

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE PATENT TRIAL AND APPEAL BOARD**

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

Petitioners,

v.

MAXELL, LTD.,
Patent Owner

Case: IPR2024-00906

U.S. Patent No. 11,445,241

**PATENT OWNER'S REQUEST FOR DIRECTOR REVIEW OF THE
FINAL WRITTEN DECISION**

Mail Stop **Patent Board**
Patent Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

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PATENT OWNER'S EXHIBIT LIST

EX	Description
2001	1st Amended Docket Control Order from District Court Litigation
2002	Original Docket Control Order from District Court Litigation
2003	Maxell's Supplemental Preliminary Election of Asserted Claims
2004	Defendants' Preliminary Election of Prior Art
2005	U.S. Patent Publication No. US 2006/0203758 (Tee)
2006	U.S. Patent Publication No. US 2006/0135076 (Honkanen)
2007	Petitioner's invalidity contentions chart in District Court—Tee
2008	Petitioner's invalidity contentions chart in District Court—Honkanen
2010	L2CAP-Based Prototype Media Streaming via Bluetooth Technology
2011	https://www.nytimes.com/2009/10/19/technology/companies/19nokia.html
2012	https://www.codeproject.com/Articles/9357/Symbian-OS-design-faults
2013	https://www.engadget.com/2010-10-21-nokia-refines-development-strategy-adopts-html5-in-qt-and-ends-s.html
2014	https://www.businessinsider.com/ios-5-over-the-air-updates-2011-7
2015	https://support.apple.com/en-us/102998
2016	Conference Transcript
2017	Declaration of Bruce McNair, dated March 26, 2025
2018	Claim Construction Order
2019	https://time.com/4837176/iphone-10th-anniversary/
2020	https://sites.suffolk.edu/jhtl/2014/09/30/nfc-technology-makes-first-appearance-in-apple-devices/
2021	https://www.nfcw.com/2010/12/07/35385/google-unveils-first-android-nfc-phone-but-nexus-s-is-limited-to-tag-reading-only-for-now/
2022	https://news.samsung.com/us/samsung-announces-launch-dates-for-groundbreaking-mobile-payment-service-samsung-pay/
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2026	Essentials of Mobile Handset Design
2027	https://9to5mac.com/2012/06/02/new-iphone-to-debut-with-dual-band-40nm-bcm4334-broadcom-wifi-significant-power-savings-and-wifi-directios-airdrop/
2028	https://community.arubanetworks.com/browse/blogs/blogviewer?blogkey=5c9cb0f9-a77e-4f1f-95de-4aac6fa7b262

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2029	SAM-MAX-00388464
2030	Creusere Deposition Transcript
2031	https://www.wired.com/2007/06/why-the-iphone-2/
2032	https://www.comms-express.com/infozone/article/802-11n/
2033	https://support.apple.com/en-us/102587
2034	https://www.ezurio.com/resources/blog/ota-over-the-air-updates-for-iot-devices
2035	https://www.theregister.com/2007/02/06/nokia_update_updated/
2036	ETSI TS 125 211 Universal Mobile Telecommunications System (UMTS); Physical channels and mapping of transport channels onto physical channels (FDD)
2037	Motions Hearing Transcript from the District Court Litigation
2038	Samsung's Opposition to Maxell's Motion for Partial Reconsideration of the Court's Order (Docket No. 285) from the District Court Litigation
2039	June 13, 2026, email rejecting request for authorization for file motions to submit supplemental information
2040	Patent Owner's IPR Demonstratives (IPR2024-00906, IPR2024-00907)

I. INTRODUCTION

Patent Owner Maxell, Ltd. respectfully requests that the Director grant review of and vacate the Final Written Decision (“FWD”) (Paper 47), which found claim 15 unpatentable under every asserted ground. The panel impermissibly used references outside the scope of the Petition to supply a missing claim limitation and disqualified the only evidence (Exhibit 1015, “3GPP-Spec”) supporting Petitioner’s theory of invalidity for claim 15 across all five grounds. *See* 37 C.F.R. § 42.104(b)(4) (“The petition must specify where each element of the claim is found in the prior art patents or printed publications relied upon.”). As recognized by the dissent, the majority’s decision contains both legal and factual error (Dissent 1-4), and director review is warranted. Specifically, the decision presents erroneous findings of material fact, erroneous conclusions of law, and further amounts to an abuse of discretion based on erroneous findings of material fact, erroneous conclusions of law, and a record that contains no evidence on which the Board could rationally base its decision.

Claim 15 requires that the second radio communication circuit conduct

demodulation through OFDM.¹ Petitioner argued that it would have been obvious for a device implementing a UMTS radio to conduct demodulation through OFDM, because OFDM was allegedly part of the UMTS standard as of the critical date, November 28, 2007. Pet. 23, 45. But the *sole* evidence Petitioner offered for that proposition was 3GPP-Spec, an unimplemented 3GPP working document. Pet. 23, 45; FWD 135-137.

The panel unanimously found that 3GPP-Spec does not qualify as prior art. FWD 39, Dissent 1. Other than 3GPP-Spec, Petitioner failed to provide any evidence to show that OFDM modulation was contemplated as part of the UMTS standard. *See, e.g.*, Pet. 23. But the FWD invalidated claim 15 based on other evidence that purportedly suggested that a POSITA would know an allegedly “OFDM-based” UMTS evolution, “EUTRAN,” existed as of the critical date. FWD 135-137. The majority’s rationale, which focuses on justifying that EUTRAN should be considered a UMTS evolution, **fails to acknowledge that no admissible evidence shows the OFDM modulation scheme in relation to EUTRAN or UMTS as of the critical date.** The **only** evidence cited by Petitioner that allegedly

1. Claim 15 depends from claim 1 and recites: “wherein the second and third radio communication circuits conduct demodulation through Orthogonal Frequency Division Multiplexing (OFDM).”

links OFDM to a UMTS network was the excluded non-prior art 3GPP-Spec. The FWD thus assumed the very factual conclusion that its exclusion of 3GPP-Spec foreclosed.

This evidentiary gap left by 3GPP-Spec's exclusion is dispositive. Grounds 2 and 5 explicitly depend on 3GPP-Spec's teachings and cannot survive its exclusion. Dissent 1; Pet. 1. Grounds 1, 3, and 4 fare no better—these grounds only rely on knowledge of a POSITA and Petitioner's sole evidentiary support for this knowledge was 3GPP-Spec. *See, e.g.*, Pet. 23, 45. Director review is therefore warranted because the majority's decision to invalidate claim 15 rests entirely on invalid legal and factual bases—that EUTRAN encompassed OFDM modulation as of the critical date—for which no admissible evidence exists. Moreover, Petitioner continues to leverage this proceeding in the parallel ITC Investigation between the parties, as it did in the underlying District Court. Samsung's Opposed Motion to Submit Supplemental Briefing at 3-4, Inv. No. 337-TA-1432, EDIS Doc. 881642 (May 7, 2026) ("ITC Briefing"). Petitioner improperly used product prior art in a very superficial way to bypass its own *Sotera* stipulation. It was error for the Board to deny Patent Owner's Motion for Supplemental Information (Paper 37) that highlighted these inconsistencies and Petitioner's violation of its *Sotera* stipulation.

II. LEGAL STANDARD

Director review of a FWD is "limited to decisions presenting (a) an abuse of

discretion, (b) important issues of law or policy, (c) erroneous findings of material fact, or (d) erroneous conclusions of law.” USPTO, Director Review Process, Sec. 2.B., <https://www.uspto.gov/patents/ptab/decisions/director-review-process>. “An abuse of discretion is found if [a] decision: (1) is clearly unreasonable, arbitrary, or fanciful; (2) is based on an erroneous conclusion of law; (3) rests on clearly erroneous fact finding; or (4) involves a record that contains no evidence on which the Board could rationally base its decision.” *Intelligent Bio-Sys., Inc. v. Illumina Cambridge Ltd.*, 821 F.3d 1359, 1367 (Fed. Cir. 2016) (internal citation omitted).

III. SUMMARY OF THE TRIAL RECORD

On May 17, 2024, Samsung filed a Petition (“Pet.”) challenging claims 1, 4-6, and 8-27 of the ’241 Patent, asserting five grounds of unpatentability under pre-AIA 35 U.S.C. § 103(a). Pet. 1. Each ground relied on purportedly different combinations of prior art references, with Grounds 2 and 5 specifically relying on 3GPP-Spec (Pet. 1), while Grounds 1, 3, and 4 also relied on 3GPP-Spec to demonstrate what modulation schemes were purportedly part of the UMTS standard. *See, e.g.*, Pet. 1, 23. On March 26, 2025, Patent Owner filed its Patent Owner Response (“PO Resp.”), contesting, among other things, that: (1) 3GPP-Spec failed to qualify as prior art due to a lack of showing of public accessibility; (2) 3GPP-Spec

disclosed LTE² modulation schemes instead of UMTS modulation schemes and thus fell outside the scope of the Petition; and (3) 3GPP-Spec was a preliminary, working document that teaches against implementation, and thus could not illustrate modulation schemes as part of any standard. PO Resp. 8, 49-50. Petitioner filed its Reply (Paper 25), arguing that 3GPP-Spec was directed to EUTRAN, an alleged development of UMTS, and as such, 3GPP-Spec fell within the scope of the Petition's UMTS mapping. Reply 22-24. Patent Owner filed a Sur-Reply (Paper 31), further reiterating that 3GPP-Spec did not show modulation schemes as part of the UMTS standard. Sur-Reply 20-22.

On April 27, 2026, the panel unanimously found that 3GPP-Spec did not qualify as prior art. FWD 39, Dissent 1. In a 2-1 split, the majority found all of claims 1, 4-6, and 8-27 of the '241 Patent unpatentable under each of Grounds 1-5. FWD 2-3. Judge Hudalla filed a separate opinion concurring-in-part and dissenting-in-part, concluding that Petitioner had not shown claim 15 would have been obvious under any ground. Dissent 1-4. The dissent characterized Petitioner's failure to qualify 3GPP-Spec as prior art as "a fatal flaw" and disagreed with the majority's "decision to excise 3GPP-Spec from Grounds 2 and 5 as a means to cure Petitioner's

22. Petitioner conceded that LTE is not part of the UMTS standard—dismissing Patent Owner's arguments in relation to LTE as "inapposite as to UMTS." Reply 24.

failure to qualify 3GPP-Spec as prior art.” Dissent 1. The dissent further disagreed on invalidity of claim 15 based on the other grounds (Ground 1, 3, and 4), because Petitioner failed to properly show the OFDM modulation scheme was part of the UMTS standard. Dissent 2-4.

IV. ARGUMENT

The majority’s conclusion that EUTRAN is OFDM-based as of the critical date is both legally and factually untenable. *See, e.g.*, FWD 135-137. The Petition contained a single citation to 3GPP-Spec in relation to showing OFDM as a purported modulation scheme of UMTS. Pet. 23. As the record developed throughout the proceeding, Petitioner never provided any evidence or argument to support OFDM as a purported modulation scheme of UMTS other than on 3GPP-Spec. *See, e.g.*, Reply at 22-24. Despite this, the majority impermissibly used purported general knowledge of a POSITA with no evidence to supply this critical missing limitation. *See* FWD 135-137.

A. The Petition contained a single citation to 3GPP-Spec as alleged evidence of OFDM as part of the UMTS standard.

As noted in the dissent, the Petition’s discussion of claim 15’s OFDM requirement was virtually nonexistent for Ground 1, comprising only a citation back

to earlier discussion.³ Dissent 3; Pet. 45.

M. Claim 15

See [1b], [1c] (Mapping B: UMTS and Wi-Fi (802.11a and 802.11g) use OFDM demodulation); EX1002, ¶155.

Moreover, the Petition’s discussion of claim 15 across *every* ground merely refers back to the same Ground 1, limitation [1b] discussion.⁴ *See* Pet. 45, 57, 62, 68, and 69. Therefore, each Ground in the Petition relies on the position and cited evidence articulated in limitation [1b], which states that this limitation is disclosed through a UMTS radio using UMTS modulation schemes “*required* by those standards” and “*as evidenced*” by its cited references (*i.e.*, 3GPP-Spec) based on the general knowledge of a POSITA. Pet. 23-24 (emphasis added).

Claim 15 recites OFDM demodulation, thus the Petition needed to show that the OFDM was a UMTS modulation scheme required by the UMTS standard by the critical date. Pet. 23-24. However, the Petition’s only evidence in support of this contention is a cursory citation to 3GPP-Spec:

3. The cited paragraph of Petitioner’s expert declaration (EX1002) merely includes an identical citation back to earlier discussion. EX1002 ¶ 155.

4. While Petitioner also cites back to limitation [1c], Petitioner’s discussion of limitation [1c] excludes any mention of UMTS and is irrelevant to this discussion.

Dua's disclosure of a radio to support "all worldwide 3GPP and 3GPP2 standards" (EX1008, [0069]) inherently discloses to a POSITA a UMTS radio using the UMTS modulation schemes (QPSK, 16QAM, and 64QAM) and the frequency (2100 MHz), as required by those standards. EX1015, 2 (UMTS), 21 (QPSK), 21-22 (16QAM), 22-23 (64QAM), 15 (OFDM); EX1010, 8 (UMTS 2100 MHz); EX1011, [0010], [0019] (UMTS uses WCDMA at 2100 MHz). Dua's disclosure of "fully compliant" radio also inherently discloses UMTS with TDD, such that information is transmitted and received on the same frequencies.

Pet. 23. As acknowledged by the dissent, Grounds 2 and 5 explicitly rely on 3GPP-Spec to show "OFDM" modulation as part of the UMTS standard. Dissent 1; *see, e.g.*, Pet. 1, 53–54 (rationale incorporating 3GPP-Spec for Ground 2), 69 (same for Ground 5). Grounds 1, 3, and 4 rely on the "knowledge of a POSITA" as a basis for which modulation schemes would be known as part of the UMTS standard and that OFDM modulation was required. But the only evidence of this "knowledge" in the record is 3GPP-Spec. *See, e.g.*, Pet. 23, 45, 57, 62, 68, 69; Paper 43 at 135:20-25.

B. The Board and Petitioner recognized this fatal flaw.

At the hearing, each member of the panel recognized this fatal flaw, including the deficiencies of 3GPP-Spec in demonstrating OFDM modulation schemes for UMTS and the weakness of the Petition without 3GPP-Spec. *See, e.g.*, Paper 43, 125:22-25 (JUDGE LANEY: "[I]f he came to me with this document [3GPP-Spec] and instead of the ones there are actually for UMTS, as his boss, I'd say, 'Do it again,'"), 131:10-12 (JUDGE TROCK: "Why would someone who wants to build a UMTS device go and pick a specification for LTE and leave this one behind?

That’s the conundrum I’m faced with here.”), 136:17-19 (JUDGE HUDALLA: “I find that remarkable if one of your asserted grounds, asserted references goes away that the ground will somehow still survive.”). Petitioner *also* recognized the deficiency of its Petition without 3GPP-Spec: “[I]f the reference to the 3GPP Standard is gone, that would obviously impact the dependent claims for the OFDM we were talking about that would have to stand **solely** on the knowledge of one who is already skilled in the art, which I think is part of all grounds. ” Paper 43 at 135:20-25 (emphasis added); *see also id.* at 136:11-16 (conceding that claim 15 would not survive if 3GPP-Spec were to be disqualified).

C. Despite recognizing the fatal flaw at the hearing, two APJs impermissibly gap-filled for Petitioner.

In the FWD, the panel correctly determined that 3GPP-Spec, an unimplemented working document, does not qualify as prior art because Petitioner failed to establish it was publicly accessible before the critical date of November 28, 2007. FWD 44-45; Dissent 1. However, two members maintained each of the five grounds, utilizing alleged general knowledge of a POSITA to supply the missing OFDM modulation claim limitation, despite *no supporting evidence*. FWD 135-137. This is legally and factually impermissible and represents an abuse of discretion. “An IPR petition ‘must specify where each element of the claim is found in the prior art patents or printed publications relied upon.’” 37 C.F.R. § 42.104(b)(4); *see also K/S Himpp v. Hear-Wear Techs., LLC*, 751 F.3d 1362, 1365-66 (Fed. Cir. 2014)

(“We recognize that the Board has subject matter expertise, but the Board cannot accept general conclusions about what is ‘basic knowledge’ or ‘common sense’ as a replacement for documentary evidence for core factual findings in a determination of patentability.”)

3GPP-Spec’s disqualification means no qualifying evidentiary basis exists to invalidate claim 15. Without 3GPP-Spec, the only remaining basis for invalidation is based on the knowledge of POSITA. Paper 43 at 135:20-25. However, there is no qualifying documentary evidence to support that OFDM modulation was known by a POSITA to be part of UMTS—this proposition is unsupported by any record evidence and therefore an abuse of discretion, as well as legally and factually erroneous. 3GPP-Spec was Petitioner’s *only* evidence to allege OFDM modulation was required by the UMTS standard. The dissent recognized this gap:

I note that 3GPP-Spec is an *integral* part of Grounds 2 and 5. *See, e.g.*, Pet. 53–54 (rationale incorporating 3GPP-Spec for Ground 2), 69 (same for Ground 5). In my opinion, Petitioner’s failure to qualify 3GPP-Spec as prior art represents a fatal flaw in these grounds even if Petitioner has successfully shown unpatentability without 3GPP-Spec for other grounds.

Dissent 1; *see also* Dissent 2-4 (regarding Grounds 1, 3 and 4). Petitioner conceded this defect: “if the reference to the 3GPP Standard is gone, that would obviously impact the dependent claims for the OFDM we were talking about that would have to stand solely on the knowledge of one who is already skilled in the art.” Paper 43

at 135:20-25; *see also id.* at 136:11-16 (conceding that claim 15 would not survive if 3GPP-Spec were to be disqualified). Petitioner cited no evidence to demonstrate “knowledge of one who is already skilled in the art” in relation to OFDM as a modulation scheme for UMTS other than 3GPP-Spec. Pet. 23-24; Reply 22-24. This is legally improper. *K/S Himpp*, 751 F.3d at 1365-66. This is indicative of a record that contains no evidence on which the Board could rationally base its decision. *Intelligent Bio-Sys., Inc.*, 821 F.3d at 1367. Current practice prohibits such gap-filling. *See* Memorandum from Director Coke Morgan Stewart, Enforcement and Non-Waiver of 37 C.F.R. § 42.104(b)(4) and Permissible Uses of General Knowledge in Inter Partes Reviews at 2 (July 31, 2025).

The disqualification of 3GPP-Spec therefore not only nullifies Grounds 2 and 5, which explicitly rely on 3GPP-Spec, but also Grounds 1, 3, and 4, because 3GPP-Spec is the only evidence offered to show that a POSITA would know that OFDM modulation was part of the UMTS standard, and conclusory general knowledge with no supporting evidence is an insufficient basis for invalidity.

D. The deficiencies are apparent in the FWD, as the majority fails to cite any evidence that demonstrates OFDM modulation was required by the UMTS standard as of the critical date.

While the majority purportedly states that the record had developed to support OFDM modulation as required by the UMTS standard, **the FWD fails to cite any evidence in the record** that demonstrates OFDM was an established modulation

scheme as part of the UMTS standard as of the critical date. *See, e.g.*, FWD 135-137. For example, while the FWD purportedly relies on “testimony from both parties’ expert[s], Ex. 2036, and the Tee reference” to “establish[] that UMTS encompassed OFDM-based technologies by the critical date,” **none of this evidence provides evidence of OFDM modulation.** *See, e.g.*, FWD 137. Instead, the panel presupposes EUTRAN was “OFDM-based” when no qualifying evidence in the record demonstrates EUTRAN incorporated OFDM as part of an established UMTS standard. *See, e.g.*, FWD 135-137. This is an abuse of discretion, as it is legally and factually improper, and also demonstrates a record that contains no evidence on which the Board could rationally base its decision. *See K/S Himpp*, 751 F.3d at 1365-66; *Intelligent Bio-Sys., Inc.*, 821 F.3d at 1367.

Tee references EUTRAN in *name only* and fails to recite any modulation schemes that were established as part of EUTRAN as of the critical date. *See, e.g.*, EX1006, 429 (Tee ¶ 20). Similarly, EX2036, evidence offered by Patent Owner to illustrate modulation schemes associated with UMTS, fails to identify OFDM as a modulation scheme. EX2036, 1, 9. The majority also cites “testimony from both parties’ expert[s],” but the cited expert’s testimony fails to demonstrate that OFDM was an established part of the UMTS standard or EUTRAN *as of the critical date*. *See, e.g.*, EX2030, 13:7–16, 24:8–18, 44:23–24. Petitioner *never* cited or even *alleged* that additional evidence supported OFDM modulation as part of EUTRAN

standard or the UMTS standard as of the critical date. *See, e.g.*, Reply 22-24.

Petitioner's reply focuses on justifying EUTRAN to be part of the UMTS standard.

See, e.g., Reply 22-24.

While Petitioner (Reply 22-24) and the majority (FWD 137) also cite to the fact that OFDM modulation was "well-known," this hindsight observation is irrelevant to Petitioner's articulated theory, which requires OFDM modulation to be a UMTS modulation scheme as required by the UMTS standard. Pet. 23-24. Petitioner was required to show that OFDM modulation (and specifically OFDM *demodulation*), was known to be part of the UMTS standard as of the critical date, and failed to provide any evidence other than 3GPP-Spec, which was ultimately disqualified.

E. Petitioner violates the spirit of its *Sotera* stipulation by its *limited* reliance on N93 "product" prior art in parallel validity challenges.

The Director should vacate the FWD because Petitioner violates the spirit of its *Sotera* stipulation by maintaining the same grounds both here and in the ITC (as it did in the District Court): Dua, Herle, and N93. Petitioner attempts to justify this action by claiming it is using the N93 product, not the N93 User Manual as it does here. ITC Briefing, 3-4. But this is misleading. In the ITC, Samsung asserted the N93 "product" *solely* in relation to one limitation—and even then, only in the narrow capacity of purportedly adding evidence of Bluetooth normal user indications that were mentioned in *another* duplicative reference (Dua, EX1008). Moreover, the N93

“product” in the ITC includes the same N93 User Manual being asserted. This extremely limited use of the N93 Product is an obvious attempt to include the purported N93 “product,” thereby maintaining invalidity challenges in two forums despite relying on each of Dua, Herle, and N93 in both forums. Petitioner itself represented to the ITC that the FWD on the N93 *publication* addresses the same issues as the N93 *product* and therefore is relevant to the issues in the ITC proceeding. ITC Briefing, 3-4. This is improper. *Advanced Micro Devices, Inc. v. Pensando Systems, Inc.*, Case IPR2025-00223, -00478, -00486, Paper 29, at 4-5 (P.T.A.B. May 12, 2026).

Moreover, Patent Owner attempted to show the Board Petitioner’s inconsistencies in positions with respect to N93 in an underlying District Court litigation (Paper 37), but the Board refused to consider the evidence. At every turn, Petitioner has violated the spirit of its *Sotera* stipulations by maintaining Grounds based on Dua, Herle, and N93 both here and in the ITC and underlying District Court Litigation. In all forums, Petitioner uses the N93 User Manual in substantially the same way. But in the ITC and District Court Litigation, Petitioner used the N93 product for *one* limitation in an attempt to avoid estoppel. Here, the interests of justice demand that the Director take a second look at these tactics and vacate the entirety of the FWD, because Petitioner has already had one bite at the apple in the ITC.

V. CONCLUSION

Director review of the FWD is warranted because of erroneous legal and factual findings. The panel correctly determined that 3GPP-Spec does not qualify as prior art. FWD 44–45. That reference was Petitioner’s only evidence associating OFDM modulation to the UMTS standard as of the critical date. Pet. 23, 45. Its disqualification left no evidentiary basis for Petitioner’s invalidity theory as to claim 15 under any ground. *See* Dissent 1-5. Yet, the majority erred by filling this gap with unsupported assumptions of what a POSITA would know—characterizing EUTRAN as “OFDM-based” without any supporting citation to the record. *See, e.g.*, FWD 135–137. This is factual and legal error and is an abuse of discretion.

As a result, Petitioner failed to establish claim 15’s OFDM requirement under any ground. Dissent 1-4. Petitioner acknowledged the impact of 3GPP-Spec’s disqualification on claim 15. Paper 43 at 135:20–25. The majority’s decision to find claim 15 unpatentable presents the type of error that warrants Director intervention.

Dated: May 27, 2026

Respectfully submitted,

/Robert G. Pluta /

Robert G. Pluta (Reg. No. 50,970)

Amanda S. Bonner (Reg. No. 65,244)

MAYER BROWN LLP

71 S. Wacker Drive

Chicago, IL 60606

Telephone: (312) 701-8641

IPR2024-00906
Patent No. 11,445,241

Fax: (312) 706-8144
rpluta@mayerbrown.com

Saqib J. Siddiqui (Reg. No. 68,626)
Sora Ko (Reg. No. 78,801)
MAYER BROWN LLP
1999 K Street NW
Washington, D.C., 20006
ssiddiqui@mayerbrown.com

Counsel for Maxell, Ltd.

CERTIFICATE OF SERVICE

I hereby certify that on this 27th day of May, 2026, a copy of the attached PATENT OWNER'S REQUEST FOR DIRECTOR REVIEW OF THE FINAL WRITTEN DECISION, together with all exhibits was served by electronic mail to the attorneys of record, at the following addresses:

Brian Erickson
Brian.Erickson@us.dlapiper.com

Gianni Minutoli
Gianni.Minutoli@us.dlapiper.com

Roshan K. Bhattarai
Roshan.Bhattarai@us.dlapiper.com

With a courtesy copy by electronic mail to:

dla-samsung-maxell@us.dlapiper.com

Respectfully submitted,

Date: May 27, 2026

By: /Robert G Pluta, Reg. No. 50,970/
Robert G. Pluta (Reg. No. 50,970)

Counsel for Maxell, Ltd.