2025	Notice: Exhibit list	IPR2024-01205 Petitioner's Updated Exhibit List	6	Petitioner	Public
✓	15		03/03/2025	Request for Director Review - Institution Decision	Patent Owner's Request for Director Review	15	Patent Owner	Public
✓	14		03/01/2025	Other: other	PATENT OWNER'S OBJECTIONS TO EVIDENCE	5	Patent Owner	Public
✓	13		02/27/2025	Other: other	EXPUNGED	15	Patent Owner	EXPUNGED-Public
✓	12		02/18/2025	Order: Other	Scheduling Order	15	Board	Public

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✓	Paper # ↓	Filing date	Paper type	Document name	Pages	Filing party	Availability
✓	11	02/13/2025	Institution Decision: Grant	Institution Decision: Grant	39	Board	Public
✓	10	01/23/2025	Notice: Updated Mandatory Notice	Motorola's Updated Mandatory Notices	3	Petitioner	Public
✓	9	01/23/2025	Motion: Other	Motorola's Motion to Withdraw Counsel	4	Petitioner	Public
✓	8	11/18/2024	POPR: filed	Patent Owner's Preliminary Response	57	Patent Owner	Public
✓	7	11/07/2024	Notice: Updated Mandatory Notice	Motorola's Updated Mandatory Notice	3	Petitioner	Public
✓	6	11/07/2024	Motion: Other	Motorola's Motion to Withdraw Counsel	4	Petitioner	Public
✓	5	08/16/2024	Notice: Notice filing date accorded	Notice: Notice filing date accorded	6	Board	Public
✓	4	08/13/2024	Notice: Mandatory Notice	Notice : Mandatory Notice	5	Patent Owner	Public
✓	3	08/13/2024	Notice: Power of Attorney	Notice : Power of Attorney	3	Patent Owner	Public
✓	2	07/22/2024	Notice: Power of Attorney	Petitioner's Power of Attorney	2	Petitioner	Public
✓	1	07/22/2024	Petition: as filed	IPR Petition - 034 Patent	95	Petitioner	Public

Exhibits

All (62) 1000s (44) 2000s (14) 3000s (4)



✓	Exhibit # ↓	Filing date	Document name	Pages	Filing party	Availability
✓						
✓	3103	04/29/2025	Ex. 3103	2	Board	Public
✓	3102	04/29/2025	Ex. 3102 Petitioner's Rehearing Request Email	1	Board	Public
✓	3101	03/28/2025	Ex. 3101	4	Board	Public
✓	3100	03/03/2025	Exhibit 3100	1	Board	Public
✓	2014	11/18/2024	File History of USP 5,982,418 (Elv)	167	Patent Owner	Public
✓	2013	11/18/2024	Motorola's WatchGuard Acquisition Press Release (MOTOROLA 015931)	1	Patent Owner	Public
✓	2012	11/18/2024	Sarhan Opening Report	1224	Patent Owner	Parties and Board
✓	2011	11/18/2024	Judge Jordan's Preliminary Markman Ruling	15	Patent Owner	Public
✓	2010	11/18/2024	Motorola Subpoenas to Third Parties (combined)	79	Patent Owner	Public
✓	2009	11/18/2024	Stellar and Motorola Stipulated Protective Order (Dkt. 26)	30	Patent Owner	Public
✓	2008	11/18/2024	Court's Minute Entry for Markman Hearing (Dkt. 59)	2	Patent Owner	Public
✓	2007	11/18/2024	Stellar and Motorola Combined Markman Briefing (Dkt. 36, 37, 38)	89	Patent Owner	Public
✓	2006	11/18/2024	Order Setting Trial Date (Dkt. 49)	1	Patent Owner	Public
✓	2005	11/18/2024	Amended Scheduling Order (Dkt. 50)	5	Patent Owner	Public
✓	2004	11/18/2024	Motorola's Preliminary Invalidity Contentions	294	Patent Owner	Public
✓	2003	11/18/2024	Redacted Stellar's Motion to Amend Infringement Contentions (Dkt. 63)	12	Patent Owner	Public

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✓	Exhibit # ↓	Filing date	Document name	Pages	Filing party	Availability
✓	2002	11/18/2024	Executed Summons (Dkt. 6)	4	Patent Owner	Public
✓	2001	11/18/2024	Stellar Complaint for Patent Infringement (Dkt. 1)	31	Patent Owner	Public
✓	1045	04/28/2025	EX1045 - Stipulation	1	Petitioner	Public
✓	1044	04/28/2025	EX1044 - Order Extending District Court Stay	5	Petitioner	Public
✓	1043	11/27/2024	EX1043 - Nov 11 2024 Correspondence	3	Petitioner	Public
✓	1042	07/22/2024	EX1042 - Decl of Joshua Nightingale	3	Petitioner	Public
✓	1041	07/22/2024	EX1041 - Appendix to Declaration of Nabil J. Sarhan	588	Petitioner	Public
✓	1040	07/22/2024	EX1040 - Claims 1, 12 of 882 Patent	1	Petitioner	Public
✓	1039	07/22/2024	EX1039 - File History of '882 Patent	234	Petitioner	Public
✓	1038	07/22/2024	EX1038 - Claims 1, 12 of 034 Patent	1	Petitioner	Public
✓	1037	07/22/2024	EX1037 - US 6,804,638 (Fiedler)	21	Petitioner	Public
✓	1036	07/22/2024	EX1036 - US 2006092043 (Lagassey publication)	29	Petitioner	Public
✓	1035	07/22/2024	EX1035 - USP 7,348,895 (Lagassey patent)	29	Petitioner	Public
✓	1034	07/22/2024	EX1034 - USP 6,831,556 (Boykin)	9	Petitioner	Public
✓	1033	07/22/2024	EX1033 - USP 8,692,882 ('882 patent)	12	Petitioner	Public
✓	1032	07/22/2024	EX1032 - File History of '914 Patent	481	Petitioner	Public
✓	1031	07/22/2024	EX1031 - USP 9,912,914 ('914 patent)	13	Petitioner	Public
✓	1030	07/22/2024	EX1030 - US 60282162 (Fiore Provisional)	27	Petitioner	Public
✓	1029	07/22/2024	EX1029 - US 20040033058 (Reich)	11	Petitioner	Public
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✓	1025	07/22/2024	EX1025 - American Heritage Dictionary	3	Petitioner	Public
✓	1024	07/22/2024	EX1024 - Digital Mobile Witness Recording System	8	Petitioner	Public
✓	1023	07/22/2024	EX1023 - USP 6,163,338 (Johnson)	10	Petitioner	Public
✓	1021	07/22/2024	EX1021 - Joint Claim Construction and Prehearing Statement	14	Petitioner	Public
✓	1020	07/22/2024	EX1020 - USP 5,982,418 (Ely)	14	Petitioner	Public
✓	1019	07/22/2024	EX1019 - US 2004008255 (Lewellen)	16	Petitioner	Public
✓	1018	07/22/2024	EX1018 - USP 8,310,540 ('540 patent)	10	Petitioner	Public
✓	1017	07/22/2024	EX1017 - USP 7,158,167 (Yerazunis)	25	Petitioner	Public
✓	1016	07/22/2024	EX1016 - USP 5,523,799 (Hattori)	14	Petitioner	Public
✓	1015	07/22/2024	EX1015 - EP 1,064,783 (Mann)	43	Petitioner	Public
✓	1014	07/22/2024	EX1014 - WO 2006044476 (Vanman)	45	Petitioner	Public
✓	1013	07/22/2024	EX1013 - File History of '034 Patent	347	Petitioner	Public
✓	1012	07/22/2024	EX1012 - File History of '752 Patent	166	Petitioner	Public

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✓	Exhibit # ↓	Filing date	Document name	Pages	Filing party	Availability
✓	1011	07/22/2024	EX1011 - File History of '540 Patent	200	Petitioner	Public
✓	1010	07/22/2024	EX1010 - USP 7,593,034 ('034 patent)	12	Petitioner	Public
✓	1009	07/22/2024	EX1009 - US 2002191952 (Fiore)	18	Petitioner	Public
✓	1008	07/22/2024	EX1008 - USP 6,167,186 (Kawasaki)	14	Petitioner	Public
✓	1007	07/22/2024	EX1007 - Special Report - The Patrol Video Project	22	Petitioner	Public
✓	1006	07/22/2024	EX1006 - Stellar's First Amended Infringement Contentions	5	Petitioner	Public
✓	1005	07/22/2024	EX1005 - USP 5,996,023 (Winter)	15	Petitioner	Public
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✓	1003	07/22/2024	EX1003 - Declaration of Nabil J Sarhan	403	Petitioner	Public
✓	1002	07/22/2024	EX1002 - File History of '471 Patent	452	Petitioner	Public
✓	1001	07/22/2024	EX1001 - USP 9,485,471 ('471 patent)	12	Petitioner	Public

✓ Real party

✓ Counsel

✓ Payments

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▼ Case # [IPR2024-01206](#) INSTITUTION DENIED
Patent # [9485471](#)

Parties MOTOROLA SOLUTIONS, INC. et al. v. Stellar, LLC

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✓	Paper #	↓	Filing date	Paper type	Document name	Pages	Filing party	Availability
✓	23		05/23/2025	Denying Rehearing Request from Director Review Decision	Denying Rehearing Request from Director Review Decision	7	Board	Public
✓	22		05/06/2025	Other: other	Patent Owner's Response to Petitioner's Request for Rehearing	8	Patent Owner	Public
✓	21		04/28/2025	Rehearing request: Other	Petitioner's Updated Exhibit List (IPR2024-01206)	6	Petitioner	Public
✓	20		04/28/2025	Rehearing request: Other	Request for Rehearing of Director Review Decision (IPR2024-01206)	22	Petitioner	Public
✓	19		03/28/2025	Director Review Decision Reversing Institution Decision	Order: Granting Director Review, Vacating the Decision Granting Institution, and Denying Institution of Inter Partes	5	Board	Public
✓	18		03/11/2025	Notice: Notice of deposition	Patent Owner's Notice of Deposition	3	Patent Owner	Public
✓	17		03/10/2025	Other: other	Authorized Response to Director Review Request	8	Petitioner	Public
✓	16		03/04/2025	Notice: Exhibit list	IPR2024-01206 Petitioner's Updated Exhibit List	6	Petitioner	Public
✓	15		03/03/2025	Request for Director Review - Institution Decision	Patent Owner's Request for Director Review	15	Patent Owner	Public
✓	14		03/01/2025	Other: other	PATENT OWNER'S OBJECTIONS TO EVIDENCE	5	Patent Owner	Public
✓	13		02/27/2025	Other: other	EXPUNGED	15	Patent Owner	EXPUNGED-Public
✓	12		02/18/2025	Order: Other	Scheduling Order	15	Board	Public

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✓	Paper # ↓	Filing date	Paper type	Document name	Pages	Filing party	Availability
✓	11	02/13/2025	Institution Decision: Grant	Institution Decision: Grant	41	Board	Public
✓	10	01/23/2025	Notice: Updated Mandatory Notice	Motorola's Updated Mandatory Notices	3	Petitioner	Public
✓	9	01/23/2025	Motion: Other	Motorola's Motion to Withdraw Counsel	4	Petitioner	Public
✓	8	11/18/2024	POPR: filed	Patent Owner's Preliminary Response	52	Patent Owner	Public
✓	7	11/07/2024	Notice: Updated Mandatory Notice	Motorola's Updated Mandatory Notice	3	Petitioner	Public
✓	6	11/07/2024	Motion: Other	Motorola's Motion to Withdraw Counsel	4	Petitioner	Public
✓	5	08/16/2024	Notice: Notice filing date accorded	Notice: Notice filing date accorded	6	Board	Public
✓	4	08/13/2024	Notice: Mandatory Notice	Notice : Mandatory Notice	5	Patent Owner	Public
✓	3	08/13/2024	Notice: Power of Attorney	Notice : Power of Attorney	3	Patent Owner	Public
✓	2	07/22/2024	Notice: Power of Attorney	Petitioner's Power of Attorney	2	Petitioner	Public
✓	1	07/22/2024	Petition: as filed	IPR Petition - 471 Patent	88	Petitioner	Public

Exhibits

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✓	Exhibit # ↓	Filing date	Document name	Pages	Filing party	Availability
✓						
✓	3103	04/29/2025	Ex. 3103	2	Board	Public
✓	3102	04/29/2025	Ex. 3102 Petitioner's Request for Rehearing Email	1	Board	Public
✓	3101	03/28/2025	Ex. 3101	4	Board	Public
✓	3100	03/03/2025	Exhibit 3100	1	Board	Public
✓	2014	11/18/2024	File History of USP 5,982,418 (Elv)	167	Patent Owner	Public
✓	2013	11/18/2024	Motorola's WatchGuard Acquisition Press Release (MOTOROLA 015931)	1	Patent Owner	Public
✓	2012	11/18/2024	Sarhan Opening Report	1224	Patent Owner	Parties and Board
✓	2011	11/18/2024	Judge Jordan's Preliminary Markman Ruling	15	Patent Owner	Public
✓	2010	11/18/2024	Motorola Subpoenas to Third Parties (combined)	79	Patent Owner	Public
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✓	2008	11/18/2024	Court's Minute Entry for Markman Hearing (Dkt. 59)	2	Patent Owner	Public
✓	2007	11/18/2024	Stellar and Motorola Combined Markman Briefing (Dkt. 36, 37, 38)	89	Patent Owner	Public
✓	2006	11/18/2024	Order Setting Trial Date (Dkt. 49)	1	Patent Owner	Public
✓	2005	11/18/2024	Amended Scheduling Order (Dkt. 50)	5	Patent Owner	Public
✓	2004	11/18/2024	Motorola's Preliminary Invalidity Contentions	294	Patent Owner	Public
✓	2003	11/18/2024	Redacted Stellar's Motion to Amend Infringement Contentions (Dkt. 63)	12	Patent Owner	Public

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✓	Exhibit # ↓	Filing date	Document name	Pages	Filing party	Availability
✓	2002	11/18/2024	Executed Summons (Dkt. 6)	4	Patent Owner	Public
✓	2001	11/18/2024	Stellar Complaint for Patent Infringement (Dkt. 1)	31	Patent Owner	Public
✓	1045	04/28/2025	EX1045 - Stipulation	1	Petitioner	Public
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✓	1040	07/22/2024	EX1040 - Claims 1, 12 of 882 Patent	1	Petitioner	Public
✓	1039	07/22/2024	EX1039 - File History of '882 Patent	234	Petitioner	Public
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✓	1032	07/22/2024	EX1032 - File History of '914 Patent	481	Petitioner	Public
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✓	1029	07/22/2024	EX1029 - US 20040033058 (Reich)	11	Petitioner	Public
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✓	1021	07/22/2024	EX1021 - Joint Claim Construction and Prehearing Statement	14	Petitioner	Public
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✓	1017	07/22/2024	EX1017 - USP 7,158,167 (Yerazunis)	25	Petitioner	Public
✓	1016	07/22/2024	EX1016 - USP 5,523,799 (Hattori)	14	Petitioner	Public
✓	1015	07/22/2024	EX1015 - EP 1,064,783 (Mann)	43	Petitioner	Public
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✓	1013	07/22/2024	EX1013 - File History of '034 Patent	347	Petitioner	Public
✓	1012	07/22/2024	EX1012 - File History of '752 Patent	166	Petitioner	Public

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✓	1011	07/22/2024	EX1011 - File History of '540 Patent	200	Petitioner	Public
✓	1010	07/22/2024	EX1010 - USP 7,593,034 ('034 patent)	12	Petitioner	Public
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✓	1007	07/22/2024	EX1007 - Special Report - The Patrol Video Project	22	Petitioner	Public
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✓	1005	07/22/2024	EX1005 - USP 5,996,023 (Winter)	15	Petitioner	Public
✓	1004	07/22/2024	EX1004 - USP 8,928,752 ('752 patent)	10	Petitioner	Public
✓	1003	07/22/2024	EX1003 - Declaration of Nabil J Sarhan	403	Petitioner	Public
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✓	1001	07/22/2024	EX1001 - USP 9,485,471 ('471 patent)	12	Petitioner	Public

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▼ Case # [IPR2024-01207](#) INSTITUTION DENIEDPatent # [8692882](#)

Parties MOTOROLA SOLUTIONS, INC. et al. v. Stellar, LLC

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✓	23		05/23/2025	Denying Rehearing Request from Director Review Decision	Denying Rehearing Request from Director Review Decision	7	Board	Public
✓	22		05/06/2025	Other: other	Patent Owner's Response to Petitioner's Request for Rehearing	8	Patent Owner	Public
✓	21		04/28/2025	Rehearing request: Other	Petitioner's Updated Exhibit List (IPR2024-01207)	6	Petitioner	Public
✓	20		04/28/2025	Rehearing request: Other	Request for Rehearing of Director Review Decision (IPR2024-01207)	22	Petitioner	Public
✓	19		03/28/2025	Director Review Decision Reversing Institution Decision	Order: Granting Director Review, Vacating the Decision Granting Institution, and Denying Institution of Inter Partes	5	Board	Public
✓	18		03/11/2025	Notice: Notice of deposition	Patent Owner's Notice of Deposition	3	Patent Owner	Public
✓	17		03/10/2025	Other: other	Authorized Response to Director Review Request	8	Petitioner	Public
✓	16		03/04/2025	Notice: Exhibit list	IPR2024-01207 Petitioner's Updated Exhibit List	6	Petitioner	Public
✓	15		03/03/2025	Request for Director Review - Institution Decision	Patent Owner's Request for Director Review	15	Patent Owner	Public
✓	14		03/01/2025	Other: other	PATENT OWNER'S OBJECTIONS TO EVIDENCE	5	Patent Owner	Public
✓	13		02/27/2025	Other: other	EXPUNGED	15	Patent Owner	EXPUNGED-Public
✓	12		02/18/2025	Order: Other	Scheduling Order	15	Board	Public

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✓	11	02/13/2025	Institution Decision: Grant	Decision Granting Institution of Inter Partes Review	51	Board	Public
✓	10	01/23/2025	Notice: Updated Mandatory Notice	Motorola's Updated Mandatory Notices	3	Petitioner	Public
✓	9	01/23/2025	Motion: Other	Motorola's Motion to Withdraw Counsel	4	Petitioner	Public
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✓	6	11/07/2024	Motion: Other	Motorola's Motion to Withdraw Counsel	4	Petitioner	Public
✓	5	08/16/2024	Notice: Notice filing date accorded	Notice: Notice filing date accorded	6	Board	Public
✓	4	08/13/2024	Notice: Mandatory Notice	Notice : Mandatory Notice	5	Patent Owner	Public
✓	3	08/13/2024	Notice: Power of Attorney	Notice : Power of Attorney	3	Patent Owner	Public
✓	2	07/22/2024	Notice: Power of Attorney	Petitioner's Power of Attorney	2	Petitioner	Public
✓	1	07/22/2024	Petition: as filed	IPR Petition - 882 Patent	92	Petitioner	Public

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✓	3101	03/28/2025	Ex. 3101	4	Board	Public
✓	3100	03/03/2025	Exhibit 3100	1	Board	Public
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✓	2007	11/18/2024	Stellar and Motorola Combined Markman Briefing (Dkt. 36, 37, 38)	89	Patent Owner	Public
✓	2006	11/18/2024	Order Setting Trial Date (Dkt. 49)	1	Patent Owner	Public
✓	2005	11/18/2024	Amended Scheduling Order (Dkt. 50)	5	Patent Owner	Public
✓	2004	11/18/2024	Motorola's Preliminary Invalidity Contentions	294	Patent Owner	Public
✓	2003	11/18/2024	Redacted Stellar's Motion to Amend Infringement Contentions (Dkt. 63)	12	Patent Owner	Public
✓	2002	11/18/2024	Executed Summons (Dkt. 6)	4	Patent Owner	Public

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✓	1044	04/28/2025	EX1044 - Order Extending District Court Stay	5	Petitioner	Public
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✓	1036	07/22/2024	EX1036 - US 2006092043 (Lagassev publication)	29	Petitioner	Public
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✓	1032	07/22/2024	EX1032 - File History of '914 Patent	481	Petitioner	Public
✓	1031	07/22/2024	EX1031 - USP 9,912,914 ('914 patent)	13	Petitioner	Public
✓	1030	07/22/2024	EX1030 - US 60282162 (Fiore Provisional)	27	Petitioner	Public
✓	1029	07/22/2024	EX1029 - US 20040033058 (Reich)	11	Petitioner	Public
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✓	1023	07/22/2024	EX1023 - USP 6,163,338 (Johnson)	10	Petitioner	Public
✓	1021	07/22/2024	EX1021 - Joint Claim Construction and Prehearing Statement	14	Petitioner	Public
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✓	1015	07/22/2024	EX1015 - EP 1,064,783 (Mann)	43	Petitioner	Public
✓	1014	07/22/2024	EX1014 - WO 2006044476 (Vanman)	45	Petitioner	Public
✓	1013	07/22/2024	EX1013 - File History of '034 Patent	347	Petitioner	Public
✓	1012	07/22/2024	EX1012 - File History of '752 Patent	166	Petitioner	Public
✓	1011	07/22/2024	EX1011 - File History of '540 Patent	200	Petitioner	Public

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✓	Exhibit # ↓	Filing date	Document name	Pages	Filing party	Availability
✓	1010	07/22/2024	EX1010 - USP 7,593,034 ('034 patent)	12	Petitioner	Public
✓	1009	07/22/2024	EX1009 - US 2002191952 (Fiore)	18	Petitioner	Public
✓	1008	07/22/2024	EX1008 - USP 6,167,186 (Kawasaki)	14	Petitioner	Public
✓	1007	07/22/2024	EX1007 - Special Report - The Patrol Video Project	22	Petitioner	Public
✓	1006	07/22/2024	EX1006 - Stellar's First Amended Infringement Contentions	5	Petitioner	Public
✓	1005	07/22/2024	EX1005 - USP 5,996,023 (Winter)	15	Petitioner	Public
✓	1004	07/22/2024	EX1004 - USP 8,928,752 ('752 patent)	10	Petitioner	Public
✓	1003	07/22/2024	EX1003 - Declaration of Nabil J Sarhan	403	Petitioner	Public
✓	1002	07/22/2024	EX1002 - File History of '471 Patent	452	Petitioner	Public
✓	1001	07/22/2024	EX1001 - USP 9,485,471 ('471 patent)	12	Petitioner	Public

> Real party

> Counsel

> Payments

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Patent Trial and Appeal Case Tracking System (P-TACTS)

▼ Case # [IPR2024-01208](#)

INSTITUTION DENIED

Patent # [9912914](#)

Parties **MOTOROLA SOLUTIONS, INC. et al. v. Stellar, LLC**

Tech center **2400** Art unit **2487**

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✓	Paper #	↓	Filing date	Paper type	Document name	Pages	Filing party	Availability
✓	23		05/23/2025	Denying Rehearing Request from Director Review Decision	Denying Rehearing Request from Director Review Decision	7	Board	Public
✓	22		05/06/2025	Other: other	Patent Owner's Response to Petitioner's Request for Rehearing	8	Patent Owner	Public
✓	21		04/28/2025	Rehearing request: Other	Petitioner's Updated Exhibit List (IPR2024-01208)	6	Petitioner	Public
✓	20		04/28/2025	Rehearing request: Other	Request for Rehearing of Director Review Decision (IPR2024-01208)	22	Petitioner	Public
✓	19		03/28/2025	Director Review Decision Reversing Institution Decision	Order: Granting Director Review, Vacating the Decision Granting Institution, and Denying Institution of Inter Partes	5	Board	Public
✓	18		03/11/2025	Notice: Notice of deposition	Patent Owner's Notice of Deposition	3	Patent Owner	Public
✓	17		03/10/2025	Other: other	Authorized Response to Director Review Request	8	Petitioner	Public
✓	16		03/04/2025	Notice: Exhibit list	IPR2024-01208 Petitioner's Updated Exhibit List	6	Petitioner	Public
✓	15		03/03/2025	Request for Director Review - Institution Decision	Patent Owner's Request for Director Review	15	Patent Owner	Public
✓	14		03/01/2025	Other: other	PATENT OWNER'S OBJECTIONS TO EVIDENCE	5	Patent Owner	Public
✓	13		02/27/2025	Other: other	EXPUNGED	15	Patent Owner	EXPUNGED-Public
✓	12		02/18/2025	Order: Other	Scheduling Order	15	Board	Public

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✓	Paper # ↓	Filing date	Paper type	Document name	Pages	Filing party	Availability
✓	11	02/13/2025	Institution Decision: Grant	Institution Decision: Grant	40	Board	Public
✓	10	01/23/2025	Notice: Updated Mandatory Notice	Motorola's Updated Mandatory Notices	3	Petitioner	Public
✓	9	01/23/2025	Motion: Other	Motorola's Motion to Withdraw Counsel	4	Petitioner	Public
✓	8	11/18/2024	POPR: filed	Patent Owner's Preliminary Response	52	Patent Owner	Public
✓	7	11/07/2024	Notice: Updated Mandatory Notice	Motorola's Updated Mandatory Notice	3	Petitioner	Public
✓	6	11/07/2024	Motion: Other	Motorola's Motion to Withdraw Counsel	4	Petitioner	Public
✓	5	08/16/2024	Notice: Notice filing date accorded	Notice: Notice filing date accorded	6	Board	Public
✓	4	08/13/2024	Notice: Mandatory Notice	Notice : Mandatory Notice	5	Patent Owner	Public
✓	3	08/13/2024	Notice: Power of Attorney	Notice : Power of Attorney	3	Patent Owner	Public
✓	2	07/22/2024	Notice: Power of Attorney	Petitioner's Power of Attorney	2	Petitioner	Public
✓	1	07/22/2024	Petition: as filed	IPR Petition - 914 Patent	91	Petitioner	Public

Exhibits

All (62) 1000s (44) 2000s (14) 3000s (4)



✓	Exhibit # ↓	Filing date	Document name	Pages	Filing party	Availability
✓						
✓	3103	04/29/2025	Ex. 3103	2	Board	Public
✓	3102	04/29/2025	Ex. 3102 Petitioner's Request for Rehearing DR Email	1	Board	Public
✓	3101	03/28/2025	Ex. 3101	4	Board	Public
✓	3100	03/03/2025	Exhibit 3100	1	Board	Public
✓	2014	11/18/2024	File History of USP 5,982,418 (Elv)	167	Patent Owner	Public
✓	2013	11/18/2024	Motorola's WatchGuard Acquisition Press Release (MOTOROLA 015931)	1	Patent Owner	Public
✓	2012	11/18/2024	Sarhan Opening Report	1224	Patent Owner	Parties and Board
✓	2011	11/18/2024	Judge Jordan's Preliminary Markman Ruling	15	Patent Owner	Public
✓	2010	11/18/2024	Motorola Subpoenas to Third Parties (combined)	79	Patent Owner	Public
✓	2009	11/18/2024	Stellar and Motorola Stipulated Protective Order (Dkt. 26)	30	Patent Owner	Public
✓	2008	11/18/2024	Court's Minute Entry for Markman Hearing (Dkt. 59)	2	Patent Owner	Public
✓	2007	11/18/2024	Stellar and Motorola Combined Markman Briefing (Dkt. 36, 37, 38)	89	Patent Owner	Public
✓	2006	11/18/2024	Order Setting Trial Date (Dkt. 49)	1	Patent Owner	Public
✓	2005	11/18/2024	Amended Scheduling Order (Dkt. 50)	5	Patent Owner	Public
✓	2004	11/18/2024	Motorola's Preliminary Invalidity Contentions	294	Patent Owner	Public
✓	2003	11/18/2024	Redacted Stellar's Motion to Amend Infringement Contentions (Dkt. 63)	12	Patent Owner	Public

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✓	Exhibit # ↓	Filing date	Document name	Pages	Filing party	Availability
✓	2002	11/18/2024	Executed Summons (Dkt. 6)	4	Patent Owner	Public
✓	2001	11/18/2024	Stellar Complaint for Patent Infringement (Dkt. 1)	31	Patent Owner	Public
✓	1045	04/28/2025	EX1045 - Stipulation	1	Petitioner	Public
✓	1044	04/28/2025	EX1044 - Order Extending District Court Stay	5	Petitioner	Public
✓	1043	11/27/2024	EX1043 - Nov 11 2024 Correspondence	3	Petitioner	Public
✓	1042	07/22/2024	EX1042 - Decl of Joshua Nightingale	3	Petitioner	Public
✓	1041	07/22/2024	EX1041 - Appendix to Declaration of Nabil J. Sarhan	588	Petitioner	Public
✓	1040	07/22/2024	EX1040 - Claims 1, 12 of 882 Patent	1	Petitioner	Public
✓	1039	07/22/2024	EX1039 - File History of '882 Patent	234	Petitioner	Public
✓	1038	07/22/2024	EX1038 - Claims 1, 12 of 034 Patent	1	Petitioner	Public
✓	1037	07/22/2024	EX1037 - US 6,804,638 (Fiedler)	21	Petitioner	Public
✓	1036	07/22/2024	EX1036 - US 2006092043 (Lagassey publication)	29	Petitioner	Public
✓	1035	07/22/2024	EX1035 - USP 7,348,895 (Lagassey patent)	29	Petitioner	Public
✓	1034	07/22/2024	EX1034 - USP 6,831,556 (Boykin)	9	Petitioner	Public
✓	1033	07/22/2024	EX1033 - USP 8,692,882 ('882 patent)	12	Petitioner	Public
✓	1032	07/22/2024	EX1032 - File History of '914 Patent	481	Petitioner	Public
✓	1031	07/22/2024	EX1031 - USP 9,912,914 ('914 patent)	13	Petitioner	Public
✓	1030	07/22/2024	EX1030 - US 60282162 (Fiore Provisional)	27	Petitioner	Public
✓	1029	07/22/2024	EX1029 - US 20040033058 (Reich)	11	Petitioner	Public
✓	1028	07/22/2024	EX1028 - US 2002005895 (Freeman)	17	Petitioner	Public
✓	1027	07/22/2024	EX1027 - Wiley Electrical Electronics Dictionary	4	Petitioner	Public
✓	1026	07/22/2024	EX1026 - Merriam-Webster Collegiate Dictionary	3	Petitioner	Public
✓	1025	07/22/2024	EX1025 - American Heritage Dictionary	3	Petitioner	Public
✓	1024	07/22/2024	EX1024 - Digital Mobile Witness Recording System	8	Petitioner	Public
✓	1023	07/22/2024	EX1023 - USP 6,163,338 (Johnson)	10	Petitioner	Public
✓	1021	07/22/2024	EX1021 - Joint Claim Construction and Prehearing Statement	14	Petitioner	Public
✓	1020	07/22/2024	EX1020 - USP 5,982,418 (Ely)	14	Petitioner	Public
✓	1019	07/22/2024	EX1019 - US 2004008255 (Lewellen)	16	Petitioner	Public
✓	1018	07/22/2024	EX1018 - USP 8,310,540 ('540 patent)	10	Petitioner	Public
✓	1017	07/22/2024	EX1017 - USP 7,158,167 (Yerazunis)	25	Petitioner	Public
✓	1016	07/22/2024	EX1016 - USP 5,523,799 (Hattori)	14	Petitioner	Public
✓	1015	07/22/2024	EX1015 - EP 1,064,783 (Mann)	43	Petitioner	Public
✓	1014	07/22/2024	EX1014 - WO 2006044476 (Vanman)	45	Petitioner	Public
✓	1013	07/22/2024	EX1013 - File History of '034 Patent	347	Petitioner	Public
✓	1012	07/22/2024	EX1012 - File History of '752 Patent	166	Petitioner	Public

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✓	Exhibit # ↓	Filing date	Document name	Pages	Filing party	Availability
✓	1011	07/22/2024	EX1011 - File History of '540 Patent	200	Petitioner	Public
✓	1010	07/22/2024	EX1010 - USP 7,593,034 ('034 patent)	12	Petitioner	Public
✓	1009	07/22/2024	EX1009 - US 2002191952 (Fiore)	18	Petitioner	Public
✓	1008	07/22/2024	EX1008 - USP 6,167,186 (Kawasaki)	14	Petitioner	Public
✓	1007	07/22/2024	EX1007 - Special Report - The Patrol Video Project	22	Petitioner	Public
✓	1006	07/22/2024	EX1006 - Stellar's First Amended Infringement Contentions	5	Petitioner	Public
✓	1005	07/22/2024	EX1005 - USP 5,996,023 (Winter)	15	Petitioner	Public
✓	1004	07/22/2024	EX1004 - USP 8,928,752 ('752 patent)	10	Petitioner	Public
✓	1003	07/22/2024	EX1003 - Declaration of Nabil J Sarhan	403	Petitioner	Public
✓	1002	07/22/2024	EX1002 - File History of '471 Patent	452	Petitioner	Public
✓	1001	07/22/2024	EX1001 - USP 9,485,471 ('471 patent)	12	Petitioner	Public

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> Counsel

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Patent Trial and Appeal Case Tracking System (P-TACTS)

Case # [IPR2024-01284](#) INSTITUTION DENIED
Patent # [8310540](#)

Parties Motorola Solutions, Inc. et al. v. Stellar, LLC

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✓	Paper #	↓	Filing date	Paper type	Document name	Pages	Filing party	Availability
✓	17		05/23/2025	Director Review Decision Reversing Institution Decision	Order Granting Director Review, Vacating the Decision Granting Institution, and Denying Institution of Inter Partes Review	8	Board	Public
✓	16		04/08/2025	Other: other	Authorized Response to Director Review Request	8	Petitioner	Public
✓	15		04/01/2025	Other: other	Patent Owner's Objections to Petitioner's Pre-Institution Evidence Pursuant to 37 C.F.R. 42.64(b)(1)	6	Patent Owner	Public
✓	14		03/31/2025	Request for Director Review - Institution Decision	PATENT OWNER'S REQUEST FOR DIRECTOR REVIEW	16	Patent Owner	Public
✓	13		03/18/2025	Order: on Motion	SCHEDULING ORDER	14	Board	Public
✓	12		03/18/2025	Institution Decision: Grant	Decision Granting Institution of Inter Partes Review	39	Board	Public
✓	11		03/04/2025	Notice: Exhibit list	IPR2024-01284 Petitioner's Updated Exhibit List	7	Petitioner	Public
✓	10		01/23/2025	Notice: Updated Mandatory Notice	Motorola's Updated Mandatory Notices	3	Petitioner	Public
✓	9		01/23/2025	Motion: Other	Motorola's Motion to Withdraw Counsel	4	Petitioner	Public
✓	8		12/20/2024	POPR: filed	Patent Owner's Preliminary Response	57	Patent Owner	Public
✓	7		11/07/2024	Notice: Updated Mandatory Notice	Motorola's Updated Mandatory Notice	3	Petitioner	Public
✓	6		11/07/2024	Motion: Other	Motorola's Motion to Withdraw Counsel	4	Petitioner	Public
✓	5		09/20/2024	Notice: Notice filing date accorded	Notice: Notice filing date accorded	6	Board	Public

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✓	Paper # ↓	Filing date	Paper type	Document name	Pages	Filing party	Availability
✓	4	08/30/2024	Notice: Mandatory Notice	Notice : Mandatory Notice	5	Patent Owner	Public
✓	3	08/30/2024	Notice: Power of Attorney	Notice : Power of Attorney	3	Patent Owner	Public
✓	2	08/09/2024	Petition: as filed	Petition : as filed	92	Petitioner	Public
✓	1	08/09/2024	Notice: Power of Attorney	Notice : Power of Attorney	2	Petitioner	Public

Exhibits

All (65) 1000s (48) 2000s (15) 3000s (2)



✓	Exhibit # ↓	Filing date	Document name	Pages	Filing party	Availability
✓						
✓	3101	05/23/2025	Exhibit 3101	5	Board	Public
✓	3100	04/01/2025	Email, Subject: IPR2024-01284, IPR2024-01285, IPR2024-01313, and IPR2024-01314 Director Review Requests	1	Board	Public
✓	2016	12/20/2024	Stellar Response to Motorola Stipulation	2	Patent Owner	Public
✓	2015	12/20/2024	Motorola Stipulation Regarding Patents and Printed Publications	2	Patent Owner	Public
✓	2014	12/20/2024	File History of USP 5,982,418 (Ely)	167	Patent Owner	Public
✓	2013	12/20/2024	Motorola's WatchGuard Acquisition Press Release (MOTOROLA 015931)	1	Patent Owner	Public
✓	2012	12/20/2024	Excerpt of Sarhan Opening Report	14	Patent Owner	Public
✓	2011	12/20/2024	Judge Jordan's Preliminary Markman Ruling	15	Patent Owner	Public
✓	2010	12/20/2024	Motorola Subpoenas to Third Parties (combined)	12	Patent Owner	Public
✓	2009	12/20/2024	Stellar and Motorola Stipulated Protective Order (Dkt. 26)	30	Patent Owner	Public
✓	2008	12/20/2024	Court's Minute Entry for Markman Hearing (Dkt. 59)	2	Patent Owner	Public
✓	2007	12/20/2024	Stellar and Motorola Combined Markman Briefing (Dkt. 36, 37, 38)	89	Patent Owner	Public
✓	2006	12/20/2024	Order Resetting Schedule (Dkt. 106)	5	Patent Owner	Public
✓	2004	12/20/2024	Motorola's Preliminary Invalidity Contentions (Cover Pleading)	294	Patent Owner	Public
✓	2003	12/20/2024	Redacted Stellar's Motion to Amend Infringement Contentions (Dkt. 63)	12	Patent Owner	Public
✓	2002	12/20/2024	Executed Summons (Dkt. 6)	4	Patent Owner	Public
✓	2001	12/20/2024	Stellar Complaint for Patent Infringement (Dkt. 1)	31	Patent Owner	Public
✓	1058	03/04/2025	EX1058 - ORDER on Defendants' Opposed Motion for Staying IPRs Granted	4	Petitioner	Public
✓	1057	08/09/2024	EX1057 - Joint Claim Construction Chart	24	Petitioner	Public
✓	1056	08/09/2024	EX1056 - Plaintiff's Opening Claim Construction Brief	28	Petitioner	Public
✓	1055	08/09/2024	EX1055 - US7956735 (Jackson)	22	Petitioner	Public
✓	1054	08/09/2024	EX1054 - US7263073B2 (Petite)	23	Petitioner	Public
✓	1053	08/09/2024	EX1053 - US20070132773A1 (Plante)	18	Petitioner	Public
✓	1052	08/09/2024	EX1052 - Appendix to Decl of Nabil J. Sarhan Regarding 540 and 752 Patents	38	Petitioner	Public

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✓	Exhibit # ↓	Filing date	Document name	Pages	Filing party	Availability
✓	1051	08/09/2024	EX1051 - Declaration of Nabil J. Sarhan Regarding the '540 and '752 Patents	268	Petitioner	Public
✓	1050	08/09/2024	EX1050 - US 60669403 (Blum provisional)	77	Petitioner	Public
✓	1049	08/09/2024	EX1049 - US9124796 (Blum)	71	Petitioner	Public
✓	1048	08/09/2024	EX1048 - US10523901 (901 Patent)	13	Petitioner	Public
✓	1047	08/09/2024	EX1047 - Stellar Reply Claim Construction Brief	16	Petitioner	Public
✓	1046	08/09/2024	EX1046 - US6563532 (Strub)	60	Petitioner	Public
✓	1045	08/09/2024	EX1045 - WO1992022983A2 (Browne)	55	Petitioner	Public
✓	1044	08/09/2024	EX1044 - US5204909 (Cowan)	10	Petitioner	Public
✓	1043	08/09/2024	EX1043 - US6370198 (Washino)	29	Petitioner	Public
✓	1042	08/09/2024	EX1042 - Decl of Joshua Nightingale	3	Petitioner	Public
✓	1041	08/09/2024	EX1041 - Appendix to Declaration of Nabil J. Sarhan	588	Petitioner	Public
✓	1037	08/09/2024	EX1037 - US 6,804,638 (Fiedler)	21	Petitioner	Public
✓	1036	08/09/2024	EX1036 - US 2006092043 (Lagassey publication)	29	Petitioner	Public
✓	1035	08/09/2024	EX1035 - USP 7,348,895 (Lagassey patent)	29	Petitioner	Public
✓	1034	08/09/2024	EX1034 - USP 6,831,556 (Boykin)	9	Petitioner	Public
✓	1030	08/09/2024	EX1030 - US 60282162 (Fiore Provisional)	27	Petitioner	Public
✓	1029	08/09/2024	EX1029 - US 20040033058 (Reich)	11	Petitioner	Public
✓	1028	08/09/2024	EX1028 - US 2002005895 (Freeman)	17	Petitioner	Public
✓	1027	08/09/2024	EX1027 - Wiley Electrical Electronics Dictionary	4	Petitioner	Public
✓	1026	08/09/2024	EX1026 - Merriam-Webster Collegiate Dictionary	3	Petitioner	Public
✓	1025	08/09/2024	EX1025 - American Heritage Dictionary	3	Petitioner	Public
✓	1024	08/09/2024	EX1024 - Digital Mobile Witness Recording System	8	Petitioner	Public
✓	1023	08/09/2024	EX1023 - USP 6,163,338 (Johnson)	10	Petitioner	Public
✓	1020	08/09/2024	EX1020 - USP 5,982,418 (Ely)	14	Petitioner	Public
✓	1019	08/09/2024	EX1019 - US 2004008255 (Lewellen)	16	Petitioner	Public
✓	1018	08/09/2024	EX1018 - USP 8,310,540 ('540 patent)	10	Petitioner	Public
✓	1017	08/09/2024	EX1017 - USP 7,158,167 (Yerazunis)	25	Petitioner	Public
✓	1016	08/09/2024	EX1016 - USP 5,523,799 (Hattori)	14	Petitioner	Public
✓	1015	08/09/2024	EX1015 - EP 1,064,783 (Mann)	43	Petitioner	Public
✓	1014	08/09/2024	EX1014 - WO 2006044476 (Vanman)	45	Petitioner	Public
✓	1013	08/09/2024	EX1013 - File History of '034 Patent	347	Petitioner	Public
✓	1012	08/09/2024	EX1012 - File History of '752 Patent	166	Petitioner	Public
✓	1011	08/09/2024	EX1011 - File History of '540 Patent	200	Petitioner	Public
✓	1010	08/09/2024	EX1010 - USP 7,593,034 ('034 patent)	12	Petitioner	Public
✓	1009	08/09/2024	EX1009 - US 2002191952 (Fiore)	18	Petitioner	Public

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✓	Exhibit # ↓	Filing date	Document name	Pages	Filing party	Availability
✓	1008	08/09/2024	EX1008 - USP 6,167,186 (Kawasaki)	14	Petitioner	Public
✓	1007	08/09/2024	EX1007 - Special Report - The Patrol Video Project	22	Petitioner	Public
✓	1006	08/09/2024	EX1006 - Stellar's First Amended Infringement Contentions	5	Petitioner	Public
✓	1005	08/09/2024	EX1005 - USP 5,996,023 (Winter)	15	Petitioner	Public
✓	1004	08/09/2024	EX1004 - USP 8,928,752 ('752 patent)	10	Petitioner	Public
✓	1003	08/09/2024	EX1003 - Declaration of Nabil J Sarhan	403	Petitioner	Public

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Patent Trial and Appeal Case Tracking System (P-TACTS)

▼ Case # [IPR2024-01285](#) INSTITUTION DENIED
Patent # [8928752](#)

Parties Motorola Solutions, Inc. et al. v. Stellar, LLC

Tech center 2400 Art unit 2487

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✓	Paper #	↓	Filing date	Paper type	Document name	Pages	Filing party	Availability
✓	17		05/23/2025	Director Review Decision Reversing Institution Decision	Order Granting Director Review, Vacating the Decision Granting Institution, and Denying Institution of Inter Partes Review	8	Board	Public
✓	16		04/08/2025	Other: other	Authorized Response to Director Review Request	8	Petitioner	Public
✓	15		04/01/2025	Other: other	Patent Owner's Objections to Petitioner's Pre-Institution Evidence Pursuant to 37 C.F.R. 42.64(b)(1)	6	Patent Owner	Public
✓	14		03/31/2025	Request for Director Review - Institution Decision	PATENT OWNER'S REQUEST FOR DIRECTOR REVIEW	16	Patent Owner	Public
✓	13		03/18/2025	Order: on Motion	SCHEDULING ORDER	14	Board	Public
✓	12		03/18/2025	Institution Decision: Grant	Decision Granting Institution of Inter Partes Review	31	Board	Public
✓	11		03/04/2025	Notice: Exhibit list	IPR2024-01285 Petitioner's Updated Exhibit List	7	Petitioner	Public
✓	10		01/23/2025	Notice: Updated Mandatory Notice	Motorola's Updated Mandatory Notices	3	Petitioner	Public
✓	9		01/23/2025	Motion: Other	Motorola's Motion to Withdraw Counsel	4	Petitioner	Public
✓	8		12/20/2024	POPR: filed	Patent Owner's Preliminary Response	53	Patent Owner	Public
✓	7		11/07/2024	Notice: Updated Mandatory Notice	Motorola's Updated Mandatory Notice	3	Petitioner	Public
✓	6		11/07/2024	Motion: Other	Motorola's Motion to Withdraw Counsel	4	Petitioner	Public
✓	5		09/20/2024	Notice: Notice filing date accorded	NOTICE OF FILING DATE ACCORDED TO PETITION	6	Board	Public

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✓	Paper # ↓	Filing date	Paper type	Document name	Pages	Filing party	Availability
✓	4	08/30/2024	Notice: Mandatory Notice	Notice : Mandatory Notice	5	Patent Owner	Public
✓	3	08/30/2024	Notice: Power of Attorney	Notice : Power of Attorney	3	Patent Owner	Public
✓	2	08/09/2024	Petition: as filed	Petition : as filed	94	Petitioner	Public
✓	1	08/09/2024	Notice: Power of Attorney	Notice : Power of Attorney	2	Petitioner	Public

Exhibits

All (65) 1000s (48) 2000s (15) 3000s (2)



✓	Exhibit # ↓	Filing date	Document name	Pages	Filing party	Availability
✓						
✓	3101	05/23/2025	Exhibit 3101	5	Board	Public
✓	3100	04/01/2025	Email, Subject: IPR2024-01284, IPR2024-01285, IPR2024-01313, and IPR2024-01314 Director Review Requests	1	Board	Public
✓	2016	12/20/2024	Stellar Response to Motorola Stipulation	2	Patent Owner	Public
✓	2015	12/20/2024	Motorola Stipulation Regarding Patents and Printed Publications	2	Patent Owner	Public
✓	2014	12/20/2024	File History of USP 5,982,418 (Ely)	167	Patent Owner	Public
✓	2013	12/20/2024	Motorola's WatchGuard Acquisition Press Release (MOTOROLA 015931)	1	Patent Owner	Public
✓	2012	12/20/2024	Excerpt of Sarhan Opening Report	14	Patent Owner	Public
✓	2011	12/20/2024	Judge Jordan's Preliminary Markman Ruling	15	Patent Owner	Public
✓	2010	12/20/2024	Motorola Subpoenas to Third Parties (combined)	12	Patent Owner	Public
✓	2009	12/20/2024	Stellar and Motorola Stipulated Protective Order (Dkt. 26)	30	Patent Owner	Public
✓	2008	12/20/2024	Court's Minute Entry for Markman Hearing (Dkt. 59)	2	Patent Owner	Public
✓	2007	12/20/2024	Stellar and Motorola Combined Markman Briefing (Dkt. 36, 37, 38)	89	Patent Owner	Public
✓	2006	12/20/2024	Order Resetting Schedule (Dkt. 106)	5	Patent Owner	Public
✓	2004	12/20/2024	Motorola's Preliminary Invalidity Contentions (Cover Pleading)	294	Patent Owner	Public
✓	2003	12/20/2024	Redacted Stellar's Motion to Amend Infringement Contentions (Dkt. 63)	12	Patent Owner	Public
✓	2002	12/20/2024	Executed Summons (Dkt. 6)	4	Patent Owner	Public
✓	2001	12/20/2024	Stellar Complaint for Patent Infringement (Dkt. 1)	31	Patent Owner	Public
✓	1058	03/04/2025	EX1058 - ORDER on Defendants' Opposed Motion for Staying IPRs Granted	4	Petitioner	Public
✓	1057	08/09/2024	EX1057 - Joint Claim Construction Chart	24	Petitioner	Public
✓	1056	08/09/2024	EX1056 - Plaintiff's Opening Claim Construction Brief	28	Petitioner	Public
✓	1055	08/09/2024	EX1055 - US7956735 (Jackson)	22	Petitioner	Public
✓	1054	08/09/2024	EX1054 - US7263073B2 (Petite)	23	Petitioner	Public
✓	1053	08/09/2024	EX1053 - US20070132773A1 (Plante)	18	Petitioner	Public
✓	1052	08/09/2024	EX1052 - Appendix to Decl of Nabil J. Sarhan Regarding 540 and 752 Patents	38	Petitioner	Public

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✓	Exhibit # ↓	Filing date	Document name	Pages	Filing party	Availability
✓	1051	08/09/2024	EX1051 - Declaration of Nabil J. Sarhan Regarding the '540 and '752 Patents	268	Petitioner	Public
✓	1050	08/09/2024	EX1050 - US 60669403 (Blum provisional)	77	Petitioner	Public
✓	1049	08/09/2024	EX1049 - US9124796 (Blum)	71	Petitioner	Public
✓	1048	08/09/2024	EX1048 - US10523901 (901 Patent)	13	Petitioner	Public
✓	1047	08/09/2024	EX1047 - Stellar Reply Claim Construction Brief	16	Petitioner	Public
✓	1046	08/09/2024	EX1046 - US6563532 (Strub)	60	Petitioner	Public
✓	1045	08/09/2024	EX1045 - WO1992022983A2 (Browne)	55	Petitioner	Public
✓	1044	08/09/2024	EX1044 - US5204909 (Cowan)	10	Petitioner	Public
✓	1043	08/09/2024	EX1043 - US6370198 (Washino)	29	Petitioner	Public
✓	1042	08/09/2024	EX1042 - Decl of Joshua Nightingale	3	Petitioner	Public
✓	1041	08/09/2024	EX1041 - Appendix to Declaration of Nabil J. Sarhan	588	Petitioner	Public
✓	1037	08/09/2024	EX1037 - US 6,804,638 (Fiedler)	21	Petitioner	Public
✓	1036	08/09/2024	EX1036 - US 2006092043 (Lagassey publication)	29	Petitioner	Public
✓	1035	08/09/2024	EX1035 - USP 7,348,895 (Lagassey patent)	29	Petitioner	Public
✓	1034	08/09/2024	EX1034 - USP 6,831,556 (Boykin)	9	Petitioner	Public
✓	1030	08/09/2024	EX1030 - US 60282162 (Fiore Provisional)	27	Petitioner	Public
✓	1029	08/09/2024	EX1029 - US 20040033058 (Reich)	11	Petitioner	Public
✓	1028	08/09/2024	EX1028 - US 2002005895 (Freeman)	17	Petitioner	Public
✓	1027	08/09/2024	EX1027 - Wiley Electrical Electronics Dictionary	4	Petitioner	Public
✓	1026	08/09/2024	EX1026 - Merriam-Webster Collegiate Dictionary	3	Petitioner	Public
✓	1025	08/09/2024	EX1025 - American Heritage Dictionary	3	Petitioner	Public
✓	1024	08/09/2024	EX1024 - Digital Mobile Witness Recording System	8	Petitioner	Public
✓	1023	08/09/2024	EX1023 - USP 6,163,338 (Johnson)	10	Petitioner	Public
✓	1020	08/09/2024	EX1020 - USP 5,982,418 (Ely)	14	Petitioner	Public
✓	1019	08/09/2024	EX1019 - US 2004008255 (Lewellen)	16	Petitioner	Public
✓	1018	08/09/2024	EX1018 - USP 8,310,540 ('540 patent)	10	Petitioner	Public
✓	1017	08/09/2024	EX1017 - USP 7,158,167 (Yerazunis)	25	Petitioner	Public
✓	1016	08/09/2024	EX1016 - USP 5,523,799 (Hattori)	14	Petitioner	Public
✓	1015	08/09/2024	EX1015 - EP 1,064,783 (Mann)	43	Petitioner	Public
✓	1014	08/09/2024	EX1014 - WO 2006044476 (Vanman)	45	Petitioner	Public
✓	1013	08/09/2024	EX1013 - File History of '034 Patent	347	Petitioner	Public
✓	1012	08/09/2024	EX1012 - File History of '752 Patent	166	Petitioner	Public
✓	1011	08/09/2024	EX1011 - File History of '540 Patent	200	Petitioner	Public
✓	1010	08/09/2024	EX1010 - USP 7,593,034 ('034 patent)	12	Petitioner	Public
✓	1009	08/09/2024	EX1009 - US 2002191952 (Fiore)	18	Petitioner	Public

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✓	Exhibit # ↓	Filing date	Document name	Pages	Filing party	Availability
✓	1008	08/09/2024	EX1008 - USP 6,167,186 (Kawasaki)	14	Petitioner	Public
✓	1007	08/09/2024	EX1007 - Special Report - The Patrol Video Project	22	Petitioner	Public
✓	1006	08/09/2024	EX1006 - Stellar's First Amended Infringement Contentions	5	Petitioner	Public
✓	1005	08/09/2024	EX1005 - USP 5,996,023 (Winter)	15	Petitioner	Public
✓	1004	08/09/2024	EX1004 - USP 8,928,752 ('752 patent)	10	Petitioner	Public
✓	1003	08/09/2024	EX1003 - Declaration of Nabil J Sarhan	403	Petitioner	Public

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> Counsel

> Payments

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Patent Trial and Appeal Case Tracking System (P-TACTS)

Case # [IPR2024-01313](#) INSTITUTION DENIEDPatent # [10523901](#)

Parties Motorola Solutions, Inc. et al. v. Stellar, LLC

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Papers

Next available paper # 18

All (17) Board (4) Petitioner (8) Patent Owner / Respondent (5)



✓	Paper #	Filing date	Paper type	Document name	Pages	Filing party	Availability
✓	17	05/23/2025	Director Review Decision Reversing Institution Decision	Order Granting Director Review, Vacating the Decision Granting Institution, and Denying Institution of Inter Partes Review	8	Board	Public
✓	16	04/08/2025	Other: other	Authorized Response to Director Review Request	8	Petitioner	Public
✓	15	04/01/2025	Other: other	Patent Owner's Objections to Petitioner's Pre-Institution Evidence Pursuant to 37 C.F.R. 42.64(b)(1)	6	Patent Owner	Public
✓	14	03/31/2025	Request for Director Review - Institution Decision	PATENT OWNER'S REQUEST FOR DIRECTOR REVIEW	16	Patent Owner	Public
✓	13	03/18/2025	Order: on Motion	SCHEDULING ORDER	14	Board	Public
✓	12	03/18/2025	Institution Decision: Grant	Institution Decision: Grant	45	Board	Public
✓	11	03/04/2025	Notice: Exhibit list	IPR2024-01313 Petitioner's Updated Exhibit List	8	Petitioner	Public
✓	10	01/23/2025	Notice: Updated Mandatory Notice	Motorola's Updated Mandatory Notices	3	Petitioner	Public
✓	9	01/23/2025	Motion: Other	Motorola's Motion to Withdraw Counsel	4	Petitioner	Public
✓	8	12/20/2024	POPR: filed	Patent Owner's Preliminary Response	55	Patent Owner	Public
✓	7	11/07/2024	Notice: Updated Mandatory Notice	Motorola's Updated Mandatory Notice	3	Petitioner	Public
✓	6	11/07/2024	Motion: Other	Motorola's Motion to Withdraw Counsel	4	Petitioner	Public
✓	5	09/20/2024	Notice: Notice filing date accorded	NOTICE OF FILING DATE ACCORDED TO PETITION	6	Board	Public

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✓	Paper # ↓	Filing date	Paper type	Document name	Pages	Filing party	Availability
✓	4	09/05/2024	Notice: Power of Attorney	Notice : Power of Attorney	3	Patent Owner	Public
✓	3	09/05/2024	Notice: Mandatory Notice	Notice : Mandatory Notice	5	Patent Owner	Public
✓	2	08/15/2024	Petition: as filed	Petition : as filed	100	Petitioner	Public
✓	1	08/15/2024	Notice: Power of Attorney	Notice : Power of Attorney	2	Petitioner	Public

Exhibits

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✓	3101	05/23/2025	Exhibit 3101	5	Board	Public
✓	3100	04/01/2025	Email, Subject: IPR2024-01284, IPR2024-01285, IPR2024-01313, and IPR2024-01314 Director Review Requests	1	Board	Public
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✓	2015	12/20/2024	Motorola Stipulation Regarding Patents and Printed Publications	2	Patent Owner	Public
✓	2014	12/20/2024	File History of USP 5,982,418 (Ely)	167	Patent Owner	Public
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✓	2010	12/20/2024	Motorola Subpoenas to Third Parties (combined)	12	Patent Owner	Public
✓	2009	12/20/2024	Stellar and Motorola Stipulated Protective Order (Dkt. 26)	30	Patent Owner	Public
✓	2008	12/20/2024	Court's Minute Entry for Markman Hearing (Dkt. 59)	2	Patent Owner	Public
✓	2007	12/20/2024	Stellar and Motorola Combined Markman Briefing (Dkt. 36, 37, 38)	89	Patent Owner	Public
✓	2006	12/20/2024	Order Resetting Schedule (Dkt. 106)	5	Patent Owner	Public
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✓	2003	12/20/2024	Redacted Stellar's Motion to Amend Infringement Contentions (Dkt. 63)	12	Patent Owner	Public
✓	2002	12/20/2024	Executed Summons (Dkt. 6)	4	Patent Owner	Public
✓	2001	12/20/2024	Stellar Complaint for Patent Infringement (Dkt. 1)	31	Patent Owner	Public
✓	1066	03/04/2025	EX1066 - ORDER on Defendants' Opposed Motion for Staying IPRs Granted	4	Petitioner	Public
✓	1065	08/15/2024	EX1065 - Comparing Claims 1 - 20 of 910 Patent	2	Petitioner	Public
✓	1064	08/15/2024	EX1064 - US6351798 (Aono)	15	Petitioner	Public
✓	1063	08/15/2024	EX1063 - Appx to Decl of Nabil J Sarhan Regarding 901 and 910 Patents	458	Petitioner	Public
✓	1062	08/15/2024	EX1062 - Decl of Nabil J Sarhan Regarding 901 and 910 Patents	338	Petitioner	Public
✓	1061	08/15/2024	EX1061 - File History of '910 Patent	450	Petitioner	Public

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✓	Exhibit # ↓	Filing date	Document name	Pages	Filing party	Availability
✓	1060	08/15/2024	EX1060 - US10965910 (910 Patent)	13	Petitioner	Public
✓	1059	08/15/2024	EX1059 - US4516157 (Campbell)	8	Petitioner	Public
✓	1058	08/15/2024	EX1058 - File History of '901 Patent	640	Petitioner	Public
✓	1057	08/15/2024	EX1057 - Joint Claim Construction Chart	24	Petitioner	Public
✓	1056	08/15/2024	EX1056 - Plaintiff's Opening Claim Construction Brief	28	Petitioner	Public
✓	1052	08/15/2024	EX1052 - Appx to Decl of Nabil J Sarhan Regarding 540 and 752 Patents	38	Petitioner	Public
✓	1051	08/15/2024	EX1051 - Declaration of Nabil J. Sarhan Regarding the '540 and '752 Patents	268	Petitioner	Public
✓	1050	08/15/2024	EX1050 - US 60669403 (Blum provisional)	77	Petitioner	Public
✓	1049	08/15/2024	EX1049 - US9124796 (Blum)	71	Petitioner	Public
✓	1048	08/15/2024	EX1048 - US10523901 (901 Patent)	13	Petitioner	Public
✓	1046	08/15/2024	EX1046 - US6563532 (Strub)	60	Petitioner	Public
✓	1042	08/15/2024	EX1042 - Decl of Joshua Nightingale	3	Petitioner	Public
✓	1041	08/15/2024	EX1041 - Appendix to Declaration of Nabil J. Sarhan	588	Petitioner	Public
✓	1034	08/15/2024	EX1034 - USP 6,831,556 (Boykin)	9	Petitioner	Public
✓	1030	08/15/2024	EX1030 - US 60282162 (Fiore Provisional)	27	Petitioner	Public
✓	1029	08/15/2024	EX1029 - US 20040033058 (Reich)	11	Petitioner	Public
✓	1028	08/15/2024	EX1028 - US 2002005895 (Freeman)	17	Petitioner	Public
✓	1027	08/15/2024	EX1027 - Wiley Electrical Electronics Dictionary	4	Petitioner	Public
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✓	1025	08/15/2024	EX1025 - American Heritage Dictionary	3	Petitioner	Public
✓	1024	08/15/2024	EX1024 - Digital Mobile Witness Recording System	8	Petitioner	Public
✓	1023	08/15/2024	EX1023 - USP 6,163,338 (Johnson)	10	Petitioner	Public
✓	1020	08/15/2024	EX1020 - USP 5,982,418 (Ely)	14	Petitioner	Public
✓	1019	08/15/2024	EX1019 - US 2004008255 (Lewellen)	16	Petitioner	Public
✓	1017	08/15/2024	EX1017 - USP 7,158,167 (Yerazunis)	25	Petitioner	Public
✓	1016	08/15/2024	EX1016 - USP 5,523,799 (Hattori)	14	Petitioner	Public
✓	1015	08/15/2024	EX1015 - EP 1,064,783 (Mann)	43	Petitioner	Public
✓	1014	08/15/2024	EX1014 - WO 2006044476 (Vanman)	45	Petitioner	Public
✓	1013	08/15/2024	EX1013 - File History of '034 Patent	347	Petitioner	Public
✓	1012	08/15/2024	EX1012 - File History of '752 Patent	166	Petitioner	Public
✓	1011	08/15/2024	EX1011 - File History of '540 Patent	200	Petitioner	Public
✓	1010	08/15/2024	EX1010 - USP 7,593,034 ('034 patent)	12	Petitioner	Public
✓	1009	08/15/2024	EX1009 - US 2002191952 (Fiore)	18	Petitioner	Public
✓	1008	08/15/2024	EX1008 - USP 6,167,186 (Kawasaki)	14	Petitioner	Public
✓	1007	08/15/2024	EX1007 - Special Report - The Patrol Video Project	22	Petitioner	Public

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✓	1006	08/15/2024	EX1006 - Stellar's First Amended Infringement Contentions	5	Petitioner	Public
✓	1005	08/15/2024	EX1005 - USP 5,996,023 (Winter)	15	Petitioner	Public
✓	1004	08/15/2024	EX1004 - USP 8,928,752 ('752 patent)	10	Petitioner	Public
✓	1003	08/15/2024	EX1003 - Declaration of Nabil J Sarhan	403	Petitioner	Public

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Patent Trial and Appeal Case Tracking System (P-TACTS)

Case # [IPR2024-01314](#) INSTITUTION DENIEDPatent # [10965910](#)

Parties Motorola Solutions, Inc. et al. v. Stellar, LLC

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Claims

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Papers

Next available paper # 18

All (17) Board (4) Petitioner (8) Patent Owner / Respondent (5)



✓	Paper #	Filing date	Paper type	Document name	Pages	Filing party	Availability
✓	17	05/23/2025	Director Review Decision Reversing Institution Decision	Order Granting Director Review, Vacating the Decision Granting Institution, and Denying Institution of Inter Partes Review	8	Board	Public
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✓	12	03/18/2025	Institution Decision: Grant	Institution Decision: Grant	39	Board	Public
✓	11	03/04/2025	Notice: Exhibit list	IPR2024-01314 Petitioner's Updated Exhibit List	8	Petitioner	Public
✓	10	01/23/2025	Notice: Updated Mandatory Notice	Motorola's Updated Mandatory Notices	3	Petitioner	Public
✓	9	01/23/2025	Motion: Other	Motorola's Motion to Withdraw Counsel	4	Petitioner	Public
✓	8	12/20/2024	POPR: filed	Patent Owner's Preliminary Response	54	Patent Owner	Public
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✓	6	11/07/2024	Motion: Other	Motorola's Motion to Withdraw Counsel	4	Petitioner	Public
✓	5	09/20/2024	Notice: Notice filing date accorded	NOTICE OF FILING DATE ACCORDED TO PETITION	6	Board	Public

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✓	Paper # ↓	Filing date	Paper type	Document name	Pages	Filing party	Availability
✓	4	09/05/2024	Notice: Power of Attorney	Notice : Power of Attorney	3	Patent Owner	Public
✓	3	09/05/2024	Notice: Mandatory Notice	Notice : Mandatory Notice	5	Patent Owner	Public
✓	2	08/15/2024	Petition: as filed	Petition : as filed	98	Petitioner	Public
✓	1	08/15/2024	Notice: Power of Attorney	Notice : Power of Attorney	2	Petitioner	Public

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✓	3100	04/01/2025	Email, Subject: IPR2024-01284, IPR2024-01285, IPR2024-01313, and IPR2024-01314 Director Review Requests	1	Board	Public
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✓	2013	12/20/2024	Motorola's WatchGuard Acquisition Press Release (MOTOROLA 015931)	1	Patent Owner	Public
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✓	1065	08/15/2024	EX1065 - Comparing Claims 1 - 20 of 910 Patent	2	Petitioner	Public
✓	1064	08/15/2024	EX1064 - US6351798 (Aono)	15	Petitioner	Public
✓	1063	08/15/2024	EX1063 - Appx to Decl of Nabil J Sarhan Regarding 901 and 910 Patents	458	Petitioner	Public
✓	1062	08/15/2024	EX1062 - Decl of Nabil J Sarhan Regarding 901 and 910 Patents	338	Petitioner	Public
✓	1061	08/15/2024	EX1061 - File History of '910 Patent	450	Petitioner	Public

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✓	Exhibit # ↓	Filing date	Document name	Pages	Filing party	Availability
✓	1060	08/15/2024	EX1060 - US10965910 (910 Patent)	13	Petitioner	Public
✓	1059	08/15/2024	EX1059 - US4516157 (Campbell)	8	Petitioner	Public
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✓	1051	08/15/2024	EX1051 - Declaration of Nabil J. Sarhan Regarding the '540 and '752 Patents	268	Petitioner	Public
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✓	1041	08/15/2024	EX1041 - Appendix to Declaration of Nabil J. Sarhan	588	Petitioner	Public
✓	1034	08/15/2024	EX1034 - USP 6,831,556 (Boykin)	9	Petitioner	Public
✓	1030	08/15/2024	EX1030 - US 60282162 (Fiore Provisional)	27	Petitioner	Public
✓	1029	08/15/2024	EX1029 - US 20040033058 (Reich)	11	Petitioner	Public
✓	1028	08/15/2024	EX1028 - US 2002005895 (Freeman)	17	Petitioner	Public
✓	1027	08/15/2024	EX1027 - Wiley Electrical Electronics Dictionary	4	Petitioner	Public
✓	1026	08/15/2024	EX1026 - Merriam-Webster Collegiate Dictionary	3	Petitioner	Public
✓	1025	08/15/2024	EX1025 - American Heritage Dictionary	3	Petitioner	Public
✓	1024	08/15/2024	EX1024 - Digital Mobile Witness Recording System	8	Petitioner	Public
✓	1023	08/15/2024	EX1023 - USP 6,163,338 (Johnson)	10	Petitioner	Public
✓	1020	08/15/2024	EX1020 - USP 5,982,418 (Ely)	14	Petitioner	Public
✓	1019	08/15/2024	EX1019 - US 2004008255 (Lewellen)	16	Petitioner	Public
✓	1017	08/15/2024	EX1017 - USP 7,158,167 (Yerazunis)	25	Petitioner	Public
✓	1016	08/15/2024	EX1016 - USP 5,523,799 (Hattori)	14	Petitioner	Public
✓	1015	08/15/2024	EX1015 - EP 1,064,783 (Mann)	43	Petitioner	Public
✓	1014	08/15/2024	EX1014 - WO 2006044476 (Vanman)	45	Petitioner	Public
✓	1013	08/15/2024	EX1013 - File History of '034 Patent	347	Petitioner	Public
✓	1012	08/15/2024	EX1012 - File History of '752 Patent	166	Petitioner	Public
✓	1011	08/15/2024	EX1011 - File History of '540 Patent	200	Petitioner	Public
✓	1010	08/15/2024	EX1010 - USP 7,593,034 ('034 patent)	12	Petitioner	Public
✓	1009	08/15/2024	EX1009 - US 2002191952 (Fiore)	18	Petitioner	Public
✓	1008	08/15/2024	EX1008 - USP 6,167,186 (Kawasaki)	14	Petitioner	Public
✓	1007	08/15/2024	EX1007 - Special Report - The Patrol Video Project	22	Petitioner	Public

https://pacts.uspto.gov/pacts/ui/case-viewer/16724829/IPR2024-01314/aia-review-info

3/4

6/19/25, 11:36 AMIPR2024-01314 - Case Viewer

✓	Exhibit # ↓	Filing date	Document name	Pages	Filing party	Availability
✓	1006	08/15/2024	EX1006 - Stellar's First Amended Infringement Contentions	5	Petitioner	Public
✓	1005	08/15/2024	EX1005 - USP 5,996,023 (Winter)	15	Petitioner	Public
✓	1004	08/15/2024	EX1004 - USP 8,928,752 ('752 patent)	10	Petitioner	Public
✓	1003	08/15/2024	EX1003 - Declaration of Nabil J Sarhan	403	Petitioner	Public

> Real party

> Counsel

> Payments

**THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

STELLAR, LLC,

Plaintiff,

v.

MOTOROLA SOLUTIONS, INC., and
WATCHGUARD VIDEO, INC.,

Defendants.

Civil Action No. 4:23-cv-750-SDJ

MOTOROLA SOLUTIONS, INC., and
WATCHGUARD VIDEO, INC.,

Counterclaim Plaintiffs,

v.

STELLAR, LLC,

Counterclaim Defendant.

MOTOROLA'S NOTICE OF *INTER PARTES* REVIEW FILINGS

Motorola respectfully submits this notice regarding the filing of *Inter Partes* Review (“IPR”) petitions at the Patent Trial & Appeal Board (“PTAB”) challenging all eight of Stellar’s asserted patents in this case. The IPR petitions challenge each and every claim of all eight asserted patents—thus including every patent claim asserted by Stellar against Motorola in this litigation:

- (1) IPR2024-01205 (challenging every claim of U.S. Patent No. 7,593,034);
- (2) IPR2024-01206 (challenging every claim of U.S. Patent No. 9,485,471);
- (3) IPR2024-01207 (challenging every claim of U.S. Patent No. 8,692,882);
- (4) IPR2024-01208 (challenging every claim of U.S. Patent No. 9,912,914);
- (5) IPR2024-01284 (challenging every claim of U.S. Patent No. 8,310,540);
- (6) IPR2024-01285 (challenging every claim of U.S. Patent No. 8,928,752);
- (7) IPR2024-01313 (challenging every claim of U.S. Patent No. 10,523,901); and
- (8) IPR2024-01314 (challenging every claim of U.S. Patent No. 10,965,910).

Consequently, these IPR proceedings at the PTAB have the potential to invalidate every patent claim asserted against Motorola in this case (as well as every patent claim that could conceivably be asserted against Motorola in this case).

On August 16, 2024, the PTAB issued notices of filing dates accorded for the first four IPR proceedings, attached as Exhibits 1-4. On September 20, 2024, the PTAB issued notices of filing dates accorded for the remaining four IPR proceedings, attached as Exhibits 5-8. Accordingly, the Board will begin to issue decisions to institute the IPR proceedings in February 2025.

In light of the Eastern District of Texas’s practice and precedent—including this Court’s prior ruling in *AR Design Innovations LLC v. Ashley Furniture Indus., Inc.*, No. 4:20-CV-392,

NAI-1541188859v1

Case 4:23-cv-00750-SDJ Document 73 Filed 09/27/24 Page 3 of 5 PageID #: 2251

2021 WL 6496714 (E.D. Tex. Jan. 11, 2021) (denying a motion to stay a patent case as premature prior to the PTAB instituting review)—Motorola hereby notifies the Court and Stellar of its intention to file a motion to stay this case upon the PTAB instituting IPR proceedings.

Dated: September 27, 2004

Respectfully submitted,

By: /s/ Christopher A. Buxton

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NAI-1541188859v1

Case 4:23-cv-00750-SDJ Document 73 Filed 09/27/24 Page 4 of 5 PageID #: 2252

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WatchGuard Video, Inc.*

NAI-1541188859v1

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CERTIFICATE OF SERVICE

I hereby certify that on September 27, 2024, a copy of the foregoing document and any attachments thereto was filed electronically with the Clerk of Court via CM/ECF system, which sent notification to all counsel of record.

/s/ Christopher A. Buxton

Christopher A. Buxton

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

STELLAR, LLC	§	
	§	
v.	§	CIVIL NO. 4:23-CV-750-SDJ
	§	
MOTOROLA SOLUTIONS, INC, ET	§	
AL.	§	

ORDER

Before the Court is Defendants’ Opposed Motion for Stay Pending *Inter Partes* Reviews. (Dkt. #151). Plaintiff Stellar, LLC filed its response on February 21, 2025. (Dkt. #155).

Stellar asserts eight patents in this case. (Dkt. #151 at 9). At this time, the Patent Trial and Appeal Board (“PTAB”) has instituted IPRs on four of those patents, which cover ten out of fourteen asserted claims in this case. (Dkt. #151 at 10). The PTAB will decide whether to institute IPRs on the remaining four patents (and therefore the remaining claims) by March 20, 2025. (Dkt. #155 at 5).

Because the Court’s stay analysis depends in part on whether some or all asserted claims are subject to IPR proceedings,¹ the Court believes a temporary stay pending the PTAB’s remaining institution decisions is appropriate.

It is therefore **ORDERED** that all deadlines and hearings scheduled in this matter are **STAYED** pending further order of the Court.

¹ See, e.g., *NFC Tech. LLC v. HTC Am., Inc.*, No. 13-CV-1058, 2015 WL 1069111, at *2 (E.D. Tex. Mar. 11, 2015).

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It is further **ORDERED** that, within one week of the PTAB's IPR decision, the parties will each submit an advisory to the Court, not to exceed five pages, stating their updated positions on whether a stay is warranted in this case. The Court will rule on the current Motion for Stay Pending *Inter Partes* Reviews, (Dkt. #151), only after considering the PTAB's additional institution decisions and the parties' advisories.

So ORDERED and SIGNED this 24th day of February, 2025.


SEAN D. JORDAN
UNITED STATES DISTRICT JUDGE

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**U.S. District Court
Eastern District of TEXAS [LIVE] (Sherman)
CIVIL DOCKET FOR CASE #: 4:23-cv-00750-SDJ**

STELLAR, LLC v. Motorola Solutions, Inc. et al
Assigned to: District Judge Sean D. Jordan
Cause: 35:271 Patent Infringement

Date Filed: 08/21/2023
Jury Demand: Both
Nature of Suit: 830 Patent
Jurisdiction: Federal Question

Mediator

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Technical Advisor

Darryl Adams

Plaintiff

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V.

Counter Defendant

STELLAR, LLC

represented by **James M Lennon**
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*ATTORNEY TO BE NOTICED***Robert Dean Kiddie, Jr**

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*ATTORNEY TO BE NOTICED***Timothy Devlin**

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ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
08/21/2023	1	COMPLAINT <i>for Patent Infringement</i> against Motorola Solutions, Inc., Watchguard Video, Inc. (Filing fee \$ 402 receipt number ATXEDC-9661386.), filed by STELLAR, LLC. (Attachments: # 1 Exhibit A-1, # 2 Exhibit A-2, # 3 Exhibit B-1, # 4 Exhibit B-2, # 5 Exhibit C-1, # 6 Exhibit C-2, # 7 Exhibit D-1, # 8 Exhibit D-2, # 9 Exhibit E-1, # 10 Exhibit E-2, # 11 Exhibit F-1, # 12 Exhibit F-2, # 13 Exhibit G-1, # 14 Exhibit G-2, # 15 Exhibit H-1, # 16 Exhibit H-2, # 17 Civil Cover Sheet)(Devlin, Timothy) (Entered: 08/21/2023)
08/21/2023	2	Notice of Filing of Patent/Trademark Form (AO 120). AO 120 mailed to the Director of the U.S. Patent and Trademark Office. (Devlin, Timothy) (Entered: 08/21/2023)
08/21/2023	3	Fed. R. Civ. P. 7.1(a)(1) Disclosure Statement filed by STELLAR, LLC (Devlin, Timothy) (Entered: 08/21/2023)
08/21/2023		Case Assigned to District Judge Sean D. Jordan. (xl,) (Entered: 08/21/2023)
08/21/2023		In accordance with the provisions of 28 USC Section 636(c), you are hereby notified that a U.S. Magistrate Judge of this district court is available to conduct any or all proceedings in this case including a jury or non-jury trial and to order the entry of a final judgment. The form Consent to Proceed Before Magistrate Judge is available on our website. All signed consent forms, excluding pro se parties, should be filed electronically using the event <i>Notice Regarding Consent to Proceed Before Magistrate Judge</i> . (xl,) (Entered: 08/21/2023)
08/21/2023	4	SUMMONS Issued as to Watchguard Video, Inc. (xl,) (Entered: 08/21/2023)
08/21/2023	5	SUMMONS Issued as to Motorola Solutions, Inc. (xl,) (Entered: 08/21/2023)
08/23/2023	6	SUMMONS Returned Executed by STELLAR, LLC. Motorola Solutions, Inc. served on 8/22/2023, answer due 9/12/2023; Watchguard Video, Inc. served on 8/22/2023, answer due 9/12/2023. (Lennon, James) (Entered: 08/23/2023)
09/05/2023	7	Defendant's Unopposed Application for Extension of Time to Answer Complaint re Motorola Solutions, Inc..(Galvan, Hilda) (Main Document 7 replaced on 9/5/2023) (jmb,). (Entered: 09/05/2023)
09/05/2023		Defendant's Unopposed First Application for Extension of Time to Answer Complaint is granted pursuant to Local Rule CV-12 for Watchguard Video, Inc. to 10/24/2023; Motorola Solutions, Inc. to 10/24/2023. 45 Days Granted for Deadline Extension. (jmb) (Entered: 09/05/2023)
09/28/2023	8	NOTICE of Attorney Appearance by John A Marlott on behalf of All Defendants (Marlott, John) (Entered: 09/28/2023)

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10/09/2023	<u>9</u>	NOTICE of Attorney Appearance by Kristina N Hendricks on behalf of All Defendants (Hendricks, Kristina) (Entered: 10/09/2023)
10/09/2023	<u>10</u>	NOTICE of Attorney Appearance by Christopher Alan Buxton on behalf of All Defendants (Buxton, Christopher) (Entered: 10/09/2023)
10/24/2023	<u>11</u>	ANSWER to <u>1</u> Complaint,, <i>Affirmative Defenses</i> , COUNTERCLAIM against STELLAR, LLC by Watchguard Video, Inc., Motorola Solutions, Inc..(Buxton, Christopher) (Entered: 10/24/2023)
10/24/2023	<u>12</u>	Fed. R. Civ. P. 7.1(a)(1) Disclosure Statement filed by Motorola Solutions, Inc., Watchguard Video, Inc. (Buxton, Christopher) (Entered: 10/24/2023)
10/30/2023	<u>13</u>	ORDER GOVERNING PROCEEDINGS: Rule 26 Meeting Report due by 12/13/2023. Rule 26 Conference set for 12/29/2023 at 10:00 AM in Ctrm 105 (Plano) before District Judge Sean D. Jordan. Signed by District Judge Sean D. Jordan on 10/30/2023. (dlw,) Modified on 12/7/2023 (ldm,). (Entered: 10/30/2023)
11/13/2023	<u>14</u>	UNOPPOSED MOTION for Extension of Time to File <i>Answer to Counterclaims</i> by STELLAR, LLC. (Attachments: # <u>1</u> Proposed Order)(Kiddie, Robert) (Entered: 11/13/2023)
11/14/2023	<u>15</u>	ORDER granting <u>14</u> Plaintiff's Unopposed Motion for Extension of Time for Plaintiff to Answer to Counterclaims. It is further ORDERED that the deadline for Plaintiff to file its answer to Defendants' Counterclaims shall be extended to December 5, 2023 . Signed by District Judge Sean D. Jordan on 11/14/2023. (jmb,) (Entered: 11/14/2023)
12/05/2023	<u>16</u>	ANSWER to <u>11</u> Answer to Complaint, Counterclaim by STELLAR, LLC.(Lennon, James) (Entered: 12/05/2023)
12/07/2023	<u>17</u>	***ORDER WITHDRAWN - SEE <u>18</u> ***ORDER - Rule 26 Meeting Report due by 12/15/2023. It is further ORDERED that the Rule 16 management conference set for December 29, 2023, is cancelled. Rule 16 Management Conference is reset for 1/24/2024 at 04:00 PM in Ctrm 105 (Plano) before District Judge Sean D. Jordan). Signed by District Judge Sean D. Jordan on 12/07/2023. (dlw) Modified on 12/11/2023 (ldm). (Entered: 12/07/2023)
12/11/2023	<u>18</u>	ORDER Withdrawing December 7 Order and nullifying the deadline and conference date set forth in the Order. The deadlines and conference date set forth in the Courts Order Governing Proceedings, (Dkt. #13), are reinstated. Accordingly, the parties joint Rule 26(f) report is due by December 13, 2023, and the Rule 16 management conference is set for Friday, December 29, 2023, at 10:00 a.m. in Ctrm 105 (Plano) before District Judge Sean D. Jordan). Signed by District Judge Sean D. Jordan on 12/11/2023. (dlw,) (Entered: 12/11/2023)
12/13/2023	<u>19</u>	JOINT REPORT of Rule 26(f) Planning Meeting. (Kiddie, Robert) (Entered: 12/13/2023)
12/28/2023		NOTICE: The Rule 16 management conference set for 12/29/2023 is cancelled. The Court will issue a scheduling order. (bss,) (Entered: 12/28/2023)
12/28/2023	<u>20</u>	<i>First Amended</i> ANSWER to <u>11</u> Answer to Complaint, Counterclaim by STELLAR, LLC. (Kiddie, Robert) (Entered: 12/28/2023)
01/12/2024	<u>21</u>	SCHEDULING ORDER: Claim Construction Hearing SET for 6/20/2024 at 10:00 AM in Ctrm 105 (Plano) before District Judge Sean D. Jordan. Final Pretrial Conference SET for 2/28/2025 at 01:30 PM in Ctrm 105 (Plano) before District Judge Sean D. Jordan. Joinder of Parties due by 2/2/2024. Designation of Mediator due by 8/1/2024. Mediation Completion due by 9/12/2024. Discovery due by 9/26/2024. Motions due by 10/10/2024. Proposed Pretrial Order due by 1/29/2025. Jury Instructions due by 2/14/2025. Proposed

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		Findings of Fact due by 2/14/2025. Signed by District Judge Sean D. Jordan on 1/12/2024. (jmb,) (Entered: 01/12/2024)
01/12/2024	22	ORDER REFERRING CASE TO MEDIATION. The Court selects as mediator, Hon. Jeff Kaplan (Ret.). The mediator's address and telephone number are: 8401 N. Central Expressway, Suite 610, Dallas, TX 75225; (214) 744-5267. The mediation conference shall be conducted by the following date: September 12, 2024 . Signed by District Judge Sean D. Jordan on 1/12/2024. (jmb,) (Entered: 01/12/2024)
01/16/2024	23	NOTICE of Service Regarding P.R. 3-1 and 3-2 Disclosure of Asserted Claims and Preliminary Infringement Contentions by STELLAR, LLC (Kiddie, Robert) (Entered: 01/16/2024)
01/23/2024	24	JOINT MOTION for Protective Order by Motorola Solutions, Inc., Watchguard Video, Inc.. (Attachments: # 1 Proposed Order Proposed Protective Order)(Buxton, Christopher) (Entered: 01/23/2024)
01/24/2024	25	ORDER granting in part 24 Joint Motion for Protective Order. The Court will issue the protective order by separate order. Signed by District Judge Sean D. Jordan on 1/24/2024. (dlw,) (Entered: 01/24/2024)
01/24/2024	26	PROTECTIVE ORDER. Signed by District Judge Sean D. Jordan on 1/24/2024. (dlw,) (Entered: 01/24/2024)
02/05/2024	27	NOTICE OF COMPLIANCE by Motorola Solutions, Inc., Watchguard Video, Inc. of Service of Initial and Mandatory Disclosures (Buxton, Christopher) (Entered: 02/05/2024)
02/08/2024	28	UNOPPOSED MOTION to Amend/Correct for Leave to Amend its Infringement Contentions and Modify the Case Schedule by STELLAR, LLC. (Attachments: # 1 Proposed Order)(Kiddie, Robert) (Entered: 02/08/2024)
02/12/2024	29	ORDER granting 28 Motion for Leave to Amend its Infringement Contentions and Modify the Case Schedule. Signed by District Judge Sean D. Jordan on 2/12/2024. (rpc,) (Entered: 02/12/2024)
02/16/2024	30	JOINT NOTICE of No Disputed Privileged Materials by Motorola Solutions, Inc., Watchguard Video, Inc. (Buxton, Christopher) (Entered: 02/16/2024)
03/11/2024	31	NOTICE of Attorney Appearance - Pro Hac Vice by Maeve Dineen on behalf of Motorola Solutions, Inc., Watchguard Video, Inc.. Filing fee \$ 100, receipt number ATXEDC-10023493. (Dineen, Maeve) (Entered: 03/11/2024)
03/26/2024	32	JOINT MOTION for Extension of Time to File and Serve P.R. 4-3 Disclosures by Motorola Solutions, Inc., Watchguard Video, Inc.. (Attachments: # 1 Proposed Order) (Buxton, Christopher) (Entered: 03/26/2024)
03/27/2024	33	ORDER granting 32 Motion for Extension of Time to File. The deadline for the parties to file and serve the P.R. 4-3 disclosures is extended to April 16, 2024. Signed by District Judge Sean D. Jordan on 3/27/2024. (DLW) (Entered: 03/27/2024)
04/16/2024	34	Claim Construction and Prehearing Statement by STELLAR, LLC. (Kiddie, Robert) (Entered: 04/16/2024)
04/19/2024	35	ORDER: The Court hereby appoints Darryl Adams to serve as the Technical Advisor for the Court in this case. Signed by District Judge Sean D. Jordan on 4/19/2024. (ldm) (Entered: 04/19/2024)
05/17/2024	36	CLAIM CONSTRUCTION BRIEF filed by STELLAR, LLC. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2)(Kiddie, Robert) (Entered: 05/17/2024)

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05/31/2024	37	RESPONSIVE CLAIM CONSTRUCTION BRIEF filed by Motorola Solutions, Inc., Watchguard Video, Inc.. (Attachments: # 1 Exhibit 1 - Declaration of Kevin C. Almeroth Regarding Claim Construction, # 2 Exhibit 2 - Exhibit A to Almeroth Declaration, # 3 Exhibit 3 - MOTOROLA_014777, # 4 Exhibit 4 - MOTOROLA_014781, # 5 Exhibit 5 - MOTOROLA_014784, # 6 Exhibit 6 - MOTOROLA_014787)(Buxton, Christopher) (Entered: 05/31/2024)
06/07/2024	38	REPLY to 37 Claim Construction Brief, <i>filed by STELLAR, LLC.</i> (Kiddie, Robert) (Entered: 06/07/2024)
06/10/2024	39	Joint Claim Construction Chart by STELLAR, LLC. (Kiddie, Robert) (Entered: 06/10/2024)
06/12/2024	40	ORDER RESETTING HEARING. The Claim Construction hearing in this case is reset for August 28, 2024, at 10:00 a.m. at the U.S. Courthouse, 7940 Preston Road, Plano, Texas 75024 before District Judge Sean D. Jordan. Signed by District Judge Sean D. Jordan on 6/12/2024. (dlw) (Entered: 06/12/2024)
06/14/2024	41	NOTICE of Attorney Appearance by Charles Austin Ginnings on behalf of STELLAR, LLC (Ginnings, Charles) (Entered: 06/14/2024)
06/14/2024	42	NOTICE of Attorney Appearance by Timothy E Grochocinski on behalf of STELLAR, LLC (Grochocinski, Timothy) (Entered: 06/14/2024)
06/26/2024	43	JOINT MOTION to Amend/Correct 21 Scheduling Order/Docket Control Order,, by Motorola Solutions, Inc., Watchguard Video, Inc.. (Attachments: # 1 Proposed Order) (Buxton, Christopher) (Entered: 06/26/2024)
07/01/2024	44	ORDER granting 43 Motion to Amend/Correct. The Court will issue an amended scheduling order. Signed by District Judge Sean D. Jordan on 7/1/2024. (dlw) (Entered: 07/01/2024)
07/01/2024	45	AMENDED SCHEDULING ORDER: Final Pretrial Conference set for 2/28/2025 at 01:30 PM in Ctrm 105 (Plano) before District Judge Sean D. Jordan. Discovery due by 12/6/2024. Mediation Completion due by 11/13/2024. Designation of Mediator due by 8/1/2024. Markman Hearing set for 8/28/2024 at 10:00 AM in Ctrm 105 (Plano) before District Judge Sean D. Jordan. Dispositive Motions due by 12/13/2024. Proposed Pretrial Order due by 1/29/2025. Signed by District Judge Sean D. Jordan on 7/1/2024. (dlw) (Entered: 07/01/2024)
08/01/2024	46	JOINT NOTICE <i>Regarding Mediation</i> by STELLAR, LLC (Kiddie, Robert) (Entered: 08/01/2024)
08/07/2024	47	OPPOSED MOTION REQUESTING A TRIAL SETTING by STELLAR, LLC. (Attachments: # 1 Proposed Order)(Lennon, James) (Entered: 08/07/2024)
08/07/2024	48	RESPONSE in Opposition re 47 OPPOSED MOTION REQUESTING A TRIAL SETTING <i>filed by Motorola Solutions, Inc., Watchguard Video, Inc..</i> (Attachments: # 1 Proposed Order)(Buxton, Christopher) (Entered: 08/07/2024)
08/09/2024	49	ORDER granting 47 OPPOSED MOTION REQUESTING A TRIAL SETTING filed by STELLAR, LLC. Jury Trial set for 3/10/2025 at 10:00 AM in Ctrm 105 (Plano) before District Judge Sean D. Jordan. Signed by District Judge Sean D. Jordan on 8/9/2024. (dlw) (Entered: 08/09/2024)
08/09/2024	50	SECOND AMENDED SCHEDULING ORDER: Final Pretrial Conference set for 2/28/2025 at 01:30 PM in Ctrm 105 (Plano) before District Judge Sean D. Jordan. Discovery due by 12/6/2024. Mediation Completion due by 11/13/2024. Markman Hearing set for 8/28/2024 at 10:00 AM in Ctrm 105 (Plano) before District Judge Sean D.

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		Jordan. Motions due by 12/13/2024. Proposed Pretrial Order due by 1/29/2025. Signed by District Judge Sean D. Jordan on 8/9/2024. (dlw) (Entered: 08/09/2024)
08/22/2024	51	SEALED MOTION <i>FOR LEAVE TO AMEND ITS INFRINGEMENT CONTENTIONS</i> by STELLAR, LLC. (Attachments: # 1 Declaration of Robert Kiddie, # 2 Exhibit 1, # 3 Exhibit 2, # 4 Exhibit 3, # 5 Exhibit 4, # 6 Exhibit 5, # 7 Exhibit 6, # 8 Exhibit 7, # 9 Exhibit 8, # 10 Exhibit 9)(Kiddie, Robert) (Additional attachment(s) added on 8/22/2024: # 11 Proposed Order) (dlw). Modified on 8/26/2024 to terminate. See Dkt. 54 (jmb). (Entered: 08/22/2024)
08/22/2024	52	MOTION to Seal Document 51 SEALED MOTION <i>FOR LEAVE TO AMEND ITS INFRINGEMENT CONTENTIONS</i> by STELLAR, LLC. (Attachments: # 1 Proposed Order)(Kiddie, Robert) Modified on 8/26/2024 to terminate. See Dkt. 55 (jmb). (Entered: 08/22/2024)
08/22/2024	53	*** PROPOSED ORDER FILED AS A STAND ALONE DOCUMENT *** Additional Attachments to Main Document: 51 SEALED MOTION <i>FOR LEAVE TO AMEND ITS INFRINGEMENT CONTENTIONS</i> . <i>Proposed Order granting Sealed Motion for Leave to Amend</i> . (Kiddie, Robert) Modified on 8/22/2024 (dlw). (Entered: 08/22/2024)
08/23/2024	54	CORRECTED SEALED MOTION <i>FOR LEAVE TO AMEND ITS INFRINGEMENT CONTENTIONS</i> by STELLAR, LLC. (Attachments: # 1 Declaration of Robert Kiddie, # 2 Exhibit 1, # 3 Exhibit 2, # 4 Exhibit 3, # 5 Exhibit 4, # 6 Exhibit 5, # 7 Exhibit 6, # 8 Exhibit 7, # 9 Exhibit 8, # 10 Exhibit 9, # 11 Exhibit 10, # 12 Proposed Order)(Kiddie, Robert) Modified on 8/26/2024 (jmb). (Entered: 08/23/2024)
08/23/2024	55	CORRECTED MOTION to Seal Document 54 SEALED MOTION <i>FOR LEAVE TO AMEND ITS INFRINGEMENT CONTENTIONS</i> by STELLAR, LLC. (Attachments: # 1 Proposed Order)(Kiddie, Robert) Modified on 8/26/2024 (jmb). (Entered: 08/23/2024)
08/23/2024	56	ORDER: Before the Court is Stellar, LLC's Corrected Opposed Motion for Leave to Amend its Infringement Contentions Under P.R. 3-6 54 . Defendants are ORDERED to respond no later than August 26, 2024. Signed by District Judge Sean D. Jordan on 8/23/2024. (ldm) (Entered: 08/23/2024)
08/26/2024	57	ORDER granting 55 Motion to Seal. Signed by District Judge Sean D. Jordan on 8/26/2024. (rpc) (Entered: 08/26/2024)
08/26/2024	58	RESPONSE in Opposition re 54 SEALED MOTION <i>FOR LEAVE TO AMEND ITS INFRINGEMENT CONTENTIONS</i> filed by Motorola Solutions, Inc., Watchguard Video, Inc.. (Attachments: # 1 Exhibit 1 - Defs. email to Stellar, # 2 Exhibit 2 - Stellar email to Defs., # 3 Exhibit 3 - Motorola Press Release, # 4 Exhibit 4 - Wayback Machine Capture, # 5 Exhibit 5 - Motorola 8-K Report, # 6 Exhibit 6 - Motorola DEF 14A, # 7 Exhibit 7 - Wayback Machine Capture, # 8 Exhibit 8 - Motorola Production Letter, # 9 Proposed Order)(Buxton, Christopher) (Entered: 08/26/2024)
08/28/2024	59	Minute Entry for proceedings held before District Judge Sean D. Jordan: Markman Hearing held on 8/28/2024. Attorney Appearances: Plaintiff - Tim Devlin, James Lennon; Defense - John Marlott, Kristina Hendricks, Christopher Buxton. (No exhibits)(Court Reporter Gayle Wear.) (bss) (Entered: 08/28/2024)
08/29/2024	60	PAPER TRANSCRIPT REQUEST by Motorola Solutions, Inc., Watchguard Video, Inc. for proceedings held on August 28, 2024 Markman Hearing before Judge Sean D. Jordan. (Forwarded to Gayle Wear on 8/29/24) (Buxton, Christopher) Modified on 8/29/2024 (bga). (Entered: 08/29/2024)
08/29/2024	61	NOTICE of Filing Hearing Presentation by Motorola Solutions, Inc., Watchguard Video, Inc. (Attachments: # 1 Markman Presentation)(Buxton, Christopher) (Entered: 08/29/2024)

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		08/29/2024)
08/30/2024	62	PAPER TRANSCRIPT REQUEST by STELLAR, LLC for proceedings held on 08/28/2024 Markman Hearing before Judge Sean D. Jordan. (Forwarded to Gayle Wear on 8/30/24) (Lennon, James) Modified on 8/30/2024 (bga). (Entered: 08/30/2024)
08/30/2024	63	REDACTION to 54 SEALED MOTION <i>FOR LEAVE TO AMEND ITS INFRINGEMENT CONTENTIONS</i> by STELLAR, LLC. (Attachments: # 1 Declaration of Robert Kiddie, # 2 Exhibit 4, # 3 Exhibit 5, # 4 Exhibit 6, # 5 Exhibit 7, # 6 Exhibit 8, # 7 Exhibit 9, # 8 Exhibit 10)(Kiddie, Robert) (Entered: 08/30/2024)
09/03/2024	64	REPLY to Response re 54 SEALED MOTION <i>FOR LEAVE TO AMEND ITS INFRINGEMENT CONTENTIONS</i> filed by STELLAR, LLC. (Kiddie, Robert) (Entered: 09/03/2024)
09/04/2024	65	MOTION To File Plaintiffs' Reply In Support Of Its Motion To Amend Its Infringement Contentions Under Seal by STELLAR, LLC. (Attachments: # 1 Proposed Order)(Kiddie, Robert) (Entered: 09/04/2024)
09/05/2024	66	ORDER granting 65 Motion to File its Reply in Support of its Motion to Amend its Infringement Contentions Under Seal. Signed by District Judge Sean D. Jordan on 9/5/2024. (dlw) (Entered: 09/05/2024)
09/05/2024	67	SUR-REPLY to Reply to Response re 54 SEALED MOTION <i>FOR LEAVE TO AMEND ITS INFRINGEMENT CONTENTIONS</i> filed by Motorola Solutions, Inc., Watchguard Video, Inc.. (Buxton, Christopher) (Entered: 09/05/2024)
09/18/2024	68	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Claim Construction Hearing Proceedings, held on August 28, 2024, before Judge Sean D. Jordan. Court Reporter/Transcriber: Gayle Wear, Telephone number: 214-872-4860. NOTICE RE REDACTION OF TRANSCRIPTS: The parties have seven (7) days to file with the Court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript will be made remotely electronically available to the public without redaction after 90 calendar days. The policy is located on our website at www.txed.uscourts.gov Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER.. Motion to Redact due 10/9/2024. Release of Transcript Restriction set for 12/17/2024. (GW) (Entered: 09/18/2024)
09/23/2024	69	NOTICE of Attorney Appearance by Tharan Gregory Lanier on behalf of Motorola Solutions, Inc., Watchguard Video, Inc. (Lanier, Tharan) (Entered: 09/23/2024)
09/23/2024	70	NOTICE of Attorney Appearance by Tracy Ann Stitt on behalf of Motorola Solutions, Inc., Watchguard Video, Inc. (Stitt, Tracy) (Entered: 09/23/2024)
09/24/2024	71	NOTICE of Attorney Appearance by Timothy J. Heverin on behalf of Motorola Solutions, Inc., Watchguard Video, Inc. (Heverin, Timothy) (Entered: 09/24/2024)
09/27/2024	72	UNOPPOSED MOTION to Substitute Attorney , <i>Lead Counsel</i> by Motorola Solutions, Inc., Watchguard Video, Inc.. (Attachments: # 1 Proposed Order)(Galvan, Hilda) (Entered: 09/27/2024)
09/27/2024	73	NOTICE of <i>Inter Partes Review Filings</i> by Motorola Solutions, Inc., Watchguard Video, Inc. (Attachments: # 1 Exhibit 1 - IPR2024-01205 Notice of Filing Date Accorded, # 2 Exhibit 2 - IPR2024-01206 Notice of Filing Date Accorded, # 3 Exhibit 3 - IPR2024-01207 Notice of Filing Date Accorded, # 4 Exhibit 4 - IPR2024-01208 Notice of Filing

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		Date Accorded, # 5 Exhibit 5 - IPR2024-01284 Notice of Filing Date Accorded, # 6 Exhibit 6 - IPR2024-01285 Notice of Filing Date Accorded, # 7 Exhibit 7 - IPR2024-01313 Notice of Filing Date Accorded, # 8 Exhibit 8 - IPR2024-01314 Notice of Filing Date Accorded)(Buxton, Christopher) (Entered: 09/27/2024)
09/30/2024	74	ORDER granting 72 Motion to Substitute Attorney. Hilda Contreras Galvan of Jones Day is withdrawn as lead counsel of record in this action. Tharan Gregory Lanier of Jones Day is substituted as lead counsel of record for Defendants Motorola Solutions, Inc. and Watchguard Video, Inc. Signed by District Judge Sean D. Jordan on 9/30/2024. (dlw) (Entered: 09/30/2024)
10/01/2024	75	NOTICE of Attorney Appearance by Janson Westmoreland on behalf of STELLAR, LLC (Westmoreland, Janson) (Entered: 10/01/2024)
11/06/2024	76	UNOPPOSED MOTION to Seal <i>Motion to Strike Infringement Opinions in Opening Report of Stellar's Technical Expert Joseph C. McAlexander III</i> by Motorola Solutions, Inc., Watchguard Video, Inc.. (Attachments: # 1 Proposed Order)(Marlott, John) (Entered: 11/06/2024)
11/06/2024	77	OPPOSED SEALED MOTION <i>to Strike Infringement Opinions in Opening Report of Stellar's Technical Expert Joseph C. McAlexander III</i> by Motorola Solutions, Inc., Watchguard Video, Inc.. (Attachments: # 1 Affidavit/Declaration in Support of Motion to Strike, # 2 Exhibit 1 - Expert Report of Joseph C. McAlexander III re Infringement (AEO), # 3 Exhibit 2 - Attachment A - McAlexander infringement claim chart for '034 patent, # 4 Exhibit 3 - Attachment B - McAlexander infringement claim chart for 540 patent, # 5 Exhibit 4 - Attachment C - McAlexander infringement claim chart for 882 patent, # 6 Exhibit 5 - Attachment D - McAlexander infringement claim chart for 752 patent, # 7 Exhibit 6 - Attachment E - McAlexander infringement claim chart for 471 patent, # 8 Exhibit 7 - Attachment F - McAlexander infringement claim chart for 914 patent, # 9 Exhibit 8 - Attachment G - McAlexander infringement claim chart for 901 patent, # 10 Exhibit 9 - Attachment H - McAlexander infringement claim chart for 910 patent, # 11 Exhibit 10 - Stellar's Infringement Contentions - 540 Claim 1 - 4RE, # 12 Exhibit 11 - McAlexander Infringement Report - 540 Claim 1 - 4RE, # 13 Exhibit 12 - Exemplary source code citations, # 14 Exhibit 13 - Excerpts of local memory claim limitations, # 15 Exhibit 14 - Exemplary integrated product citations, # 16 Exhibit 15 - Stellar's Response to Motorola's Interrogatory No. 14, # 17 Proposed Order)(Marlott, John) (Entered: 11/06/2024)
11/06/2024	78	UNOPPOSED MOTION to Seal <i>Motion to Strike Opinions of Stellar's Damages Expert Jim W. Bergman</i> by Motorola Solutions, Inc., Watchguard Video, Inc.. (Attachments: # 1 Proposed Order)(Marlott, John) (Entered: 11/06/2024)
11/06/2024	79	OPPOSED SEALED MOTION <i>to Strike Opinions of Stellar's Damages Expert Jim W. Bergman</i> by Motorola Solutions, Inc., Watchguard Video, Inc.. (Attachments: # 1 Affidavit/Declaration in Support of Motion to Strike, # 2 Exhibit 1 - Expert Report of Jim W. Bergman (AEO), # 3 Exhibit 2 - Excerpt from Expert Report of Joseph C. McAlexander III re Infringement (AEO), # 4 Proposed Order)(Marlott, John) (Entered: 11/06/2024)
11/07/2024	80	UNOPPOSED MOTION to Withdraw as Attorney <i>Christopher A. Buxton</i> by Motorola Solutions, Inc., Watchguard Video, Inc.. (Attachments: # 1 Proposed Order)(Buxton, Christopher) (Entered: 11/07/2024)
11/08/2024	81	ORDER granting 80 Motion to Withdraw as Attorney. It is ORDERED that Christopher A. Buxton of Jones Day is withdrawn as counsel of record in this action. Signed by District Judge Sean D. Jordan on 11/8/2024. (jmb) (Entered: 11/08/2024)

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11/12/2024	82	OPPOSED MOTION to Amend/Correct 50 Scheduling Order/Docket Control Order, by Motorola Solutions, Inc., Watchguard Video, Inc.. (Attachments: # 1 Proposed Order) (Marlott, John) (Entered: 11/12/2024)
11/13/2024	83	REDACTION to 77 OPPOSED SEALED MOTION <i>to Strike Infringement Opinions in Opening Report of Stellar's Technical Expert Joseph C. McAlexander III</i> by Motorola Solutions, Inc., Watchguard Video, Inc.. (Attachments: # 1 Affidavit/Declaration in Support of Motion to Strike, Redacted, # 2 Exhibit 1 Redacted Entirely - Expert Report of Joseph C. McAlexander III re Infringement (AEO), # 3 Exhibit 2 Redacted Entirely - Attachment A - McAlexander infringement claim chart for '034 patent, # 4 Exhibit 3 Redacted Entirely - Attachment B - McAlexander infringement claim chart for 540 patent, # 5 Exhibit 4 Redacted Entirely - Attachment C - McAlexander infringement claim chart for 882 patent, # 6 Exhibit 5 Redacted Entirely - Attachment D - McAlexander infringement claim chart for 752 patent, # 7 Exhibit 6 Redacted Entirely - Attachment E - McAlexander infringement claim chart for 471 patent, # 8 Exhibit 7 Redacted Entirely - Attachment F - McAlexander infringement claim chart for 914 patent, # 9 Exhibit 8 Redacted Entirely - Attachment G - McAlexander infringement claim chart for 901 patent, # 10 Exhibit 9 Redacted Entirely - Attachment H - McAlexander infringement claim chart for 910 patent, # 11 Exhibit 10 - Stellar's Infringement Contentions - 540 Claim 1 - 4RE, # 12 Exhibit 11 Redacted Entirely - McAlexander Infringement Report - 540 Claim 1 - 4RE, # 13 Exhibit 12 Redacted Entirely - Exemplary source code citations, # 14 Exhibit 13 Redacted Entirely - Excerpts of local memory claim limitations, # 15 Exhibit 14 Redacted Entirely - Exemplary integrated product citations, # 16 Exhibit 15 - Stellar's Response to Motorola's Interrogatory No. 14., # 17 Proposed Order)(Marlott, John) (Entered: 11/13/2024)
11/13/2024	84	REDACTION to 79 OPPOSED SEALED MOTION <i>to Strike Opinions of Stellar's Damages Expert Jim W. Bergman</i> by Motorola Solutions, Inc., Watchguard Video, Inc.. (Attachments: # 1 Affidavit/Declaration in Support of Motion to Strike, Redacted, # 2 Exhibit 1 Redacted Entirely - Expert Report of Jim W. Bergman (AEO), # 3 Exhibit 2 Redacted Entirely - Excerpt from Expert Report of Joseph C. McAlexander III re Infringement (AEO), # 4 Proposed Order)(Marlott, John) (Entered: 11/13/2024)
11/14/2024	85	REPORT of Mediation by Jeff Kaplan (Ret.). Mediation result: Impasse(Kaplan, Jeff) (Entered: 11/14/2024)
11/20/2024	86	NOTICE of Attorney Appearance - Pro Hac Vice by Nadiia S. Loizides on behalf of STELLAR, LLC. Filing fee \$ 100, receipt number ATXEDC-10504384. (Loizides, Nadiia) (Entered: 11/20/2024)
11/20/2024	87	UNOPPOSED MOTION to Seal <i>Stellar, LLC's Opposition to Motorola's Motion to Strike Opinions of Stellar's Damages Expert Jim W. Bergman</i> by STELLAR, LLC. (Attachments: # 1 Proposed Order)(Grochocinski, Timothy) (Entered: 11/20/2024)
11/20/2024	88	SEALED RESPONSE re 79 OPPOSED SEALED MOTION <i>to Strike Opinions of Stellar's Damages Expert Jim W. Bergman</i> filed by STELLAR, LLC. (Attachments: # 1 Declaration of Westmoreland, # 2 Exhibit A, # 3 Exhibit B, # 4 Proposed Order) (Grochocinski, Timothy) (Entered: 11/20/2024)
11/20/2024	89	UNOPPOSED MOTION to Seal Document by STELLAR, LLC. (Attachments: # 1 Proposed Order)(Lennon, James) (Entered: 11/20/2024)
11/20/2024	90	SEALED RESPONSE re 77 OPPOSED SEALED MOTION <i>to Strike Infringement Opinions in Opening Report of Stellar's Technical Expert Joseph C. McAlexander III</i> filed by STELLAR, LLC. (Attachments: # 1 Affidavit/Declaration J. Lennon, # 2 Exhibit A, # 3 Exhibit B, # 4 Exhibit C, # 5 Proposed Order)(Lennon, James) (Entered: 11/20/2024)

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11/21/2024	91	NOTICE OF SUBMISSION FOR DECISION by Motorola Solutions, Inc., Watchguard Video, Inc. re 77 OPPOSED SEALED MOTION to Strike Infringement Opinions in Opening Report of Stellar's Technical Expert Joseph C. McAlexander III (Marlott, John) (Entered: 11/21/2024)
11/22/2024	92	RESPONSE in Opposition re 82 OPPOSED MOTION to Amend/Correct 50 Scheduling Order/Docket Control Order, filed by STELLAR, LLC. (Attachments: # 1 Proposed Order) (Grochocinski, Timothy) (Entered: 11/22/2024)
11/22/2024	93	NOTICE OF SUBMISSION FOR DECISION by Motorola Solutions, Inc., Watchguard Video, Inc. re 82 OPPOSED MOTION to Amend/Correct 50 Scheduling Order/Docket Control Order, (Marlott, John) (Entered: 11/22/2024)
11/25/2024	94	REDACTION to 90 Sealed Response to Motion, by STELLAR, LLC. (Attachments: # 1 Affidavit/Declaration J. Lennon, # 2 Exhibit A, # 3 Exhibit B, # 4 Exhibit C)(Lennon, James) (Entered: 11/25/2024)
11/25/2024	95	REDACTION to 88 Sealed Response to Motion, by STELLAR, LLC. (Attachments: # 1 Affidavit/Declaration, # 2 Exhibit, # 3 Exhibit)(Grochocinski, Timothy) (Entered: 11/25/2024)
11/27/2024	96	*WITHDRAWN PER 107 ORDER* UNOPPOSED MOTION to Seal Motion to Strike Priority Date Opinions in Rebuttal Expert Report of Joseph C. McAlexander III Regarding Validity by Motorola Solutions, Inc., Watchguard Video, Inc.. (Attachments: # 1 Proposed Order)(Marlott, John) Modified text on 12/9/2024 (mmc). (Entered: 11/27/2024)
11/27/2024	97	*WITHDRAWN PER 107 ORDER* OPPOSED SEALED MOTION to Strike Priority Date Opinions in Rebuttal Expert Report of Joseph C. McAlexander III Regarding Validity by Motorola Solutions, Inc., Watchguard Video, Inc.. (Attachments: # 1 Affidavit/Declaration in Support of Motion To Strike McAlexander Priority Date Opinions In Rebuttal Expert Report, # 2 Exhibit 1 - McAlexander Rebuttal Expert Report Regarding Validity, # 3 Exhibit 2 - Excerpts of Expert Report of Nabil J. Sarhan, Ph.D. (AEO), # 4 Exhibit 3 - Disclosure of Initial Infringement Contentions, # 5 Exhibit 4 - Disclosure of Amended Infringement Contentions, # 6 Exhibit 5 - Proposed Disclosure of Second Amended Infringement Contentions, # 7 Exhibit 6 - Plaintiff's Fifth Supplemental Responses to Interrogatories, Response No 2, # 8 Exhibit 7 - Letter to Stellar re Deficient Interrogatory Responses, # 9 Exhibit 8 - Letter to Motorola in Response re Deficient Interrogatory Responses, # 10 Exhibit 9 - Excerpts of U.S. 7,593,034, # 11 Exhibit 10 - Excerpts of Paul DeKeyser Deposition Transcript, # 12 Proposed Order)(Marlott, John) Modified text on 12/9/2024 (mmc). (Entered: 11/27/2024)
11/27/2024	98	UNOPPOSED MOTION to Seal Motorola's Reply in Support of Its Motion to Strike Opinions of Stellar's Damages Expert Jim W. Bergman by Motorola Solutions, Inc., Watchguard Video, Inc.. (Attachments: # 1 Proposed Order)(Marlott, John) (Entered: 11/27/2024)
11/27/2024	99	SEALED REPLY to Response re 79 OPPOSED SEALED MOTION to Strike Opinions of Stellar's Damages Expert Jim W. Bergman filed by Motorola Solutions, Inc., Watchguard Video, Inc.. (Attachments: # 1 Affidavit/Declaration in Support of Reply in Support of Motion To Strike Bergman Damages Opinions, # 2 Exhibit 3 - Excerpts of Rough Deposition Transcript of Jim Bergman taken, Nov. 26, 2024)(Marlott, John) (Entered: 11/27/2024)
12/04/2024	100	REDACTION to 99 Sealed Reply to Response to Motion, re 79 Opposed Sealed Motion to Strike Opinions of Stellar's Damages Expert Jim W. Bergman by Motorola Solutions, Inc., Watchguard Video, Inc.. (Attachments: # 1 Affidavit/Declaration in Support of Reply

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		in Support of Motion To Strike Bergman Damages Opinions, Redacted, # 2 Exhibit 3 Redacted Entirely - Excerpts of Rough Deposition Transcript of Jim Bergman taken, Nov. 26, 2024)(Marlott, John) (Entered: 12/04/2024)
12/04/2024	101	UNOPPOSED MOTION to Seal <i>Stellar's Sur-Reply in Support of its Opposition to Motorola's Motion to Strike Opinions of Stellar's Damages Expert Jim W. Bergman</i> by STELLAR, LLC. (Attachments: # 1 Proposed Order)(Grochocinski, Timothy) (Entered: 12/04/2024)
12/04/2024	102	SEALED SUR-REPLY to Reply to Response re 79 OPPOSED SEALED MOTION <i>to Strike Opinions of Stellar's Damages Expert Jim W. Bergman</i> filed by STELLAR, LLC. (Grochocinski, Timothy) (Entered: 12/04/2024)
12/04/2024	103	JOINT MOTION to Withdraw 97 OPPOSED SEALED MOTION <i>to Strike Priority Date Opinions in Rebuttal Expert Report of Joseph C. McAlexander III Regarding Validity</i> by Motorola Solutions, Inc., Watchguard Video, Inc.. (Attachments: # 1 Exhibit A - Joint Stipulation Regarding MSI Motion to Strike McAlexander Priority Date Opinions, # 2 Proposed Order)(Marlott, John) (Entered: 12/04/2024)
12/06/2024	104	JOINT MOTION <i>to Amend the Case Schedule</i> by STELLAR, LLC. (Attachments: # 1 Proposed Order)(Grochocinski, Timothy) Modified text and event on 12/9/2024 (mmc). (Entered: 12/06/2024)
12/09/2024	105	ORDER granting 104 Joint Motion for Leave to Amendthe Case Schedule; denying as moot 82 Opposed Motion to ReviseSecond Amended Scheduling Order. Signed by District Judge Sean D. Jordan on 12/09/2024. (mmc) (Entered: 12/09/2024)
12/09/2024	106	THIRD AMENDED SCHEDULING ORDER: Final Pretrial Conference set for 6/18/2025 at 01:30 PM in Ctrm 105 (Plano) before District Judge Sean D. Jordan. Discovery due by 12/20/2024. Jury instructions due by 6/4/2025. Motions due by 1/3/2025. Proposed Pretrial Order due by 5/19/2025.. Signed by District Judge Sean D. Jordan on 12/09/2024. (mmc) (Entered: 12/09/2024)
12/09/2024	107	ORDER granting 103 Motion to Withdraw 97 OPPOSED SEALED MOTION <i>to Strike Priority Date Opinions in Rebuttal Expert Report of Joseph C. McAlexander III Regarding Validity</i> ; withdrawing 96 MOTION to Seal Motion and 97 Opposed Sealed Motion. Signed by District Judge Sean D. Jordan on 12/08/2024. (mmc) Modified text on 12/9/2024 (mmc). (Entered: 12/09/2024)
12/11/2024	108	REDACTION to 102 Sealed Sur-Reply to Reply to Response to Motion by STELLAR, LLC. (Grochocinski, Timothy) (Entered: 12/11/2024)
12/30/2024	109	UNOPPOSED MOTION to Withdraw as Attorney of Record by Motorola Solutions, Inc., Watchguard Video, Inc.. (Attachments: # 1 Proposed Order)(Galvan, Hilda) (Entered: 12/30/2024)
01/03/2025	110	ORDER granting 109 Motion to Withdraw as Attorney. Hilda C. Galvan of Jones Day is withdrawn as counsel of record in this action. Signed by District Judge Sean D. Jordan on 1/03/2025. (mmc) (Entered: 01/03/2025)
01/03/2025	111	UNOPPOSED MOTION to Seal <i>Motion to Strike Infringement Opinions in Supplemental Opening Report of Stellar's Technical Expert Joseph C. McAlexander III</i> by Motorola Solutions, Inc., Watchguard Video, Inc.. (Attachments: # 1 Proposed Order)(Marlott, John) (Entered: 01/03/2025)
01/03/2025	112	OPPOSED SEALED MOTION <i>to Strike Infringement Opinions in Supplemental Opening Report of Stellar's Technical Expert Joseph C. McAlexander III</i> by Motorola Solutions, Inc., Watchguard Video, Inc.. (Attachments: # 1 Affidavit/Declaration in Support of Motion To Strike McAlexander Supplemental Infringement Opinions, # 2

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		Exhibit 1 - Supplemental Expert Report of Joseph C. McAlexander III re Infringement (AEO), # 3 Exhibit 2 - Attachment A - McAlexander infringement claim chart for '034 patent, # 4 Exhibit 3 - Attachment B - McAlexander infringement claim chart for 540 patent, # 5 Exhibit 4 - Attachment C - McAlexander infringement claim chart for 882 patent, # 6 Exhibit 5 - Attachment D - McAlexander infringement claim chart for 752 patent, # 7 Exhibit 6 - Attachment E - McAlexander infringement claim chart for 471 patent, # 8 Exhibit 7 - Attachment F - McAlexander infringement claim chart for 914 patent, # 9 Exhibit 8 - Attachment G - McAlexander infringement claim chart for 901 patent, # 10 Exhibit 9 - Attachment H - McAlexander infringement claim chart for 910 patent, # 11 Exhibit 10 - Exemplary source code citations, # 12 Exhibit 11 - Excerpts of local memory claim limitations, # 13 Exhibit 12 - Exemplary integrated product citations, # 14 Exhibit 13 - Stellar's Response to Motorola's Interrogatory No. 14, # 15 Exhibit 14 - Motorola letter granting access to source code (Feb. 9, 2024), # 16 Proposed Order) (Marlott, John) (Entered: 01/03/2025)
01/03/2025	113	UNOPPOSED MOTION to Seal <i>Motion for Summary Judgment of Non-Infringement</i> by Motorola Solutions, Inc., Watchguard Video, Inc.. (Attachments: # 1 Proposed Order) (Marlott, John) (Entered: 01/03/2025)
01/03/2025	114	SEALED MOTION <i>for Summary Judgment of Non-Infringement</i> by Motorola Solutions, Inc., Watchguard Video, Inc.. (Attachments: # 1 Affidavit/Declaration in Support of Motion for Summary Judgment of Non-Infringement, # 2 Exhibit 1 - Supplemental Expert Report of Joseph C. McAlexander III re Infringement (AEO), # 3 Exhibit 2 - Attachment A - McAlexander infringement claim chart for '034 patent, # 4 Exhibit 3 - Attachment B - McAlexander infringement claim chart for 540 patent, # 5 Exhibit 4 - Attachment C - McAlexander infringement claim chart for 882 patent, # 6 Exhibit 5 - Attachment D - McAlexander infringement claim chart for 752 patent, # 7 Exhibit 6 - Attachment E - McAlexander infringement claim chart for 471 patent, # 8 Exhibit 7 - Attachment F - McAlexander infringement claim chart for 914 patent, # 9 Exhibit 8 - Attachment G - McAlexander infringement claim chart for 901 patent, # 10 Exhibit 9 - Attachment H - McAlexander infringement claim chart for 910 patent, # 11 Exhibit 10 - Excerpts of Stellar's First Amended Infringement Contentions (Feb. 7, 2024), # 12 Exhibit 11 - Excerpts of Stellar's Proposed Second Amended Infringement Contentions (Aug. 23, 2024), # 13 Exhibit 12 - Excerpts of Stellar's Response to Motorola's Interrogatory No. 14, # 14 Proposed Order)(Marlott, John) (Entered: 01/03/2025)
01/03/2025	115	UNOPPOSED MOTION to Seal <i>Motion for Summary Judgment of No Willful Infringement and No Enhanced Damages</i> by Motorola Solutions, Inc., Watchguard Video, Inc.. (Attachments: # 1 Proposed Order)(Marlott, John) (Entered: 01/03/2025)
01/03/2025	116	SEALED MOTION <i>for Summary Judgment of No Willful Infringement and No Enhanced Damages</i> by Motorola Solutions, Inc., Watchguard Video, Inc.. (Attachments: # 1 Affidavit/Declaration in Support of Motion For Summary Judgment of No Willful Infringement and No Enhanced Damages, # 2 Exhibit 1 - Excerpts of Complaint, # 3 Exhibit 2 - Excerpts of Stellars Response to Motorolas Interrogatory No. 3, # 4 Exhibit 3 - Motorola_015931, # 5 Exhibit 4 - Excerpts of Defendants Response To Plaintiffs Interrogatory No. 1, # 6 Exhibit 5 - Excerpts of Deposition Of Paul DeKeyser As 30(b)(6), # 7 Exhibit 6 - Excerpts of Motorola and WatchGuard Notice Of Rule 30(b)(6) Deposition Of Stellar, LLC, # 8 Exhibit 7 - Excerpts of Stellars Objections And Responses To Defendants Rule 30(B)(6) Notice Of Deposition To Stellar, LLC, # 9 Exhibit 8 - STELLAR003040, # 10 Exhibit 9 - STELLAR003041-3063, # 11 Exhibit 10 - STELLAR003175-3180, # 12 Exhibit 11 - STELLAR003181, # 13 Exhibit 12 - STELLAR003182-3204, # 14 Exhibit 13 - STELLAR008223-8227, # 15 Proposed Order)(Marlott, John) (Entered: 01/03/2025)

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01/10/2025	117	REDACTION to 112 OPPOSED SEALED MOTION <i>to Strike Infringement Opinions in Supplemental Opening Report of Stellar's Technical Expert Joseph C. McAlexander III</i> by Motorola Solutions, Inc., Watchguard Video, Inc.. (Attachments: # 1 Affidavit/Declaration in Support of Motion To Strike McAlexander Supplemental Infringement Opinions, Redacted, # 2 Exhibit 1 Redacted Entirely - Supplemental Expert Report of Joseph C. McAlexander III re Infringement (AEO), # 3 Exhibit 2 Redacted Entirely - Attachment A - McAlexander infringement claim chart for '034 patent, # 4 Exhibit 3 Redacted Entirely - Attachment B - McAlexander infringement claim chart for 540 patent, # 5 Exhibit 4 Redacted Entirely - Attachment C - McAlexander infringement claim chart for 882 patent, # 6 Exhibit 5 Redacted Entirely - Attachment D - McAlexander infringement claim chart for 752 patent, # 7 Exhibit 6 Redacted Entirely - Attachment E - McAlexander infringement claim chart for 471 patent, # 8 Exhibit 7 Redacted Entirely - Attachment F - McAlexander infringement claim chart for 914 patent, # 9 Exhibit 8 Redacted Entirely - Attachment G - McAlexander infringement claim chart for 901 patent, # 10 Exhibit 9 Redacted Entirely - Attachment H - McAlexander infringement claim chart for 910 patent, # 11 Exhibit 10 Redacted Entirely - Exemplary source code citations, # 12 Exhibit 11 Redacted Entirely - Excerpts of local memory claim limitations, # 13 Exhibit 12 Redacted Entirely - Exemplary integrated product citations, # 14 Exhibit 13 Redacted Entirely - Stellar's Response to Motorola's Interrogatory No. 14, # 15 Exhibit 14 - Motorola letter granting access to source code (Feb. 9, 2024), # 16 Proposed Order)(Marlott, John) (Entered: 01/10/2025)
01/10/2025	118	REDACTION to 114 SEALED MOTION <i>for Summary Judgment of Non-Infringement</i> by Motorola Solutions, Inc., Watchguard Video, Inc.. (Attachments: # 1 Affidavit/Declaration in Support of Motion for Summary Judgment of Non-Infringement, Redacted, # 2 Exhibit 1 Redacted Entirely - Supplemental Expert Report of Joseph C. McAlexander III re Infringement (AEO), # 3 Exhibit 2 Redacted Entirely - Attachment A - McAlexander infringement claim chart for '034 patent, # 4 Exhibit 3 Redacted Entirely - Attachment B - McAlexander infringement claim chart for 540 patent, # 5 Exhibit 4 Redacted Entirely - Attachment C - McAlexander infringement claim chart for 882 patent, # 6 Exhibit 5 Redacted Entirely - Attachment D - McAlexander infringement claim chart for 752 patent, # 7 Exhibit 6 Redacted Entirely - Attachment E - McAlexander infringement claim chart for 471 patent, # 8 Exhibit 7 Redacted Entirely - Attachment F - McAlexander infringement claim chart for 914 patent, # 9 Exhibit 8 Redacted Entirely - Attachment G - McAlexander infringement claim chart for 901 patent, # 10 Exhibit 9 Redacted Entirely - Attachment H - McAlexander infringement claim chart for 910 patent, # 11 Exhibit 10 - Excerpts of Stellar's First Amended Infringement Contentions (Feb. 7, 2024), # 12 Exhibit 11 - Excerpts of Stellar's Proposed Second Amended Infringement Contentions (Aug. 23, 2024), # 13 Exhibit 12 - Excerpts of Stellar's Response to Motorola's Interrogatory No. 14, # 14 Proposed Order)(Marlott, John) (Entered: 01/10/2025)
01/10/2025	119	REDACTION to 116 SEALED MOTION <i>for Summary Judgment of No Willful Infringement and No Enhanced Damages</i> by Motorola Solutions, Inc., Watchguard Video, Inc.. (Attachments: # 1 Affidavit/Declaration in Support of Motion for Summary Judgment of No Willful Infringement and No Enhanced Damages, Redacted, # 2 Exhibit 1 - Excerpts of Complaint, # 3 Exhibit 2 - Excerpts of Stellars Response to Motorolas Interrogatory No. 3, # 4 Exhibit 3 - Motorola 015931, # 5 Exhibit 4 Redacted Entirely - Excerpts of Defendants Response To Plaintiffs Interrogatory No. 1, # 6 Exhibit 5 Redacted Entirely - Excerpts of Deposition Of Paul DeKeyser As 30(b)(6), # 7 Exhibit 6 - Excerpts of Motorola and WatchGuard Notice Of Rule 30(b)(6) Deposition Of Stellar, LLC, # 8 Exhibit 7 - Excerpts of Stellars Objections & Responses To Defs Rule 30(B)(6) Notice Of Depo To Stellar, LLC, # 9 Exhibit 8 Redacted Entirely - STELLAR003040, # 10 Exhibit 9 Redacted Entirely - STELLAR003041-3063, # 11 Exhibit 10 Redacted

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		Entirely - STELLAR003175-3180, # 12 Exhibit 11 Redacted Entirely - STELLAR003181, # 13 Exhibit 12 Redacted Entirely - STELLAR003182-3204, # 14 Exhibit 13 Redacted Entirely - STELLAR008223-8227, # 15 Proposed Order)(Marlott, John) (Entered: 01/10/2025)
01/17/2025	120	UNOPPOSED MOTION to Seal <i>Opposition to Motion to Strike Infringement Opinions in Supplemental Report of Stellar's Technical Expert J.C. McAlexander III</i> by STELLAR, LLC. (Attachments: # 1 Proposed Order)(Lennon, James) (Entered: 01/17/2025)
01/17/2025	121	UNOPPOSED MOTION to Seal Document <i>PLAINTIFF'S OPPOSITION TO MOTOROLA'S MOTION FOR SUMMARY JUDGMENT OF NON-INFRINGEMENT</i> by STELLAR, LLC. (Attachments: # 1 Proposed Order)(Lennon, James) (Entered: 01/17/2025)
01/17/2025	122	SEALED PLAINTIFF'S OPPOSITION TO MOTOROLA'S MOTION FOR SUMMARY JUDGMENT OF NON-INFRINGEMENT re 114 SEALED MOTION <i>for Summary Judgment of Non-Infringement</i> filed by STELLAR, LLC. (Attachments: # 1 Proposed Order, # 2 Affidavit/Declaration DECLARATION OF JIM LENNON, # 3 Exhibit A, # 4 Exhibit B, # 5 Exhibit C)(Lennon, James) (Entered: 01/17/2025)
01/17/2025	123	SEALED RESPONSE re 112 OPPOSED SEALED MOTION <i>to Strike Infringement Opinions in Supplemental Opening Report of Stellar's Technical Expert Joseph C. McAlexander III</i> filed by STELLAR, LLC. (Lennon, James) (Entered: 01/17/2025)
01/17/2025	124	Additional Attachments to Main Document: 123 Sealed Response to Motion. <i>Declaration of Jim Lennon</i> . (Attachments: # 1 Exhibit A, # 2 Proposed Order Denying Defendants' Motion)(Lennon, James) (Entered: 01/17/2025)
01/17/2025	125	UNOPPOSED MOTION to Seal <i>Response in Opposition to Defendants' MSJ of No Willfull Infringement and No Enhanced Damages</i> by STELLAR, LLC. (Attachments: # 1 Proposed Order)(Lennon, James) (Entered: 01/17/2025)
01/17/2025	126	SEALED RESPONSE re 116 SEALED MOTION <i>for Summary Judgment of No Willful Infringement and No Enhanced Damages</i> filed by STELLAR, LLC. (Attachments: # 1 Affidavit/Declaration of Janson H. Westmoreland, # 2 Exhibit 1, # 3 Exhibit 2, # 4 Exhibit 3, # 5 Exhibit 4, # 6 Exhibit 5, # 7 Exhibit 6, # 8 Exhibit 7, # 9 Exhibit 8, # 10 Exhibit 9, # 11 Exhibit 10, # 12 Exhibit 11, # 13 Proposed Order Denying Defendants' MSJ)(Lennon, James) (Entered: 01/17/2025)
01/24/2025	127	REDACTION to 123 Sealed Response to Motion by STELLAR, LLC. (Lennon, James) (Entered: 01/24/2025)
01/24/2025	128	REDACTION to 122 Sealed Response to Motion, by STELLAR, LLC. (Attachments: # 1 Proposed Order, # 2 Affidavit/Declaration of Jim Lennon, # 3 Exhibit A, # 4 Exhibit B, # 5 Exhibit C)(Lennon, James) (Entered: 01/24/2025)
01/24/2025	129	REDACTION to 126 Sealed Response to Motion, by STELLAR, LLC. (Attachments: # 1 Affidavit/Declaration of J. Westmoreland, # 2 Exhibit 1, # 3 Exhibit 2, # 4 Exhibit 3, # 5 Exhibit 4, # 6 Exhibit 5, # 7 Exhibit 6, # 8 Exhibit 7, # 9 Exhibit 8, # 10 Exhibit 9, # 11 Exhibit 10, # 12 Exhibit 11, # 13 Proposed Order)(Lennon, James) (Entered: 01/24/2025)
01/24/2025	130	UNOPPOSED MOTION to Seal <i>Reply in Support of Its Motion to Strike Infringement Opinions in Supplemental Opening Report of Stellar's Technical Expert Joseph C. McAlexander III (Dkt. 112)</i> by Motorola Solutions, Inc., Watchguard Video, Inc.. (Attachments: # 1 Proposed Order)(Marlott, John) (Entered: 01/24/2025)
01/24/2025	131	SEALED REPLY to Response re 112 OPPOSED SEALED MOTION <i>to Strike Infringement Opinions in Supplemental Opening Report of Stellar's Technical Expert Joseph C. McAlexander III</i> filed by Motorola Solutions, Inc., Watchguard Video, Inc..

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		(Attachments: # 1 Affidavit/Declaration in Support of Motorola's Reply in Support of Its Motion to Strike McAlexander Supplemental Infringement Opinions, # 2 Exhibit 15 - Deposition Of Joseph C. McAlexander III (12.20.2024), # 3 Exhibit 16 - Attachment L to McAlexander Supplemental Expert Report with cover email, # 4 Exhibit 17 - Email thread, # 5 Proposed Order)(Marlott, John) (Entered: 01/24/2025)
01/24/2025	132	UNOPPOSED MOTION to Seal <i>Reply in Support of Its Motion for Summary Judgment of Non-Infringement (Dkt. 114)</i> by Motorola Solutions, Inc., Watchguard Video, Inc.. (Attachments: # 1 Proposed Order)(Marlott, John) (Entered: 01/24/2025)
01/24/2025	133	SEALED REPLY to Response re 114 SEALED MOTION <i>for Summary Judgment of Non-Infringement</i> filed by Motorola Solutions, Inc., Watchguard Video, Inc.. (Attachments: # 1 Affidavit/Declaration in Support of Motorola's Reply in Support of Its Motion for Summary Judgment of Non-Infringement, # 2 Exhibit 13 - Motorola's Response to Stellar's Interrogatory No. 9 (dated Apr. 18, 2024), # 3 Proposed Order) (Marlott, John) (Entered: 01/24/2025)
01/24/2025	134	UNOPPOSED MOTION to Seal <i>Motorola's Reply in Support of Its Motion for Summary Judgment of No Willful Infringement and No Enhanced Damages (Dkt. 116)</i> by Motorola Solutions, Inc., Watchguard Video, Inc.. (Attachments: # 1 Proposed Order)(Marlott, John) (Entered: 01/24/2025)
01/24/2025	135	SEALED REPLY to Response re 116 SEALED MOTION <i>for Summary Judgment of No Willful Infringement and No Enhanced Damages</i> filed by Motorola Solutions, Inc., Watchguard Video, Inc.. (Marlott, John) (Entered: 01/24/2025)
01/31/2025	136	UNOPPOSED MOTION to Seal <i>Stellar's Sur-Reply in Opposition to Defendants' Motion for Summary Judgment of No Willful Infringement and No Enhanced Damages</i> by STELLAR, LLC. (Attachments: # 1 Proposed Order)(Grochocinski, Timothy) (Entered: 01/31/2025)
01/31/2025	137	SEALED SUR-REPLY in Opposition re 116 SEALED MOTION <i>for Summary Judgment of No Willful Infringement and No Enhanced Damages</i> filed by STELLAR, LLC. (Grochocinski, Timothy) (Entered: 01/31/2025)
01/31/2025	138	UNOPPOSED MOTION to Seal <i>Plaintiff's Sur-reply in Support of Its Opposition to Motorola's Motion to Strike Infringement Opinions in Supplemental Report of Stellar's Technical Expert Joseph C. McAlexander III</i> by STELLAR, LLC. (Attachments: # 1 Proposed Order)(Lennon, James) (Entered: 01/31/2025)
01/31/2025	139	UNOPPOSED MOTION to Seal <i>Plaintiff's Sur-reply in Support of Its Opposition to Motorola's Motion for Summary Judgment of Non-Infringement</i> by STELLAR, LLC. (Attachments: # 1 Proposed Order)(Lennon, James) (Entered: 01/31/2025)
01/31/2025	140	SEALED SUR-REPLY to Reply to Response re 138 UNOPPOSED MOTION to Seal <i>Plaintiff's Sur-reply in Support of Its Opposition to Motorola's Motion to Strike Infringement Opinions in Supplemental Report of Stellar's Technical Expert Joseph C. McAlexander III</i> filed by STELLAR, LLC. (Lennon, James) (Entered: 01/31/2025)
01/31/2025	141	SEALED SUR-REPLY to Reply to Response re 139 UNOPPOSED MOTION to Seal <i>Plaintiff's Sur-reply in Support of Its Opposition to Motorola's Motion for Summary Judgment of Non-Infringement</i> filed by STELLAR, LLC. (Lennon, James) (Entered: 01/31/2025)
01/31/2025	142	REDACTION to 131 Sealed Reply to Response to Motion,, <i>to Strike Infringement Opinions in Supplemental Opening Report of Stellar's Technical Expert Joseph C. McAlexander III</i> by Motorola Solutions, Inc., Watchguard Video, Inc.. (Attachments: # 1 Affidavit/Declaration in Support of Motorola's Reply in Support of Its Motion to Strike

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		McAlexander Supplemental Infringement Opinions, Redacted, # 2 Exhibit 15 Redacted Entirely - Deposition Of Joseph C. McAlexander III (12.20.2024), # 3 Exhibit 16 Redacted Entirely - Attachment L to McAlexander Supplemental Expert Report with cover email, # 4 Exhibit 17 - Email thread)(Marlott, John) (Entered: 01/31/2025)
01/31/2025	143	REDACTION to 133 Sealed Reply to Response to Motion, <i>for Summary Judgment of Non-Infringement</i> by Motorola Solutions, Inc., Watchguard Video, Inc.. (Attachments: # 1 Affidavit/Declaration in Support of Motorola's Reply ISO Its Motion for Summary Judgment of Non-Infringement, Redacted, # 2 Exhibit 13 Redacted - Motorola's Response to Stellar's Interrogatory No. 9 (dated Apr. 18, 2024))(Marlott, John) (Entered: 01/31/2025)
01/31/2025	144	REDACTION to 135 Sealed Reply to Response to Motion <i>for Summary Judgment of No Willful Infringement and No Enhanced Damages</i> by Motorola Solutions, Inc., Watchguard Video, Inc.. (Marlott, John) (Entered: 01/31/2025)
02/06/2025	145	REDACTION to 140 Sealed Sur-Reply to Reply to Response to Motion, by STELLAR, LLC. (Lennon, James) (Entered: 02/06/2025)
02/06/2025	146	REDACTION to 141 Sealed Sur-Reply to Reply to Response to Motion by STELLAR, LLC. (Lennon, James) (Entered: 02/06/2025)
02/06/2025	147	REDACTION to 137 Sealed Sur-Reply to Reply to Response to Motion by STELLAR, LLC. (Grochocinski, Timothy) (Entered: 02/06/2025)
02/14/2025	148	NOTICE <i>Plaintiff's Notice of Decisions Instituting Inter Partes Review of Certain Patents-in-Suit</i> by STELLAR, LLC (Attachments: # 1 Exhibit, # 2 Exhibit, # 3 Exhibit, # 4 Exhibit)(Grochocinski, Timothy) (Entered: 02/14/2025)
02/14/2025	149	SUPPLEMENTAL NOTICE <i>Regarding Inter Partes Review Filings</i> by Motorola Solutions, Inc., Watchguard Video, Inc. (Marlott, John) (Entered: 02/14/2025)
02/14/2025	150	UNOPPOSED MOTION to Seal <i>Opposed Motion for Stay Pending Inter Partes Reviews</i> by Motorola Solutions, Inc., Watchguard Video, Inc.. (Attachments: # 1 Proposed Order) (Marlott, John) (Entered: 02/14/2025)

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02/14/2025	151	OPPOSED SEALED MOTION <i>for Stay Pending Inter Partes Reviews</i> by Motorola Solutions, Inc., Watchguard Video, Inc.. (Attachments: # 1 Affidavit/Declaration in Support of Motorola's Opposed Motion for Stay, # 2 Exhibit 1 - Stellar's First Amended Infringement Contentions, # 3 Exhibit 2 - Motorola's Response to Stellar's Interrogatory No. 1, # 4 Exhibit 3 - Petition for IPR of 034 patent (IPR2024-01205), # 5 Exhibit 4 - Petition for IPR of 471 patent (IPR2024-01206), # 6 Exhibit 5 - Petition for IPR of 882 patent (IPR2024-01207), # 7 Exhibit 6 - Petition for IPR of 914 patent (IPR2024-01208), # 8 Exhibit 7 - Petition for IPR of 540 patent (IPR2024-01284), # 9 Exhibit 8 - Petition for IPR of 752 patent (IPR2024-01285), # 10 Exhibit 9 - Petition for IPR of 901 patent (IPR2024-01313), # 11 Exhibit 10 - Petition for IPR of 910 patent (IPR2024-01314), # 12 Exhibit 11 - Professor Sarhan's Declaration in support of IPR2024-01205, IPR2024-01206, IPR2024-01207, and IPR2024-01208, # 13 Exhibit 12 - Professor Sarhan's Declaration in support of IPR2024-01284 and IPR2024-01285, # 14 Exhibit 13 - Professor Sarhan's Declaration in support of IPR2024-01313 and IPR2024-01314, # 15 Exhibit 14 - Institution Decision - 034 patent - IPR2024-01205, # 16 Exhibit 15 - Institution Decision - 471 patent - IPR2024-01206, # 17 Exhibit 16 - Institution Decision - 882 patent - IPR2024-01207, # 18 Exhibit 17 - Institution Decision - 914 patent - IPR2024-01208, # 19 Exhibit 18 - Asserted Patents Family Relationship Diagram, # 20 Exhibit 19 - Paul DeKeyser's 30(b)(6) Corp Rep Depo (Oct 22, 2024), # 21 Exhibit 20 - Terminal Disclaimers by Stellar, # 22 Exhibit 21 - Summary of Instituted IPRs and Stellar's Asserted Patent Claims In This Litigation, # 23 Proposed Order)(Marlott, John) (Entered: 02/14/2025)
02/18/2025	152	ORDER. Before the Court is Defendants' Opposed Motion for Stay Pending Inter Partes Reviews. (Dkt. # 151). Given the upcoming deadlines in this case, the Court ORDERS Plaintiff Stellar, LLC to file its response, if any, by February 21, 2025. Signed by District Judge Sean D. Jordan on 2/18/2025. (CLC) (Entered: 02/18/2025)
02/20/2025	153	REDACTION to 151 OPPOSED SEALED MOTION <i>for Stay Pending Inter Partes Reviews</i> by Motorola Solutions, Inc., Watchguard Video, Inc.. (Attachments: # 1 Affidavit/Declaration in Support of Motorola's Opposed Motion for Stay, Redacted, # 2 Exhibit 1 - Stellar's First Amended Infringement Contentions, # 3 Exhibit 2 Redacted Entirely - Motorola's Response to Stellar's Interrogatory No. 1, # 4 Exhibit 3 - Petition for IPR of 034 patent (IPR2024-01205), # 5 Exhibit 4 - Petition for IPR of 471 patent (IPR2024-01206), # 6 Exhibit 5 - Petition for IPR of 882 patent (IPR2024-01207), # 7 Exhibit 6 - Petition for IPR of 914 patent (IPR2024-01208), # 8 Exhibit 7 - Petition for IPR of 540 patent (IPR2024-01284), # 9 Exhibit 8 - Petition for IPR of 752 patent (IPR2024-01285), # 10 Exhibit 9 - Petition for IPR of 901 patent (IPR2024-01313), # 11 Exhibit 10 - Petition for IPR of 910 patent (IPR2024-01314), # 12 Exhibit 11 - Professor Sarhan's Declaration in support of IPR2024-01205, IPR2024-01206, IPR2024-01207, and IPR2024-01208, # 13 Exhibit 12 - Professor Sarhan's Declaration in support of IPR2024-01284 and IPR2024-01285, # 14 Exhibit 13 - Professor Sarhan's Declaration in support of IPR2024-01313 and IPR2024-01314, # 15 Exhibit 14 - Institution Decision - 034 patent - IPR2024-01205, # 16 Exhibit 15 - Institution Decision - 471 patent - IPR2024-01206, # 17 Exhibit 16 - Institution Decision - 882 patent - IPR2024-01207, # 18 Exhibit 17 - Institution Decision - 914 patent - IPR2024-01208, # 19 Exhibit 18 - Asserted Patents Family Relationship Diagram, # 20 Exhibit 19 Redacted Entirely - Paul DeKeyser's 30(b)(6) Corp Rep Depo (Oct 22, 2024), # 21 Exhibit 20 - Terminal Disclaimers by Stellar, # 22 Exhibit 21 - Summary of Instituted IPRs and Stellar's Asserted Patent Claims In This Litigation, # 23 Proposed Order)(Marlott, John) (Entered: 02/20/2025)
02/21/2025	154	UNOPPOSED MOTION to Seal <i>Plaintiffs Opposition To Motorolas Motion For Stay Pending Inter Partes Reviews</i> by All Plaintiffs. (Attachments: # 1 Proposed Order) (Lennon, James) (Entered: 02/21/2025)

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02/21/2025	155	SEALED OPPOSITION re 151 OPPOSED SEALED MOTION <i>for Stay Pending Inter Partes Reviews</i> filed by STELLAR, LLC. (Attachments: # 1 Proposed Order, # 2 Declaration of James Lennon, # 3 Exhibit A, # 4 Exhibit B, # 5 Exhibit C, # 6 Exhibit D, # 7 Exhibit E)(Lennon, James) (Entered: 02/21/2025)
02/24/2025	156	ORDER: It is therefore ORDERED that all deadlines and hearings scheduled in this matter are STAYED pending further order of the Court. 2 It is further ORDERED that, within one week of the PTABs IPR decision, the parties will each submit an advisory to the Court, not to exceed five pages, stating their updated positions on whether a stay is warranted in this case. Signed by District Judge Sean D. Jordan on 2/24/2025. (mmc) (Entered: 02/24/2025)
02/27/2025	157	REDACTION to 155 Sealed Response to Motion, by STELLAR, LLC. (Attachments: # 1 Proposed Order, # 2 Declaration of James Lennon, # 3 Exhibit A, # 4 Exhibit B, # 5 Exhibit C, # 6 Exhibit D, # 7 Exhibit E)(Lennon, James) (Entered: 02/27/2025)
03/25/2025	158	UNOPPOSED MOTION to Seal <i>Plaintiff's Advisory in Opposition to Motorola's Opposed Motion for Stay Pending Inter Partes Reviews</i> by STELLAR, LLC. (Attachments: # 1 Proposed Order)(Lennon, James) (Entered: 03/25/2025)
03/25/2025	159	SEALED RESPONSE re 158 UNOPPOSED MOTION to Seal <i>Plaintiff's Advisory in Opposition to Motorola's Opposed Motion for Stay Pending Inter Partes Reviews</i> filed by STELLAR, LLC. (Lennon, James) (Entered: 03/25/2025)
03/25/2025	160	Additional Attachments to Main Document: 159 Sealed Response to Motion. <i>Declaration of James M. Lennon</i> . (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D)(Lennon, James) (Entered: 03/25/2025)
03/25/2025	161	UNOPPOSED MOTION to Seal <i>Reply in Further Support of Its Opposed Motion for Stay Pending Inter Partes Reviews [Dkt. 151]</i> by Motorola Solutions, Inc., Watchguard Video, Inc.. (Attachments: # 1 Proposed Order)(Marlott, John) (Entered: 03/25/2025)
03/25/2025	162	SEALED REPLY to Response re 151 OPPOSED SEALED MOTION <i>for Stay Pending Inter Partes Reviews</i> filed by Motorola Solutions, Inc., Watchguard Video, Inc.. (Attachments: # 1 Affidavit/Declaration in Further Support of Its Opposed Motion for Stay Pending IPRs, # 2 Exhibit 22 - Family Relationship Diagram (Ex. 18 Update) and Summary of IPRs (Ex. 21 Update), # 3 Exhibit 23 - PTAB Decision Granting Institution of Inter Partes Review of '540 Patent, # 4 Exhibit 24 - PTAB Decision Granting Institution of Inter Partes Review of '752 Patent, # 5 Exhibit 25 - PTAB Decision Granting Institution of Inter Partes Review of '901 Patent, # 6 Exhibit 26 - PTAB Decision Granting Institution of Inter Partes Review of '910 Patent, # 7 Exhibit 27 - Stellar's Response to Motorola's Interrogatory No. 13, # 8 Exhibit 28 - PTAB Scheduling Order in IPR2024-01205, IPR2024-01206, IPR2024-01207, and IPR2024-01208 (Feb 18, 2025), # 9 Exhibit 29 - PTAB Scheduling Order in IPR2024-01284, IPR2024-01285, IPR2024-01313, and IPR2024-01314 (Mar 18, 2025), # 10 Exhibit 30 - USPTO Final Rule - Rules Governing Director Review of Patent Trial and Appeal Board Decisions, # 11 Exhibit 31 - Motorola's Authorized Response To Patent Owner's Request For Director Review (IPR2024-01205))(Marlott, John) (Entered: 03/25/2025)
03/31/2025	163	NOTICE of <i>Decisions Terminating Inter Partes Review of Certain Patents-in-Suit</i> by STELLAR, LLC (Attachments: # 1 Exhibit 1)(Lennon, James) (Entered: 03/31/2025)
04/01/2025	164	REDACTION to 162 Sealed Reply to Response to Motion,,,,, <i>for Stay Pending Inter Partes Reviews</i> by Motorola Solutions, Inc., Watchguard Video, Inc.. (Attachments: # 1 Affidavit/Declaration in Further Support of Its Opposed Motion for Stay Pending IPRs, Redacted, # 2 Exhibit 22 - Family Relationship Diagram (Ex. 18 Update) and Summary of IPRs (Ex. 21 Update), # 3 Exhibit 23 - PTAB Decision Granting Institution of Inter

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		Partes Review of '540 Patent, # 4 Exhibit 24 - PTAB Decision Granting Institution of Inter Partes Review of '752 Patent, # 5 Exhibit 25 - PTAB Decision Granting Institution of Inter Partes Review of '901 Patent, # 6 Exhibit 26 - PTAB Decision Granting Institution of Inter Partes Review of '910 Patent, # 7 Exhibit 27 Redacted Entirely - Stellar's Response to Motorola's Interrogatory No. 13, # 8 Exhibit 28 - PTAB Scheduling Order in IPR2024-01205, IPR2024-01206, IPR2024-01207, and IPR2024-01208 (Feb 18, 2025), # 9 Exhibit 29 - PTAB Scheduling Order in IPR2024-01284, IPR2024-01285, IPR2024-01313, and IPR2024-01314 (Mar 18, 2025), # 10 Exhibit 30 - USPTO Final Rule - Rules Governing Director Review of Patent Trial and Appeal Board Decisions, # 11 Exhibit 31 - Motorola's Authorized Response To Patent Owner's Request For Director Review (IPR2024-01205))(Marlott, John) (Entered: 04/01/2025)
04/01/2025	165	NOTICE of Advisory to the Court - Public Version by STELLAR, LLC re 156 Order Staying Case, (Lennon, James) (Entered: 04/01/2025)
04/09/2025	166	SUPPLEMENTAL NOTICE Regarding Inter Partes Review Filings by Motorola Solutions, Inc., Watchguard Video, Inc. re 73 Notice (Other),, 149 Notice (Other) (Attachments: # 1 Exhibit 1 - Summary of IPR Groups, # 2 Exhibit 2 - Petitioner's Authorized Response to PO's Request For Director Review)(Marlott, John) (Entered: 04/09/2025)
04/10/2025	167	ORDER: It is therefore ORDERED that, by April 17, 2025, Stellar file a notice with the Court, stating whether it agrees with Defendants that the case should remain stayed pending the ultimate resolution of all appeals related to the institution decisions of both the First IPR Group and the Second IPR Group. Signed by District Judge Sean D. Jordan on 4/10/2025. (mmc) (Entered: 04/10/2025)
04/17/2025	168	NOTICE REGARDING CONTINUED STAY by STELLAR, LLC re 167 Order, (Attachments: # 1 Affidavit/Declaration DECLARATION OF JAMES M. LENNON, # 2 Exhibit A, # 3 Exhibit B, # 4 Exhibit C)(Lennon, James) (Entered: 04/17/2025)
04/21/2025	169	Claim Construction Order. Signed by District Judge Sean D. Jordan on 4/21/2025. (mmc) (Entered: 04/21/2025)
04/21/2025	170	ORDER: The Court ORDERS this case remain STAYED pending the PTABs ultimate resolution of the First IPR Group and the Second IPR Group. Because this stay moots Stellar's currently pending motion to stay, 151 OPPOSED SEALED MOTION for Stay Pending Inter Partes Reviews filed by Motorola Solutions, Inc., Watchguard Video, Inc. is denied as moot Signed by District Judge Sean D. Jordan on 4/21/2025. (mmc) (Entered: 04/21/2025)
04/24/2025	171	ORDER : It is therefore ORDERED that the parties appropriately divide and pay \$50,112.00 to Slayden Grubert Beard PLLC, 401 Congress Ave., Suite 1650, Austin, TX 78701 within thirty (30) days from the entry of this Order. Signed by District Judge Sean D. Jordan on 4/24/2025. (mmc) (Entered: 04/24/2025)
05/27/2025	172	NOTICE of Director Decisions Terminating Remaining IPRs and Denying Rehearing by STELLAR, LLC (Attachments: # 1 Exhibit 1, # 2 Exhibit 2)(Lennon, James) (Entered: 05/27/2025)
05/28/2025	173	NOTICE of Attorney Appearance by Taryn Trusty on behalf of STELLAR, LLC (Trusty, Taryn) (Entered: 05/28/2025)
06/02/2025	174	SUPPLEMENTAL NOTICE Regarding Inter Partes Review Filings by Motorola Solutions, Inc., Watchguard Video, Inc. re 149 Notice (Other), 166 Notice (Other), 73 Notice (Other),, (Marlott, John) (Entered: 06/02/2025)