

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

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

v.

SLYDE ANALYTICS, LLC,
Patent Owner.

Case No. IPR2024-00002
U.S. Patent No. 9,651,922

PETITIONER'S REQUEST FOR DIRECTOR REVIEW

TABLE OF CONTENTS

	Page
I. INTRODUCTION	1
II. BACKGROUND	2
III. ARGUMENT.....	6
A. The majority failed to follow applicable law and recent USPTO guidance by applying an inflexible obviousness standard and by failing to consider the references for all that they teach.	6
B. The majority failed to follow a recent Director Review decision on disputed claim construction issues, did not permit the parties to brief claim construction, and reached erroneous conclusions.	8
C. The majority failed to follow applicable law and a recent Director Review decision to consider all evidence of obviousness.	12
IV. CONCLUSION.....	15

TABLE OF AUTHORITIES

Page(s)

CASES

Ecolab, Inc. v. Envirochem, Inc.,
264 F.3d 1358 (Fed. Cir. 2001) 11

Google LLC v. Ecofactor, Inc.,
92 F.4th 1049 (Fed. Cir. 2024) 9

Graham v. John Deere Co.,
383 U.S. 1 (1966).....6, 7

In re Keller,
642 F.2d 413 (CCPA 1981) 13

In re Woodruff,
919 F.2d 1575 (Fed. Cir. 1990) 7

KSR Int’l Co. v. Teleflex Inc.,
550 U.S. 398 (2007).....6

Nearmap US, Inc. v. Eagle View Techs. Inc.,
No. IPR2022-00734, 2024 WL 922247 (P.T.A.B. Feb. 20, 2024).....8

Provisur Techs., Inc. v. Weber, Inc.,
50 F.4th 117 (Fed. Cir. 2022) 12

Vivint, Inc. v. SB IP Holdings LLC,
No. IPR2022-00814, 2023 WL 6878619 (P.T.A.B. Oct. 16, 2023).....14

Weber, Inc. v. Provisur Techs., Inc.,
No. IPR2022-00599, 2023 WL 9787396 (P.T.A.B. Nov. 29, 2023).....12

Xerox v. Bytemark, Inc.,
No. IPR2022-00624, 2022 WL 3648989 (P.T.A.B. Feb. 10, 2023) 15

REGULATIONS

37 C.F.R. § 42.108 (c).....9

37 C.F.R. § 42.6(A)(3).....14

TABLE OF AUTHORITIES
(continued)

	Page(s)
37 CFR 42.65(A).....	15
<u>OTHER AUTHORITIES</u>	
77 Fed. Reg. 48612 (Aug. 14, 2012)	14
89 Fed. Reg. 14449 (Feb. 27, 2024)	6
MPEP § 2143.01	13
MPEP § 2144.04 (IV)	7
MPEP § 2144.05 (I)	7

I. INTRODUCTION

In petitioning for *inter partes* review, a petitioner need only show that there is a reasonable likelihood that it will prevail with respect to at least one claim challenged. Here, a rare, divided Board panel concluded that Samsung could not satisfy the reasonably likely standard because two prior art references with almost identical disclosures as the patent fail to teach or suggest several broad claim elements. In making this finding, the majority erred in at least three ways, warranting reversal or vacatur.

First, in conflict with *Graham*, *KSR*, and guidance just issued by the USPTO, the majority failed to apply the proper flexible standard of obviousness. Instead, it found that prior art that teaches “substantially all” of a display and “full screen” does not teach the claimed “whole” or “entire” display. Additionally, on multiple occasions, the majority appeared to require that Samsung show that the art is the “same as” the claims, which is not the test for obviousness.

Second, in conflict with recent Director Review decisions such as *Nearmap US, Inc. v. Eagle View Techs., Inc.*, the majority failed to permit Samsung to brief claim construction issues raised by Patent Owner. As a result, on a scant record and with virtually no analysis, the majority assumed an overly narrow meaning of non-technical terms used in non-technical ways, like “corresponds,” “occupies,” “whole,” and “entire,” and terms of art from the prior art, like “substantially.” The

majority further applied a limitation (“during scrolling”) not present in the claims at all. The limited record thus led to errors on dispositive claim construction issues. Moreover, as the dissent suggested, an erroneously narrow reading of commonly used, non-technical terms has the potential to impact many cases before the Office.

Third, in conflict with Board rules and recent Director Review decisions such as *Weber v. Provisur Techs.* and *Xerox v. Bytemark*, the majority acknowledged the presence of additional obviousness arguments and evidence but then ignored them. This is particularly inappropriate at the institution stage where parties are given limited briefing opportunity.

For the reasons herein, Samsung respectfully requests that the Director review the majority’s decision and correct the errors identified in this request.¹

II. BACKGROUND

The ’922 patent, filed on December 22, 2011, is directed to a wristwatch with a touchscreen display where open applications (“widgets”) can be scrolled across the display by a finger swipe. The patent includes twenty-four claims, four of which are independent. Samsung challenged all claims under multiple grounds based on two § 102(b) primary references, each of which teach the limitations at

¹ The panel did not take up Patent Owner’s basis to discretionarily deny institution. For the reasons stated in Samsung’s Preliminary Reply, those bases are not available to Patent Owner. Paper 11 at 1-5.

issue here: U.S. Patent Application Publication No. 2008/0168368 (“Louch”) and U.S. Patent No. 8,296,684 (“Duarte”). These are the only references at issue.

Claim 1 is representative and recites, in relevant part, “a wristwatch having: a digital matrix display; . . . touch-sensitive glass; . . . wherein the size of the image [of a card] *corresponds* to the size of the digital matrix display so that the displayed card *occupies the whole* of said digital matrix display.” Ex-1001, 13:60-14:14.² The claim further recites that “one card of several available cards and *occupying the entire* digital matrix display is immediately and *without further user intervention* replaced *after the scrolling* by a different card . . . that *occupies the entire* digital matrix display.” *Id.*, 14:15-20. The claim limitations at issue are essentially the same for the other challenged claims, except where noted below.

As depicted in the charts below, in its Petition, Samsung pointed to numerous express disclosures in Louch and Duarte to show that each reference teaches the relevant claim elements. Despite this evidence, which is exemplary, the majority found that the references failed to teach or suggest those elements. Decision 14-15, 28.

² Emphasis added throughout unless otherwise noted.

Claim Element	Louch (Ex-1005)	Majority
1[f]: “wherein the size of the image [from a card] corresponds to the size of the digital matrix display so that the displayed card occupies the whole of said digital matrix display ”	¶67: a widget “can consume the entire display area 406. ” ¶80: a widget “is displayed to cover the entire display area 502 (full screen) ” ¶81: a widget is “expanded to consume substantially all of the multi-touch-sensitive display area ”	<i>majority did not directly address element 1[f]</i>
1[g]: “wherein one card of several available cards and occupying the entire digital matrix display is immediately and without further user intervention replaced after the scrolling by a different card . . . that occupies the entire digital matrix display.”	¶67: see above ¶¶79-80: widget may be “ scrolled across the display area 502 of the device 504 using a finger or stylus” ¶87: a user may “ scroll through open or closed widgets ” “the user can make a single touch and gesture and widgets will be continuously scrolled by the display 514 in a Rolodex® manner and slowly de-accelerate to a stop. ” ¶81: see above	Page 15: “‘substantially all’ of a digital matrix display is not the same as ‘the entire digital matrix display’” Page 14: the “contentions do not account for . . . ‘different card’ must occupy the entire digital matrix display” Page 15: fails to “refer[] to the appearance of the widget during scrolling ” Page 15: the argument and evidence fails to “teach or suggest” that the image is presented on the entire display “after scrolling” “without user intervention”

Claim Element	Duarte (Ex-1010)	Majority
1[f]: “wherein the size of the image [from a card] corresponds to the size of the digital matrix display so that the displayed card occupies the whole of said digital matrix display ”	2:62-63: “in a full-screen mode , one activity occupies substantially an entire display screen ” 6:59-63: windows 301 can be scrolled in “ full-screen mode ”	<i>majority merged discussion of 1[f] and [g]</i> Page 28: “‘substantially an entire display screen’ does not satisfy the claimed ‘whole of said digital matrix display’ of limitation 1[e] or the claimed ‘entire digital matrix display’ of limitation 1[f]” ³
1[g]: “wherein one card of several available cards and occupying the entire digital matrix display is immediately and without further user intervention replaced after the scrolling by a different card . . . that occupies the entire digital matrix display.”	6:60-63: see above 7:6-10: Once a user drags a window “sufficiently close to the central position to make it clear that the intention is to give the window 301 focus, the window 301 snaps into the central position upon completion of the drag operation.” Bederson ¶282 (Ex-1002): “With full-screen scrolling , this snap-into-central-position feature means one window replaces another on the entire display without further user intervention. ”	Page 28: “Petitioner presents no reasoning why or even an assertion that ‘substantially an entire’ is the same as the ‘whole’ or ‘entire’” or “would have suggested to one of ordinary skill in the art the ‘whole’ or the ‘entire’ display.” Page 28: “[e]ven in ‘full screen’ mode, Duarte’s windows do not occupy the whole or the entire display screen” <i>majority did not discuss “after scrolling” or “without further user intervention”</i>

³ This appears to be a typographical error as these limitations relate to 1[f] and [g].

III. ARGUMENT

A. The majority failed to follow applicable law and recent USPTO guidance by applying an inflexible obviousness standard and by failing to consider the references for all that they teach.

The USPTO recently published guidance that reiterates that “a hallmark” of the approach to obviousness “is flexibility,” particularly with respect to “the scope of the prior art.” 89 Fed. Reg. 14449, 14450 (Feb. 27, 2024) (citing *KSR Int’l Co. v. Teleflex Inc.*, 550 U.S. 398 (2007)). The Guidance goes on to explain that “the Supreme Court taught that a proper understanding of the prior art extends to all that the art reasonably suggests, and is not limited to its articulated teachings.” *Id.* (citing *KSR*). And it states that “[t]he Federal Circuit has made it clear that a narrow or rigid reading of prior art that does not recognize reasonable inferences that a [POSITA] would have drawn is inappropriate.” *Id.* Likewise, as the dissent properly explained: “‘It is well settled that a prior art reference is relevant for all that it teaches to those of ordinary skill in the art.’” Dissent 8 (citations omitted).

In assessing the evidence, the majority applied an inflexible reading of the prior art, concluding that explicit teachings of full and substantially full-screen images, identified in the above chart, fail to teach the claimed “whole” or “entire” display. Decision 14-16, 28. This is contrary to what *Graham v. John Deere Co.*, 383 U.S. 1 (1966), *KSR*, and their progeny require in assessing obviousness.

Additionally, the majority’s approach conflicts with other specific guidance in the MPEP regarding how the examining corps must treat claims that are slightly different from the prior art with respect to shape and size or amount. *See* MPEP §§ 2144.04 (IV), 2144.05 (I) (citing, among other cases, *In re Woodruff*, 919 F.2d 1575, 1577 (Fed. Cir. 1990) (disclosure in the prior art of “*about* 1-5%” taught “*more than* 5%”)). As a matter of policy, it is important that the Board and the examining corps apply the same standard for obviousness.

Moreover, on at least two occasions the majority appeared to apply the wrong obviousness test, asking whether the prior art was “the same as” the claims. *See* Decision 15 (“‘substantially all’ of a digital matrix display is not *the same as* ‘the entire digital matrix display’”), 28 (“Petitioner presents no reasoning why or even an assertion that ‘substantially an entire’ is *the same as* the ‘whole’ or ‘entire’” or “would have suggested to one of ordinary skill in the art the ‘whole’ or the ‘entire’ display.”). Obviousness does not require that the prior art be “the same as” the claims. *See Graham*, 383 U.S. at 17 (explaining that the correct inquiry is assessing the “differences” between the prior art and the claims). But, here, even applying the Board’s inflexible standard, the prior art does teach “the same” elements as the claims. For example, Louch teaches that a widget “can consume *the entire display area 406*” and can be “displayed to cover *the entire display area 502 (full screen)*.” Paper 3 at 21 (citing Ex-1005 ¶¶67 and 80). And Duarte’s figure

2, shown here with and without annotations, and cited by Samsung in support of

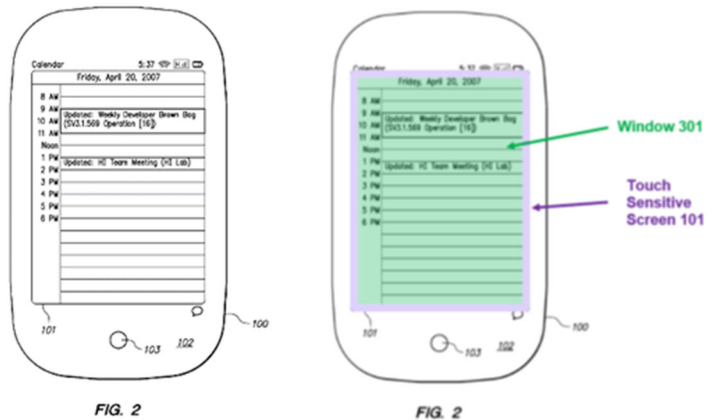
the almost identical element

1[c] (“a processing circuit . . .

for displaying said card *on the*

entire digital matrix display”),

shows that Duarte’s widgets



fill the “whole” or “entire” display. Paper 3 at 57-58. The dissent credited these teachings, but the majority did not. *See* Dissent 7-8, 10-12.

B. The majority failed to follow a recent Director Review decision on disputed claim construction issues, did not permit the parties to brief claim construction, and reached erroneous conclusions.

As Director Vidal explained in vacating a recent Board decision: “where [a claim construction] dispute materially affects the Board’s determinations, *it is necessary to resolve the dispute.*” *Nearmap US, Inc. v. Eagle View Techs. Inc.*, No. IPR2022-00734, 2024 WL 922247 at *4 n.5 (P.T.A.B. Feb. 20, 2024). Here, Samsung argued that the claims were obvious in view of the plain meaning of the terms. But, when the Patent Owner’s Preliminary Response revealed that it was applying an unexpectedly narrow meaning to several non-technical terms, the Board refused to permit Samsung to reply to that argument. Paper 9 at 4; Ex-1035 (Tr. of PTAB Conf. Call) at 11-12 (Samsung asking to reply on claim construction), 19 (Patent Owner admitting there was a claim construction dispute).

After noting the disputes and refusing further briefing to address them, the majority relied on these same disputed terms to resolve whether to institute the proceeding. This is an abuse of discretion under Board procedures permitting replies for good cause and violates the Director’s directive in *Nearmap*.⁴

Furthermore, as a result of precluding additional briefing on claim scope, the majority erroneously (1) assumed a narrow meaning to several non-technical terms from elements 1[f] and [g] (“corresponds,” “occupies” “whole,” and “entire”) inconsistent with the claims, specification, and common usage and (2) applied a limitation “during scrolling” not even present in the claims. Such implicit constructions and resulting errors can be reviewed. *See Google LLC v. Ecolfactor, Inc.*, 92 F.4th 1049, 1056 (Fed. Cir. 2024).

As to the first group of terms, relating to whether a widget corresponds to or occupies the whole or entire display, the only indirect discussion of the meaning of these claim elements occurred in the background section, where the majority block quoted a paragraph of the specification discussing the benefit of having the “entire image” of a card used. Decision 3-4 (citing Ex-1001, 4:17–40). The quoted portion of the specification states that, due to the small size of a watch screen, it is

⁴ 37 C.F.R. § 42.108 (c) (“A petitioner may seek leave to file a reply to the preliminary response in accordance with §§ 42.23 and 42.24(c). Any such request must make a showing of good cause.”); TPG 44-45 (“petitioner may respond to any such new claim construction issue raised by patent owner”).

beneficial to avoid “miniscule icons.” But the majority omitted one sentence (the critical sentence) from that paragraph that it is preferable to use “cards that *generally* occupy the entire screen and that display the useful information.” Ex-1001, 4:41-42. Thus, the majority misunderstood that, while the claimed images must not be “miniscule,” they only need to “*generally* occupy the entire screen.” This demonstrates that Samsung’s argument that disclosures that teach filling “substantially” all the display teach the relevant claim limitations.

Moreover, in assessing the meaning of the terms, the majority failed to consider the relevant limitations in the context of other claims as required by *Phillips*. For example, claim 9 and other claims that depend therefrom include a similar, but narrower, limitation that “an edge” of a replacement card must be “align[ed]” to “an edge of the matrix display.” Ex-1001, 14:53-15:11. Claim 9’s precision corroborates claim 1’s breadth.

Finally, the majority failed to consider the non-technical meaning of non-technical terms used in non-technical ways. For example, “whole” and “entire” do not suggest mathematical precision in this context, particularly when modified by broad terms like “generally,” “corresponds,” and “occupies.” And, as explained above, the majority failed to contrast these terms with more specific terms like “align” and “edge” from claim 9. And, although not a claim term here, the meaning of the term “substantially,” as used in the prior art, should have been considered as

well. As the dissent noted, terms like “about” and “substantially” are routinely used in claiming to mean “all” or “essentially all” and “to avoid a strict numerical boundary.” Dissent 7 (citing *Ecolab, Inc. v. Envirochem, Inc.*, 264 F.3d 1358, 1367 (Fed. Cir. 2001)). The erroneous treatment of non-technical terms has the possibility of creating errors in other Board decisions and in examination as well.

As to the erroneously added limitation, the majority stated that Louch fails to “refer[] to the appearance of the widget *during scrolling*.” Decision 15. But, as the dissent explains, claim 1 does not require that the image occupy the “whole” or “entire” display *during scrolling*. *Id.* at 2-6. Rather, it requires that a card “occupying the entire digital matrix display is . . . replaced *after the scrolling* by a different card . . . that occupies the entire digital matrix display.” Ex-1001, 14:15-20. Further, as the dissent also explains, the only mention of how the images look “during scrolling” is in a dependent claim (claim 18), which recites: “The method of claim 9, wherein the size of the displayed cards *is reduced during scrolling*, so as to display several cards simultaneously.” Claim 9 includes the same “after the scrolling limitation” as claim 1. But claim 9 (and claim 1) cannot require a full-sized image during scrolling or claim 18 would have to require both a full-sized image and a reduced-size image during scrolling, which is impossible. *See* Dissent 2. In any event, the dissent correctly found that both Louch and Duarte teach that images may occupy the entire display even during scrolling. Dissent 6-8, 10-12.

C. The majority failed to follow applicable law and a recent Director Review decision to consider all evidence of obviousness.

As Director Vidal has explained in vacating another recent Board decision, the Board must address all evidence relating to obviousness. *See, e.g., Weber, Inc. v. Provisur Techs., Inc.*, No. IPR2022-00599, 2023 WL 9787396 at *2 (P.T.A.B. Nov. 29, 2023) (“find[ing] that Board failed to address Patent Owner’s evidence supporting its arguments on motivation to combine”). Similarly, the Federal Circuit has held that the failure to consider relevant evidence is an abuse of discretion under the Administrative Procedure Act (“APA”). *See Provisur Techs., Inc. v. Weber, Inc.*, 50 F.4th 117, 124 (Fed. Cir. 2022) (holding the Board violated the APA because it did not “explicitly address [a party’s] arguments or even implicitly explain” its analysis of the prior art “in a way that fairly contemplates and resolves those arguments”). Here, the majority noted important evidence of obviousness but declined to “consider it.” Proper consideration would have resulted in institution, even in view of the majority’s other errors discussed above.

First, the majority appears to segregate evidence of “teachings” from evidence of “suggestions” to ignore the latter. For example, after addressing Samsung’s evidence of “teachings,” the majority stated that: “Petitioner also presents no argument that ‘substantially an entire’ display would have *suggested* to one of ordinary skill in the art the ‘whole’ or the ‘entire’ display.” Decision 28.

This implies that the majority believes the disclosures could be enough to show a suggestion if Samsung had only used the word “suggests.” But Samsung’s arguments and evidence of obviousness should not be ignored simply because its Petition says “teaches” rather than “suggests”—terms often used interchangeably. *See, e.g., In re Keller*, 642 F.2d 413, 425 (CCPA 1981) (“The test for obviousness is . . . what the combined *teachings* of the references would have *suggested* to those of ordinary skill in the art.” (citations omitted)); MPEP § 2143.01 (same).

Second, the majority treats independent claims 1 and 9 as the same for purposes of the disputed limitations but failed to consider Samsung’s claim 9 arguments and evidence for either claim 9 or claim 1. *See* Decision 17, 28. As to claim 9, Samsung argued that a POSITA would have found it obvious to “*align an edge* of the replacement card with *an edge of the matrix display*,” allowing the widget to fill the display *to the edges*. Paper 3 at 33-34 (“so that the replacement widget is fully visible”), 72-73 (same). Had the majority considered this argument and evidence, it would have found both claim 9 and claim 1 satisfied.

Third, even if the references did not explicitly teach filling the “whole” or “entire” display, Samsung’s expert testified, similar to the argument for claim 9, that “a POSITA would have been motivated to consume the entire display on a watch because of its more limited display area to avoid unnecessary eye strain.” *See, e.g.,* Paper 3 at 21 n.4. (citing Ex-1002 ¶116). The majority

acknowledged this evidence but refused to consider it because Samsung only pin cited the paragraph from the expert declaration. Decision 16 (citing 37 C.F.R. § 42.6(a)(3) (“incorporation by reference”)).

Applying a prohibition against incorporation by reference here is legally wrong and an abuse of discretion. For one thing, the rule is usually applied when a party abuses the word limits or cites to swaths of argument and evidence that is difficult or impossible to parse. This ensures that the Board is not asked to act as an “archeologist” with the record. 77 Fed. Reg. 48612, 48617 (Aug. 14, 2012). But Samsung did not cite to large unexplained portions of the record. Instead, as required by Board rules, Samsung pin cited to certain paragraphs of an expert declaration, in which the majority found the very argument and evidence supporting Samsung. *See Vivint, Inc. v. SB IP Holdings LLC*, No. IPR2022-00814, 2023 WL 6878619 at *5 (P.T.A.B. Oct. 16, 2023) (rejecting argument that Petitioner improperly incorporated the expert declaration by reference because “[t]here is no requirement that all statements in a supporting expert declaration be present in a petition”). Samsung’s citation also put Patent Owner on notice of the expert’s opinion, which supported arguments already captured in the Petition.

Additionally, at the institution stage, the Board need only discern whether a petition has shown a reasonable likelihood of patentability. By refusing to consider

evidence that could have been relied on during the trial phase (depending on the Patent Owner Response), the majority did not accurately apply this standard.

If the majority's use of incorporation by reference here is taken to its logical conclusion, then petitions and expert declarations will become verbatim copies of one another to ensure that an expert's analysis is not disregarded. This is in tension with *Xerox Corp. v. Bytemark, Inc.*, No. IPR2022-00624, 2022 WL 3648989 (P.T.A.B. Feb. 10, 2023) and other cases criticizing identical petitions and declarations. *Xerox* requires that experts provide additional "technical detail, explanation, or statements" to support their testimony regarding obviousness. Under a reasonable interpretation of the rules and precedent, a petition will provide sufficient arguments and evidence to show unpatentability and, if relying on expert evidence, the petition will cite supporting expert opinions. In turn, the declaration will provide technical details, explanation, and support for those opinions. *See also* 37 CFR 42.65(a) ("Expert testimony that does not disclose the underlying facts or data . . . is entitled to little or no weight.").

IV. CONCLUSION

For the reasons herein, Samsung respectfully requests that the Director review the majority's decision and reverse or vacate the majority's conclusions and findings so that the *inter partes* review proceeding can be instituted.

Respectfully Submitted,

/s/ William M. Fink

William M. Fink (Reg. No. 72,332)

CERTIFICATION OF WORD COUNT

Pursuant to 37 C.F.R. § 42.24(d), the undersigned certifies that this Request for Director Review complies with the 15-page limit exclusive of the parts exempted as provided in 37 C.F.R. § 42.24(a).

Respectfully Submitted,

/s/ William M. Fink

William M. Fink (Reg. No. 72,332)

CERTIFICATE OF SERVICE

The undersigned certifies pursuant to 37 C.F.R. §§ 42.6(e) and 42.105 that on May 3, 2024, a true and correct copy of REQUEST FOR DIRECTOR REVIEW was served in its entirety by filing this document through the PTAB P-TACTS System, as well as by email to counsel of record for the Patent Owner. Concurrently, notification is being provided to the Director of the USPTO at Director_PTABDecision_Review@uspto.gov.

Lead Counsel	Back-up Counsel
Peter Lambrianakos (Reg. No. 58,279) FABRICANT LLP 411 Theodore Fremd Avenue, Suite 206 South Rye, New York 10580 Tel. 212-257-5797 Fax. 212-257-5796 PTAB@fabricantllp.com plambrianakos@fabricantllp.com	Vincent J. Rubino, III (Reg. No. 68,594) FABRICANT LLP 411 Theodore Fremd Avenue, Suite 206 South Rye, New York 10580 Tel. 212-257-5797 Fax. 212-257-5796 vrubino@fabricantllp.com
	Alfred R. Fabricant (subject to motion to appear <i>pro hac vice</i>) FABRICANT LLP 411 Theodore Fremd Avenue, Suite 206 South Rye, New York 10580 Tel. 212-257-5797 Fax. 212-257-5796 ffabricant@fabricantllp.com

	Enrique W. Iturralde (Reg. No. 72,883) FABRICANT LLP 411 Theodore Fremd Avenue, Rye, New York 10580 Tel. 212-257-5797 Fax. 212-257-5796 eiturralde@fabricantllp.com
	Richard Cowell (Reg. No. 79,143) FABRICANT LLP 411 Theodore Fremd Avenue, Suite 206 South Rye, New York 10580 Tel. 212-257-5797 Fax. 212-257-5796 rcowell@fabricantllp.com
	Jacob Ostling (Reg. No. 77,624) FABRICANT LLP 411 Theodore Fremd Avenue, Suite 206 South Rye, New York 10580 Tel. 212-257-5797 Fax. 212-257-5796 jostling@fabricantllp.com

Dated: May 3, 2024

Respectfully submitted,

/s/ William M. Fink

William M. Fink (Reg. No. 72,332)
O'Melveny & Myers LLP
1625 Eye Street, NW
Washington, DC 20006
Telephone: (202) 383-5300
Fax: (202) 383-5414
E-Mail: tfink@omm.com
Attorney for Petitioner