

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. IPR2024-00041
U.S. Patent No. 10,198,085

**PRELIMINARY REPLY IN SUPPORT OF SAMSUNG'S
PETITION FOR *INTER PARTES* REVIEW
OF U.S. PATENT NO. 10,198,085**

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Ex-1007	U.S. Patent Application Publication No. US 2011/0148752 (“Alameh”)
Ex-1008	Mark Joselli and Esteban Clua, gRmobile: A Framework for Touch Accelerometer Gesture Recognition for Mobile Games, IEEE 141-150 (2010).
Ex-1009	U.S. Patent No. 8,615,375 (“Yano”)
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Ex-1012	U.S. Patent Application Publication No. 2008/0229255 (“Linjama”)
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¹ Four-digit pin citations that begin with 0 are to the page stamps added by Samsung in the bottom right corner of the exhibits. All other pin citations are to original page, column, paragraph, and/or line numbers.

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Ex-1014	Certified Translation of Japanese Patent Application Publication No. JP2007-41143 (“Nishijima”)
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Ex-1017	U.S. Patent No. 5,612,931 (“Sato”)
Ex-1018	Thomas Schlömer, et. al, “Gesture Recognition with a Wii Controller,” Proceedings of the Second International Conference on Tangible and Embedded Interaction, February 18-20 2008 (“Schlömer”)
Ex-1019	U.S. Patent No. 7,873,849 (“Mucignat”)
Ex-1020	U.S. Patent 9,122,735 (“Locker”)
Ex-1021	U.S. Patent Application Publication No. US 2010/0013778 (“Liu”)
Ex-1022	Seungyon Claire Lee, Bohao Li, and Thad Starner, AirTouch, Synchronizing in-air hand gesture and on-body tactile feedback to augment mobile gesture interaction 3-10 (2011).
Ex-1023	Benjamin B. Bederson & James D. Hollan, Pad++: A Zooming Graphical Interface for Exploring Alternate Interface Physics 17-26 (1994).
Ex-1024	David Rogers, Feimo Hou, Chandelle Vuolo & Benjamin B. Bederson, Tossing Objects in a Desktop Environment (1996).
Ex-1025	Benjamin B. Bederson, Fisheye Menus 217-225 (2000).
Ex-1026	Leslie E Chipman, Benjamin B. Bederson & Jennifer A. Golbeck, SlideBar: Analysis of a linear input device 1-9 (2004).
Ex-1027	Hilary Browne et al., Designing a Collaborative Finger Painting

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	Application for Children (2000).
Ex-1028	Pekka Parhi, Amy K. Karlson & Benjamin B. Bederson, Target Size Study for One-Handed Thumb Use on Small Touchscreen Devices 203-210 (2006).
Ex-1029	Amy K. Karlson, Benjamin B. Bederson & José Contreras-Vidal, Understanding One-Handed Use of Mobile Devices 1-22 (2007).
Ex-1030	Test of Time Awards, VIS2021, https://ieevis.org/year/2021/info/awards/test-of-time-awards (last visited Oct. 3, 2023).
Ex-1031	Test of Time Awards, VIS2022, https://ieevis.org/year/2022/info/awards/test-of-time-awards (last visited Oct. 3, 2023).
Ex-1032	Swiss Patent Application No. 01689/11 (“911 Application”)
Ex-1033	U.S. Patent Application Publication No. 2009/0265671 (“Sachs”)
Ex-1034	World Intellectual Property Organization Publication No. WO 2006/120211 (“Tecchiolli”)
Ex-1035	David Dearman, Amy Karlson, Brian Meyers, and Ben Bederson, Multi-Modal Text Entry and Selection on a Mobile Device 19-26 (2011).
EX-1036	Mercedes Casamayor and Claire Croke, How to Save Power in Battery Applications Using the Power-Down Mode in an ADC, Analog Dialogue (2003), https://www.analog.com/media/en/analog-dialogue/volume-37/number-3/articles/save-power-with-power-down-mode.pdf .
Ex-1037	Eija Kaasinen, User acceptance of mobile services: Value, ease of use, trust and ease of adoption, VTT Technical Research Centre of Finland (June 22, 2005).

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Ex-1038	Beverly L. Harrison, Kenneth P. Fishkin, Anuj Gujar, Carlos Mochon, and Roy Want, Squeeze Me, Hold Me, Tilt Me! An Exploration of Manipulative User Interfaces, CHI '98: Proceedings of the SIGCHI Conference on Human Factors in Computing Systems 17-24 (1998).
Ex-1039	Lynn Michelle Roylance and James B. Angell, A Batch-Fabricated Silicon Accelerometer, IEEE 1911-1917 (1979).
Ex-1040	William A.S. Buxton, A three-state model of graphical input, IFIP TC13 International Conference on Human-Interaction 449-456 (1990).
Ex-1041	J.F. Barlett, Rock 'n' Scroll is here to stay [user interface], IEEE 40-45 (2000).
Ex-1042	12-Bit, 200kHz, micropower Sampling Analog-to-Digital Converter, ADS7822, Burr-Brown Products from Texas Instruments (2007).
Ex-1043	MSOP-8 Package Information, Diodes Incorporated (2021), https://www.diodes.com/assets/Package-Files/MSOP-8.pdf .
Ex-1044	Standard Red T-1 ¾ Solid State Lamps, MV5052, MV5053/6053, MV5054A-1/2/3, MV5055, Fairchild Semiconductor (2002).
Ex-1045	+1.5 g Dual Axis Micromachined Accelerometer, MMA6260Q, MMA6261Q, MMA6262Q, MMA6263Q, Motorola Semiconductor Technical Data (2004).
Ex-1046	IEEE Declaration of Gordon MacPherson regarding Ex-1008, Joselli reference.
Ex-1047	Screenshot of https://ieeexplore.ieee.org/document/5479100 (accessed on Oct. 13, 2023)
Ex-1048	Ivan Raso, Ramon Hervas, and Jose Bravo, m-Physio: Personalized Accelerometer-based Physical Rehabilitation Platform 416-421 (2010).

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Ex-1049	Liyanaarachchi Lekamalage Chamara Kasun, Wooi-Boon Goh, Accelerometer-based swinging gesture detection for an electronic handbell, IEEE 272-277 (2011).
Ex-1050	World Intellectual Property Organization Publication No. WO 2012/001464 A1 (“Lundin”)
Ex-1051	Benjamin B. Bederson, Richard S. Wallace, and Eric Schwartz, A miniaturized space-variant active vision system: Cortex-I, Machine Visions and Applications 101-109 (1995).
Ex-1052	U.S. Patent No. 5,754,176 (“Crawford”)
Ex-1053	Pocket PC User’s Guide, Casio
Ex-1054	Shwetak N. Patel, Jeffrey S. Pierce, and Gregory D. Abowd, A gesture-based authentication scheme for untrusted public terminals, UIST ’04: Proceedings of the 17th annual ACM symposium on User interface software and technology 157-160 (2004).
Ex-1055	Java version history, Wikipedia, https://en.wikipedia.org/wiki/Java_version_history .
Ex-1056	3-Axis, +2 g/+4 g/+8 g/+16 g, Digital Accelerometer, ADXL345, Analog Devices.
Ex-1057	Linux Watch, https://researcher.watson.ibm.com/researcher/view_group_subpage.php?id=6102 (last visited Sept. 29, 2023).
Ex-1058	Chandra Narayanaswami et al., IBM’s Linux Watch: The Challenge of Miniaturization 33-41 (2002).
Ex-1059	Stipulation Regarding Invalidity Challenges, <i>Slyde Analytics LLC v. Samsung Electronics Co., Ltd.</i> , Case No. 2:23-cv-00083-RWS-RSP (E.D. Tex. Jan. 31, 2024), ECF No. 51

I. INTRODUCTION

Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc (collectively, “Petitioner”) file this Preliminary Reply as authorized by the Board’s February 20, 2024 order, Paper 9. Petitioner’s Preliminary Reply addresses only a single issue: that Patent Owner’s *Fintiv* argument is unsupportable in view of Petitioner’s *Sotera* stipulation. Petitioner is not seeking leave to file a further reply to the POPR in this proceeding.

II. PATENT OWNER’S 314(a) ARGUMENT IS MOOT

On January 31, 2024, Petitioner stipulated in the parallel EDTX litigation, under *Sotera*, that if this IPR is instituted, “Samsung will not pursue as to the challenged claims any ground raised or that could have been reasonably raised in the IPR in the above-captioned district court Case 2:23-cv-00083-RWS-RSP.” Ex-1059 at 2. Petitioner filed that stipulation here (and in related IPRs) on February 7, 2024 with the Board’s authorization. Ex-1059. PO admitted during a February 20, 2024 teleconference with the Board that under “the current guidance we understand that it’s very unlikely that discretionary denial would be, would be granted.” IPR2024-00002, Ex-1035, 5:3-14. PO thus has no basis to impose further costs on Petitioner and the Board to respond to this meritless argument. Director Vidal’s Interim Procedure for Discretionary Denials in AIA Post-Grant Proceedings with Parallel District Court Litigation, 2 (June 21, 2022) (“Director’s

Memo”)² is dispositive, stating “the 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 reasonably been raised before the PTAB.” Petitioner’s stipulation makes precisely that representation, and “[u]nder the mandatory *Fintiv* guidance discussed above, this stipulation is dispositive.” *BMW v. Northstar*, IPR2023-01017, Paper 12 at 10 (PTAB Dec. 8, 2023). The only exception is for a stipulation made *after* denial of institution. *NXP USA, Inc. v. Impinj, Inc.*, IPR2021-01556, Paper 13 (PTAB Sept. 7, 2022) (precedential). Otherwise, Board precedent holds that *Sotera* and the Director’s Memo are not to be questioned, and PO’s discussion of the *Fintiv* factors is moot. *Meta Platforms, Inc. v. Eight Khz, LLC*, IPR2023-01005, Paper 9 at 12 (PTAB Jan. 9, 2024) (“Patent Owner’s argument essentially attacks the reasoning of *Sotera* itself and the Director’s Memo, which we are bound to follow. Accordingly, Patent Owner’s argument is unavailing.”).

PO does not allege in this case that Petitioner’s *Sotera* stipulation is untimely. But to the extent PO attempts to do so, it is unsupported by any

² Available at:

https://www.uspto.gov/sites/default/files/documents/interim_proc_discretionary_denials_aia_parallel_district_court_litigation_memo_20220621.pdf

precedent or allegation of undue prejudice. Petitioner filed its stipulation before PO filed its POPR in this case. Under similar circumstances, the Board has rejected PO's argument, stating: "It is within our discretion to permit Petitioner to file a stipulation prior to institution." *Meta*, IPR2023-01005, Paper 9 at 12 (distinguishing *NXP*, IPR2021-01556, Paper 13 at 4); *BMW*, Paper 12 at 9 (declining to exercise discretion under §314(a) to deny institution of IPR where Petitioner submitted its *Sotera* stipulation several days after PO filed its POPR). In fact, Petitioner is unable to locate a single instance in which the Board did not give effect to a *Sotera* stipulation filed in circumstances such as these.

Petitioner filed its *Sotera* stipulation in this case well before the deadline for institution and according to established PTAB practice. Such a stipulation is dispositive under the Director's Memo. Thus, this petition should not be discretionarily denied.

Respectfully Submitted,

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CERTIFICATE OF SERVICE

The undersigned certifies pursuant to 37 C.F.R. §§ 42.6(e) and 42.105 that on February 27, 2024, a true and correct copy of **PRELIMINARY REPLY IN SUPPORT OF SAMSUNG’S PETITION FOR *INTER PARTES* REVIEW OF U.S. PATENT NO. 10,198,085** was served in its entirety by filing this document through the PTAB P-TACTS System, as well as by email, on the counsel of record for the Patent Owner.

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