UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD.
Petitioner

v.

MOJO MOBILITY INC.
Patent Owner

Patent No. 11,342,777

PETITIONER'S NOTICE
REGARDING MULTIPLE PETITIONS

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I. INTRODUCTION

Petitioner is concurrently filing two petitions challenging different claims of U.S. Patent No. 11,342,777 ("the '777 patent") (Ex. 1001). "To aid the Board in determining" why "more than one petition is necessary," Petitioner provides the information below. *See* PTAB Consolidated Trial Practice Guide ("TPG") (November 2019) at 59-60. As explained below, the Board should institute both petitions.

II. RANKING

While both petitions are meritorious and justified as explained below, Petitioner requests that the Board consider the petitions in the following order:[1]

Rank	Petition	Challenged Claims	Grounds
1	Petition 1	1-3, 5-11, 13-14, and 24	Ground 1: Claims 1-3, 5, 6, 9-11, 13, 14, and 24 are obvious over *Sogabe* in view of *Azancot* Ground 2: Claim 6 is obvious over *Sogabe* in view of *Azancot* and *Walley* Ground 3: Claim 7 is obvious over *Sogabe* in view of *Azancot* and *Baarman*

[1] While Petitioner provides this ranking in accordance with the TPG, Petitioner believes ranking in this instance is inappropriate and/or unnecessary since each petition addresses different claims.

Rank	Petition	Challenged Claims	Grounds
			Ground 4: Claim 8 is obvious over *Sogabe* in view of *Azancot* and *Muratov*
2	Petition 2	15, 17, and 20-23	Ground 1: Claims 15, 20, 21, and 23 are obvious over *Sogabe* in view of *Azancot* Ground 2: Claims 17 and 21 are obvious over *Sogabe* in view of *Azancot* and *Walley* Ground 3: Claim 22 is obvious over *Sogabe* in view of *Azancot* and *Baarman*

III. MATERIAL DIFFERENCES AND REASONS FOR INSTITUTION

As the Board has recognized, "there may be circumstances in which more than one petition may be necessary." *See* PTAB Consolidated TPG at 59-60. This is such a circumstance.

The '777 patent includes, *inter alia*, independent claims 1, 15, and 24 (and corresponding dependent claims 2-14, 16-23, and 25-26), which recite various combinations of numerous features that Petitioner addresses. (*See* Ex. 1001, 70:17-74:28.) Petition 1 challenges independent claims 1 and 24 and dependent claims 3, 5-11, and 13-14 based on combinations of *Sogabe*, *Azancot*, *Walley*, *Baarman*, and *Muratov* prior art references. Petition 2 challenges independent claim 15 and dependent claims 17 and 20-23 based on combinations of *Sogabe*, *Azancot*, *Walley*, and *Baarman*. The grounds challenge different claims, and were specifically tailored to address the different combinations of features of the challenged

independent and dependent claims.

There was no practicable way to fit the challenges in a single petition. Claims 1 and 24 (first petition) are exacting and take up approximately two-thirds of a column each. (Ex. 1001, 70:17-67, 73:1-74:23.) Similarly, claim 15 (second petition) also takes up approximately two-thirds of a column. (*Id.*, 71:57-72:31.) Petitioner had to separate the challenges into two petitions—which challenge different independent claims of the '777 patent—in order to ensure the grounds associated with each challenged claim contain the necessary specificity as to how the prior art meets the recited limitations within the word limit applicable to IPR petitions, consistent with similar previously instituted proceedings. *See, e.g.*, *Samsung Elecs. Co. v. Hardin*, IPR2022-01335, Paper No. 13 at 22 (P.T.A.B. Feb. 8, 2023) ("In particular, we recognize that the claims are very long (e.g., claim 1 is nearly a column in length) . . . ."); *ASSA ABLOY AB v. CPC Patent Technologies Pty Ltd.*, IPR2022-01089, Paper 21 at 3-5 (P.T.A.B. Jan. 3, 2023).

Moreover, the challenged claims recite varying limitations that are only addressed in one petition. For example, claims 1 and 24 (first petition) are directed to systems for "inductive[ly] charging . . . an electronic device." (Ex. 1001, 70:17-20; *see also id.*, 73:1-4.) Claim 15 (second petition), in contrast, is directed to an "electronic device" that is "capable of receiving power inductively." (*Id.*, 71:57-58.) The first petition addresses features relating to charging systems, including "a

coil drive circuit electrically coupled to [an] inductive charging coil, wherein the coil drive circuit provides power to the inductive charging coil by switching a voltage input to the inductive charging coil at an operating frequency," a "current detection circuit" for receiving communications, and "transmitting, by modulating the operating frequency with the coil drive circuit, a frequency-modulated third communication to the inductive charging receiver of the electronic device." (*Id.*, 70:17-67, 73:1-74:23.) In contrast, the second petition addresses features associated with electronic devices that receive power inductively (from a charger system), including "a communication transmitter circuit electrically coupled to [an] inductive charging receiver coil for communicating through the coil," "a communication receiver circuit electrically coupled to the inductive charging receiver coil for communicating through the coil," and transmitting and receiving communications using the transmitter and receiver circuits. (*Id.*, 71:57-72:31.) Due to the claims reciting multiple (*albeit* conventional) features and others, it would have been impractical (and prejudicial to Petitioner) to challenge all these claims in one petition to the detriment of detail and supporting arguments and evidence.

The overlapping prior art references and concurrent filing of the petitions also weigh in favor of institution. Petitioner believes a relatively small amount of effort is required by the parties and the Board to address the prior art and claim limitations across the multiple petitions as similar prior art references are used in both petitions.

See, e.g., *Hardin*, IPR2022-01335 at 22-23. And Petitioner has filed its two petitions concurrently, and thus "did not gain a timing advantage that might otherwise occur were the petitions filed serially," which further supports institution. *Id.*

Given that it is Petitioner's burden to establish unpatentability of the challenged claims, the level of detail included in the petitions is appropriate, and the Board should not penalize Petitioner for doing so by exercising its discretion under 35 U.S.C. § 314 to deny either petition on account of the grounds being presented across two petitions, especially given Petitioner had to reserve space to address other discretionary issues under current PTAB practice in light of PO's litigation against Petitioner. (*See* Pet. 1, §X; Pet. 2, §X (each addressing *Fintiv* and 35 U.S.C. § 325).) Petitioner strived to minimize issues where possible based on the various limitations presented across the challenged claims. Thus, institution of both petitions would not implicate time/resource concerns if trial is instituted in both petitions, and Petitioner would not oppose consolidation of the two proceedings upon institution. Moreover, both the Administrative Procedures Act and due process weigh against discretionary denial of institution of either petition because, as discussed, **different claims are challenged in each respective petition**.

IV. CONCLUSION

For the reasons given above, the Board should institute both petitions.

Respectfully submitted,

Dated: June 29, 2023

By: /Joseph E. Palys/
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CERTIFICATE OF SERVICE

I hereby certify that on June 29, 2023, I caused a true and correct copy of the foregoing Petitioner's Notice Regarding Multiple Petitions to be served via express mail on the Patent Owner at the following correspondence address of record as listed on Patent Center:

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