

From: [Director_PTABDecision_Review](#)
To: [Jerry Tice](#); [England, Jonathan](#); [Davis Jr., Walter D.](#); [Damon, Sean](#); [Doshi, Dipu](#); [Paradkar, Arun V.](#); [SecureWiFi_Samsung](#)
Subject: RE: Request for Authorization to Submit New Argument in Request for Director Review | IPR2024-01366, -01367, -01368, -01369
Date: Wednesday, April 23, 2025 4:44:00 PM

Counsel,

Petitioner's request for authorization to submit new arguments in its Requests for Director Review has been considered and is denied.

Thanks.

IPR2024-01366, -01367, -01368, and IPR2024-01369
Ex. 3101

From: Jerry Tice <jtice@bdiplaw.com>
Sent: Tuesday, April 22, 2025 5:13 PM
To: Director_PTABDecision_Review <Director_PTABDecision_Review@uspto.gov>; England, Jonathan <jonathan.england@blankrome.com>; Davis Jr., Walter D. <Walter.Davis@BlankRome.com>; Damon, Sean <Sean.Damon@blankrome.com>; Doshi, Dipu <dipu.doshi@blankrome.com>; Paradkar, Arun V. <arun.paradkar@blankrome.com>
Cc: SecureWiFi_Samsung <SecureWiFi_Samsung@bdiplaw.com>
Subject: RE: Request for Authorization to Submit New Argument in Request for Director Review | IPR2024-01366, -01367, -01368, -01369

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Director Stewart,

Patent Owner respectfully requests that Petitioners' request for new argument be denied.

First, Petitioners do not state what the "new argument" would be. Petitioners seem to imply that their new argument will involve a discussion of whether the Boalick Memorandum was "retroactive." But the USPTO Announcement from February 28—months earlier and prior to the March 24 institution decisions—indicated that decisions relying on the Vidal Memorandum were no longer "binding or persuasive on the PTAB." Petitioners made no request for "new argument" after the February 28 Announcement, which was made available nearly a month before the institution decisions.

Second, the Decisions on Institution did not involve any "intervening changes in USPTO procedures, guidance, or decisions," as the Boalick Memorandum was issued on the same day as the Decisions, as Petitioners acknowledge, and was not discussed or cited in the Decisions. Indeed, the Decisions addressed only the six *Fintiv* factors, the same factors that Petitioners had an opportunity to address in both their Petitions and pre-institution Reply briefs.

Third, Petitioners' request, merely two days before their request for Director Review would be due, comes far too late after issuance of the March 24, 2025, Boalick Memorandum and the Decisions on

Institution. Petitioners provide no explanation for this delay.

Finally, the Board already recognized that the district court will resolve the Parties' dispute five months earlier and that the merits of the Petitions were nevertheless not "particularly strong." Another round of new arguments would only serve to burden the Office with additional workload and inefficiencies, precisely what the withdrawal of the Vidal Memorandum was intended to avoid.

Respectfully submitted,

Jerry Tice, Reg. No. 73,582
Counsel for Patent Owner

From: Director_PTABDecision_Review <Director_PTABDecision_Review@uspto.gov>
Sent: Tuesday, April 22, 2025 10:38 AM
To: England, Jonathan <jonathan.england@blankrome.com>; Davis Jr., Walter D. <Walter.Davis@BlankRome.com>; Damon, Sean <Sean.Damon@blankrome.com>; Doshi, Dipu <dipu.doshi@blankrome.com>; Paradkar, Arun V. <arun.paradkar@blankrome.com>; Jerry Tice <jtice@bdiplaw.com>
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[EXTERNAL]

Counsel,

Patent Owner may respond with its position as to Petitioner's request via email today, Tuesday, April 22nd.

Thanks.

From: England, Jonathan <jonathan.england@blankrome.com>
Sent: Monday, April 21, 2025 9:21 PM
To: Director_PTABDecision_Review <Director_PTABDecision_Review@uspto.gov>
Cc: Davis Jr., Walter D. <Walter.Davis@BlankRome.com>; Damon, Sean <Sean.Damon@blankrome.com>; Doshi, Dipu <dipu.doshi@blankrome.com>; Paradkar, Arun V. <arun.paradkar@blankrome.com>; Jerry Tice <jtice@bdiplaw.com>
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Dear Honorable Acting Director Stewart,

I write on behalf of Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc.

(collectively, "Petitioner") in IPR2024-01366, -01367, -01368, and -01369. In accordance with the Office's Director Review Process Section 3.E, Petitioner hereby respectfully requests authorization to submit new argument in parallel Requests for Director Review in IPR2024-01366, -01367, -01368, and -01369, currently due April 23, 2025.

This request for authorization to submit new argument is warranted to enable Petitioner to address Chief APJ Boalick's March 24, 2025, Guidance on USPTO's rescission of the Vidal Memorandum ("Boalick Memorandum"). The Boalick Memorandum notified the public of the retroactive effect of the USPTO's February 28, 2025, rescission of the June 21, 2022, Interim Procedure for Discretionary Denials in AIA Post-Grant Proceedings with Parallel District Court Litigation ("Vidal Memorandum"). That is, the Boalick Memorandum made it clear that the rescission of the Vidal Memorandum applies to "any case in which the Board has not issued an institution decision, or where a request for rehearing or Director Review of an institution decision was filed and remains pending." Because the Boalick Memorandum was issued on the same day institution was denied in each of the aforementioned IPRs, Petitioner did not, prior to the institution decisions, have notice of the retroactivity of the rescission of the Vidal Memorandum and did not have a fair opportunity to respond to that retroactivity.

Petitioner further submits that consideration of new argument is warranted, because this is an issue of first impression and an issue involving intervening changes in USPTO procedures, guidance, or decisions.

Respectfully submitted,

Jonathan W.S. England

Reg. No. 71,223

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