UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD.
Petitioner

v.

MOJO MOBILITY INC.
Patent Owner

Case No. IPR2023-01090
Patent No. 11,292,349

PATENT OWNER'S RESPONSE

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Patent Trial and Appeal Board
U.S. Patent and Trademark Office
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35 U.S.C. § 316(e) 1

TABLE OF EXHIBITS

Exhibit	Description
2001	Samsung's District Court Invalidity Contentions
2002	*Mojo Mobility Inc v. Samsung Electronics Co., Ltd, et al.*, Case No. 2-22-cv-00398, Dkt. 41 (Mojo's Response to Samsung's District Court Motion to Stay Pending IPR) (E.D. Tex. Aug. 11, 2023).
2003	*Mojo Mobility Inc v. Samsung Electronics Co., Ltd, et al.*, Case No. 2-22-cv-00398, Dkt. 1 (Complaint) (E.D. Tex. Oct. 7, 2022).
2004	Collection of "Proximate" Dictionary Definitions

Mojo Mobility Inc. ("Patent Owner" or "Mojo") submits this Patent Owner Response ("POR") responding to the Petition for *Inter Partes* Review ("Petition") of claims 8, 13, 15-18 of U.S. Patent No. 11,292,349 (the "'349 Patent") filed by Samsung Electronics Co., Ltd. ("Petitioner" or "Samsung") and the Board's subsequent decision to institute *Inter Partes* Review ("Institution Decision") on the '349 Patent.

I. ARGUMENT

The '349 Patent is no longer being asserted against Samsung in the co-pending District Court proceedings, and, as a result, Mojo elects to not proffer additional argument on the papers or through any hearings that may occur in this proceeding. While Samsung has been informed that the '349 Patent is no longer being asserted against Samsung, Samsung refuses to drop this and the other co-pending IPR challenging the validity of the '349 Patent.

For clarity, Mojo opposes each of Samsung's validity challenges and notes that the '349 Patent carries a presumption of validity. Further, it is Samsung's burden to provide unpatentability by a preponderance of the evidence.

"In an inter partes review . . . , the petitioner shall have the burden of proving a proposition of unpatentability by a preponderance of the evidence" and "the petitioner has the burden from the onset to show with particularity why the patent it challenges is unpatentable." 35 U.S.C. § 316(e); *Harmonic Inc. v. Avid Tech., Inc.*,

815 F.3d 1356, 1363 (Fed. Cir. 2016) (citing 35 U.S.C. § 312(a)(3) (2012) (requiring inter partes review petitions to identify "with particularity . . . the evidence that supports the grounds for the challenge to each claim")).

While Mojo does not proffer additional argument at this time, Mojo notes that Samsung must still meet its burden in proving unpatentability.

II. CONCLUSION

For any or all of the above-described reasons, the Board should deny the Petition on the grounds that Petitioner has not met its burden of proving that claims 8, 13, 15-18 of the '349 Patent are unpatentable over the cited references.

Dated: April 4, 2024

Respectfully submitted,

/s/Steven J. Pollinger

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CERTIFICATION OF WORD COUNT

The undersigned hereby certifies that the portions of the above-captioned **PATENT OWNER'S PRELIMINARY RESPONSE** specified in 37 C.F.R. § 42.24 have 330 words, in compliance with the 14,000 word limit set forth in 37 C.F.R. § 42.24(b)(1). This word count was prepared using Microsoft Word.

Date: April 4, 2024

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CERTIFICATION OF SERVICE

The undersigned hereby certifies that the above-captioned **PATENT OWNER'S PRELIMINARY RESPONSE** is being served on counsel for petitioner via electronic mail on April 4, 2024, in its entirety on the following counsel of record for Petitioner:

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