Trials@uspto.gov
571-272-7822

Paper 47
Date: March 4, 2024

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD. and
SAMSUNG ELECTRONICS AMERICA, INC.,
Petitioner,

v.

MANUFACTURING RESOURCES INTERNATIONAL, INC.
Patent Owner.

IPR2023-00199 (Patent 8,854,595 B2)
IPR2023-00220 (Patent 9,173,322 B2)
IPR2023-00221 (Patent 11,013,142 B2)
IPR2023-00254 (Patent 10,506,740 B2)
IPR2023-00255 (Patent 9,629,287 B2)[1]

Before JAMESON LEE, JO-ANNE M. KOKOSKI, and
JOHN A. HUDALLA, *Administrative Patent Judges.*

HUDALLA, *Administrative Patent Judge*.

ORDER
Granting Petitioner's Motion to Submit Supplemental Information
37 C.F.R. § 42.123

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[1] These proceedings have not been consolidated. Because the matter addressed is common to these proceedings, we issue a combined decision. The parties are not authorized to use this combined caption.

On March 1, 2024, Petitioner sent the following email to the Board:

> On February 28, 2024, the ITC issued a Notice of a Commission Determination Not to Review a Final Initial Determination Finding No Violation of Section 337; Termination of the Investigation ("Notice") in related ITC Inv. No. 337-TA-1331 . . . . Petitioner[] request[s] authorization to submit the Notice as supplemental information under 37 C.F.R. 42.123(b) in IPR2023-00199, -00220, -00221, -00254, and -00255. The Notice is relevant to a claim for which the trial has been instituted because the Notice confirms the ALJ's invalidity findings in her Final Initial Determination (Exhibit Nos. 1040 in IPR2023-00199, 1048 in IPR2023-00220, 1030 in IPR2023-00221, 1035 in IPR2023-00254, and 1042 in IPR2023-00255). The Notice reasonably could not have been obtained earlier because the ITC issued the Notice on February 28. Consideration of the supplemental information would be in the interests-of-justice. Petitioner[] will also file an updated Exhibit list with the addition of the Notice. Petitioner[] ha[s] conferred with Patent Owner, and Patent Owner does not oppose this request.

Ex. 3009 (Petitioner's email of Mar. 1, 2024). Petitioner also attached a copy of the ITC Notice.

We treat Petitioner's email as an unopposed motion to submit supplemental information in each of the above-captioned cases. *See* 37 C.F.R. § 42.5(b). Our rules require Petitioner's intended supplemental information to be "relevant to a claim for which the trial has been instituted." 37 C.F.R. § 42.123(a)(2). We find that the ITC Notice is relevant to the patentability of the challenged claims. Our rules also state that a party seeking to submit supplemental information at this late stage "must show why the supplemental information reasonably could not have

been obtained earlier, and that consideration of the supplemental information would be in the interests-of-justice." 37 C.F.R. § 42.123(b). Given that the ITC Notice was just issued in the past few days, we are satisfied that it could not have been obtained earlier. We also find that it is in the interests of justice for us to consider the ITC Notice, because it bears on the patentability of the challenged patents and the weight we should accord the Administrative Law Judge's Final Initial Determination. Finally, we note that Patent Owner does not oppose Petitioner's request.

For the foregoing reasons, it is

ORDERED that Petitioner's motion to submit supplemental information in each case is *granted*;

FURTHER ORDERED that Petitioner may submit the ITC Notice as an exhibit in each case; and

FURTHER ORDERED that Petitioner may file an updated exhibit list in each case.

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FOR PETITIONER:

Sanjeet Dutta
Douglas J. Kline
Naomi Birbach
GOODWIN PROCTOR LLP
sdutta@goodwinlaw.com
dkline@goodwinlaw.com
nbirbach@goodwinlaw.com

FOR PATENT OWNER:

John C. Alemanni
Carl Sanders
Michael T. Morlock
Courtney Dabbiere
David A. Reed
jalemanni@kilpatricktownsend.com
csanders@kilpatricktownsend.com
mmorlock@klilpatricktownsend.com
cdabbiere@kilpatricktownsend.com
dreed@klptricktownsend.com