

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.

IPR2024-00040
Patent 9,804,678 B2

Before JAMESON LEE, JOHN F. HORVATH, and
ST.JOHN COURTENAY III, *Administrative Patent Judges*.

LEE, *Administrative Patent Judge*.

ORDER
Conduct of the Proceeding
37 C.F.R. 42.5

BACKGROUND

Samsung Electronics Co., Ltd and Samsung Electronics America, Inc. (“Petitioner”) filed a Petition requesting an *inter partes* review of claims 1–15 (“challenged claims”) of U.S. Patent 9,804,678 B2 (Ex. 1001, “the ’678 patent”) pursuant to 35 U.S.C. §§ 311–319. Paper 3. Slyde Analytics, LLC (“Patent Owner”) filed a Preliminary Response. Paper 9. Petitioner filed a Preliminary Reply. Paper 10. Patent Owner filed a Preliminary Sur-reply. Paper 11.

On April 30, 2024, we issued a decision declining to institute *inter partes* review. Paper 12 (“Decision on Institution” or “DI”). In the Decision on Institution, relying on The Authoritative Dictionary of IEEE Standards Terms (7th ed. 2000), we found that a “processor” as claimed “has to execute code, program, or instructions, and cannot be met simply by any electrical circuit.” DI. 12. On May 16, 2024, Petitioner filed a Request for Director Review. Paper 13. On August 2, 2024, the Director issued a “Decision Granting Director Review, Vacating the Decision Denying Institution, and Remanding to the Patent Trial and Appeal Board for Further Proceeding.” Paper 14 (“Director Decision” or “DD”).

The Director determined that “the Board erred in construing the claimed ‘processor’ based solely on extrinsic evidence without first thoroughly considering all of the intrinsic evidence.” DD. 9. Specifically, the Director found that “[t]he Board should have considered whether limitation 14[E][3] provides additional context for understanding the processor as introduced in limitation 14[E][1]. *Id.* The Director instructed that “[o]n remand, the Board should jointly consider 14[E][1] and 14[E][3]

along with Petitioner’s arguments in relation to Orr and Orr682 as pertaining to these claim limitations.” *Id.* at 9–10.

The Director also instructed that the Board should have considered the patent’s disclosed embodiment in which inertial sensor 23’s “embedded power processing capabilities comprise a processor or other processing means for executing programmable software code for analy[z]ing the acceleration values delivered by the accelerometer, and for generating signals or values when certain conditions are met.” DD. 10. Additionally, the Director instructed that the Board may consider extrinsic evidence when construing “processor,” but “should not import limitations into the claims from the extrinsic evidence that are narrower than the Specification’s own requirements, or lack thereof.” *Id.* at 11.

The Director determined that “the extrinsic evidence currently of record does not support what appears to be a negative limitation in the Board’s construction, which is that the processor ‘cannot be met simply by any electrical circuit.’” DD. 11.

ORDER

It is

ORDERED that our decision on remand can be expected to issue by December 16, 2024; and

FURTHER ORDERED that further briefing by either party is neither required nor authorized.

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Patent 9,804,678 B2

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