

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD.,
Petitioner

v.

G+ COMMUNICATIONS, LLC
Patent Owner

IPR2023-00665
Patent No. 9,184,881

PETITIONER'S *SOTERA* STIPULATION

As explained in the Petition, the *Fintiv* factors do not justify discretionary denial. Petition at 71-74. While Samsung stipulated not to pursue the grounds raised in this IPR in the district court litigation if the IPR is instituted, *id.* at 73, it now further stipulates that, should the Board institute trial, it will not pursue an invalidity defense in the parallel district court action based on the same grounds as in this petition or any ground that could have reasonably been raised before the Board.¹ That is, Petitioner submits a stipulation consistent with *Sotera Wireless, Inc. v. Masimo Corp.*, IPR2020-01019, Paper 12 (PTAB Dec. 1, 2020) (precedential as to § II.A).² This moots any argument for discretionary denial under § 314(a). Ex. 1053 at 3 (“[t]he 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 been reasonably raised before the PTAB.”).

¹ The Board authorized the filing of this paper during a September 19, 2023, conference call. Patent Owner indicated on the call that it does not oppose.

² Petitioner’s *Sotera* stipulation is not late as it being submitted “prior to the Board’s decision of whether to institute review.” *NXP USA, Inc. v. Impinj, Inc.*, IPR2021-01156, Paper 13 (PTAB Sep. 2022) (precedential).

Respectfully submitted,

Dated: September 21, 2023

By: Naveen Modi/
Naveen Modi (Reg. No. 46,224)
Counsel for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that on September 21, 2023, I caused a true and correct copy of the foregoing Petitioner's *Sotera* Stipulation to be served by email at the following email addresses of record:

bliddle@carterarnett.com
mpomeroy@carterarnett.com
sbreedlove@carterarnett.com

By: /Naveen Modi/
Naveen Modi (Reg. No. 46,224)
Counsel for Petitioner