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Paper 36
Date: October 1, 2025

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

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

v.

OURARING, INC.,
Patent Owner.

PGR2024-00030 (Patent 11,868,178 B2)
PGR2024-00039 (Patent 11,874,702 B2)
IPR2024-01077 (Patent 10,139,859 B2)
IPR2024-01078 (Patent 10,281,953 B2)[1]

Before LINDA E. HORNER, NEIL T. POWELL, and
MICHAEL A. VALEK, *Administrative Patent Judges*.

HORNER, *Administrative Patent Judge*.

ORDER
Granting Joint Request for Leave to File Relevant Materials from
Related Proceeding and Briefing Regarding Same
37 C.F.R. § 42.5(a)

[1] This Order jointly addresses the above-referenced proceedings. The parties are not permitted to use this caption unless authorized by the Board.

I. INTRODUCTION

On September 20, 2025, a general order[2] was entered in each of the above-referenced proceedings (AIA proceedings) instructing the parties to keep the Board apprised of developments regarding adjudication of validity or patentability of the challenged patent claims or substantially similar patent claims, in any other judicial or administrative matter that would affect, or be affected by, a decision in the proceeding. Paper 49.[3] It ordered the parties to alert the Board of any such developments within five business days, and file, "after Board consultation," "relevant materials" from the related matter(s). *Id.* at 2.

On September 26, 2025, the parties by joint email informed the Board that in a related administrative proceeding before the International Trade Commission (Investigation No. 337-TA-1398) (ITC proceeding), the Commission issued a Final Determination of the investigation on August 21, 2025, affirming the Administrative Law Judge's Final Initial Determination.

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[2] This general order referenced a Memo titled, "PTAB consideration of prior findings of fact and conclusions of law," from Acting Director Coke Morgan Stewart to Members of the Patent Trial and Appeal Board, dated September 16, 2025, available at https://www.uspto.gov/sites/default/files/documents/Memo_re_prior_findings_of_fact_and_conclusions_of_law_9_16_25.pdf.

[3] This Order cites to items of record in PGR2024-00030. Corresponding items are of record in PGR2024-00039, IPR2024-01077, and IPR2024-01078.

Ex. 3001. The parties conferred and jointly request authorization to submit 12 additional materials[4] from the ITC proceeding. *Id.*

The parties also request additional briefing to explain the context of these additional materials, including:

- Oura to submit, within five business days of authorization from the Board, a five-page brief in PGR2024-00030 and PGR2024-00039 addressing whether/how "the same or substantially the same evidence and/or arguments that were previously presented" to the ITC are applicable in the subject proceedings;
- Samsung to submit, within ten business days of submission of Oura's brief, a five-page brief responsive to the issues raised in Oura's brief;
- Oura to submit and address the foregoing evidence in its sur-replies in IPR2024-01077 and IPR2024-01078;
- Samsung to respond to Oura's arguments at the oral hearing in IPR2024-01077 and IPR2024-01078.

Id.

The email also indicated that the Final Determination is within the Presidential Review period, and by delegation, before the U.S. Trade

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[4] The additional materials include: (1) ALJ Initial Determination of April 18, 2025; (2) Notice of Final Determination; (3) Commission Opinion; (4) Complainant's Pre-hearing brief; (5) Respondent's Pre-hearing brief; (6) Staff Pre-hearing brief; (7) Complainant's Initial Post-hearing brief; (8) Respondents' Initial Post-hearing brief; (9) Complainant's Post-hearing responsive brief; (10) Respondents' Post-hearing responsive brief; (11) Hearing transcript dated December 16, 2024; (12) Hearing transcript dated December 17, 2024.

Representative (USTR). *Id.* The parties agreed to provide any additional exhibits or materials from the Presidential Review or USTR within five business days of any development occurring. *Id.*

II. DISCUSSION

The filing of "relevant materials" is to assist the Board in understanding the expressed reasoning of the ITC's findings and conclusions, and not to otherwise augment the evidentiary record of the AIA proceedings, e.g., to provide a basis for new arguments not heretofore made in the AIA proceedings or to provide additional evidence for arguments already made. Based on our current understanding, the additional materials the parties seek to file appear to fall within the scope of materials contemplated by the Board's general order. For instance, the prior art analyzed and discussed by the ITC overlaps with prior art asserted by Petitioner in the AIA proceedings. Also, some of the evidence of objective indicia of nonobviousness presented in the ITC proceeding appears to overlap with evidence presented in the AIA proceedings. Accordingly, the filing of these additional materials in the AIA proceedings is warranted.

III. ORDER

Accordingly, it is

ORDERED that the parties are authorized to file in each proceeding subject to this Order within five business days of this Order the additional materials from the ITC proceeding identified above;

ORDERED that Patent Owner is authorized to submit, within five business days of this Order, a five-page brief in PGR2024-00030 and

PGR2024-00039 addressing whether/how the same or substantially the same evidence and/or arguments that were previously presented to the ITC are applicable in each proceeding;

ORDERED that Petitioner is authorized to submit, within ten business days of submission of Patent Owner's brief, a five-page brief limited to responding to issues raised in Patent Owner's brief;

ORDERED that Patent Owner is authorized to address the foregoing additional materials in its sur-replies in IPR2024-01077 and IPR2024-01078;

ORDERED that Petitioner is authorized to respond to Patent Owner's arguments at the oral hearing in IPR2024-01077 and IPR2024-01078; and

ORDERED that the parties shall submit in each proceeding subject to this Order any additional exhibits or materials from the Presidential Review or U.S. Trade Representative in the ITC proceeding within five business days of any development occurring.

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