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Subject: Samsung Electronics Co. LTD., Samsung Electronics America, Inc., and Google LLC v. Cerence Operating Company, IPR2024-00978, -00979, -01267
Date: Monday, April 7, 2025 4:33:13 PM

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Dear Board,

I am counsel for Patent Owner Cerence Operating Company (“Patent Owner” or “Cerence”) in the above captioned *Inter Partes* Review proceedings.

Cerence respectfully requests leave to file a motion for reconsideration of institution in IPR2024-00978, IPR2024-00979, and IPR2024-01267 in view of the rescission of former Director Vidal’s 2022 memo “Interim Procedure for Discretionary Denials in AIA Post-Grant Proceedings with Parallel District Court Litigation,” as well as the Chief Judge Boalick’s March 24, 2025 guidance regarding the rescission and Acting Director’ Stewart’s subsequent March 26, 2025 Interim Processes for PTAB Workload Management.

While Chief Judge Boalick’s March 24, 2025 guidance applies primarily to cases where the Board has not issued an institution decision, the guidance explains that the Board may revisit a decision of institution when “extraordinary circumstances” are present. Here, extraordinary circumstances are present at least because: 1) Chief Judge Boalick’s March 24, 2025 guidance makes it clear that a timely-filed *Sotera* stipulation will no longer be dispositive by itself, “as the Board will now consider such a stipulation as part of its holistic analysis under *Fintiv*,” and 2) in each of the respective IPRs, the Board expressly stated that it did **not** consider each of the *Fintiv* factors when deciding the issue of discretionary denial because a *Sotera* stipulation was filed in each matter. *See, e.g.*, IPR2024-00987, Paper 11 at 8; IPR 2024-00979, Paper 10 at 7-8; IPR2024-01267, Paper 9 at 6-7.

Thus, because the institution decisions admittedly did not evaluate the respective *Fintiv* factors because they each relied on now rescinded guidance regarding the impact of *Sotera*-type stipulations, Cerence believes reconsideration of institution is warranted. Patent Owner proposes that it submit a supplemental brief of no more than 7,000 words addressing the rescission of former Director Vidal’s guidance and Acting Director Stewart’s guidance within two weeks. Petitioner is proposed to have two weeks to provide a response of no more than 7,000 words.

Patent Owner requested Petitioners’ position on this request for leave and Petitioners state that they oppose the request, and object to Patent Owner’s email as impermissibly argumentative (but to which Petitioners are forced to respond). The time for seeking rehearing of the institution decisions has long passed as the relevant proceedings were instituted between seven and nine weeks ago (January 31, 2025 for -00979 & -01267, and February 13, 2025 for -00978). 37 CFR 42.71(d)(1). Moreover, Chief Judge Boalick’s March 24 Guidance is inapplicable here because it does not apply to proceedings that were already instituted at the time the Guidance issued and for which no request for rehearing or Director Review of an institution decision was timely filed or remained pending, as is the case here. As the Guidance is directed in part to how to account for a *Sotera* stipulation when deciding institution going forward, and does not apply to already instituted proceedings, merely revisiting the impact of a *Sotera* stipulation on an already-instituted proceeding cannot properly be understood as the kind of “extraordinary circumstances” to which the

Ex. 3002 (IPR2024-00978)
Ex. 3002 (IPR2024-00979)
Ex. 3003 (IPR2024-01267)

Guidance refers.

Should the Board nevertheless grant leave to file motions for reconsideration of institution, in each proceeding in which such leave is granted, Petitioners respectfully request being granted an equal amount of time to file a responsive brief of equal length.

If a hearing is needed to discuss the above, or any other “extraordinary circumstances” which may be present, the parties are available on Tuesday-Thursday of this week between 12pm and 5pm ET.

Best regards,

Bradley Hyde

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