

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

META PLATFORMS, INC.,
Petitioner

v.

THALES VISIONIX, INC.,
Patent Owner

U.S. PATENT NO. 6,922,632

Case IPR2022-01305

PETITIONER'S NOTICE REGARDING MULTIPLE PETITIONS

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I. INTRODUCTION

Meta Platforms, Inc. (“Petitioner”) is filing two petitions that challenge non-overlapping sets of claims in U.S. Patent No. 6,922,632 (“the ’632 Patent”). Here, the Patent Owner, via an exclusive licensee in a particular field-of-use, “has asserted a large number of claims in litigation,” including claims that are distinct from one another, that collectively comprise several thousand words of claim language. *See* Patent Trial and Appeal Board Consolidated Trial Practice Guide (November 2019) at 59. More than one petition is therefore necessary to sufficiently address all the challenged claims, and the Board should exercise its discretion to institute both petitions.

II. RANKING OF THE PETITIONS

Petitioner requests that the Board consider the petitions in the following order, although, for the reasons explained below, the Board’s analysis would not be complete without considering both petitions:

Rank	Petition	Challenged Claims	Prior Art References
A	IPR2022-01304	1-9, 11-29, and 66-69	Welch 2001 (Ex. 1007) Welch 1997 (Ex. 1008) Welch Thesis (Ex. 1009)

			Horton (Ex. 1010) Kramer (Ex. 1030) Chen (Ex. 1024)
B	IPR2022-01305	30-36, 44-45, 47-55, and 57-61	Welch 2001 (Ex. 1007) Welch 1997 (Ex. 1008) Welch Thesis (Ex. 1009) Horton (Ex. 1010) Harris (Ex. 1011)

III. DIFFERENCES BETWEEN THE PETITIONS AND WHY THEY SHOULD BOTH BE INSTITUTED

The two petitions challenge 55 claims of 69 total, 53 of which have been asserted by Gentex against Petitioner and Meta Platforms Technologies, LLC in parallel district court litigation, originally filed as *Gentex Corp. v. Meta Platforms, Inc.*, No. 6:21-cv-00755-ADA, and which recently was transferred from the Western District of Texas to the Northern District on July 5, 2022, No. 5:22-cv-03892 (“California Litigation”). The 53 claims asserted by Gentex collectively comprise over 2,300 words, making it practically infeasible to substantively analyze all of them in a single petition, given the word limit.

Petition A challenges 32 claims including 4 independent claims, and Petition B challenges 23 claims including 4 independent claims. Given the number of asserted claims and their length, Petitioner reasonably divided its challenge into two petitions. There is no overlap in the challenged claims across the two petitions. The Board has instituted multiple petitions in similar situations, and should do so here. *See, e.g., Microsoft Corp. v. Syncloud Tech., LLC*, IPR2020-01269, Paper 9 at 7–9 (April 7, 2021) (instituting two petitions for IPR where “the length of the claims, and the difference in scope of [the independent claims], warranted the filing of two petitions”); *Adobe Inc. v. Syncloud Tech., LLC*, IPR2020-01392, Paper 8 at 9–10 (March 11, 2021) (similar).

IV. CONCLUSION

Petitioner is only filing these two IPR petitions against the ’632 Patent, and has not previously filed any IPR petitions against the ’632 Patent. Petitioner is thus not abusing process, rather Petitioner is merely providing the Board with sufficient context to fully understand the nature of the challenged claims and the asserted prior art. For these reasons, the Board should institute both petitions.¹

¹ The Administrative Procedures Act and substantive and procedural due process weigh against denying the institution of either petition under 35 U.S.C. § 314(a).

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