From:	England, Jonathan
To:	Director_PTABDecision_Review
Cc:	Davis Jr., Walter D.; Damon, Sean; Doshi, Dipu; Paradkar, Arun V.; Jerry Tice
Subject:	Request for Authorization to Submit New Argument in Request for Director Review | IPR2024-01366, -01367, -01368, -01369
Date:	Monday, April 21, 2025 9:21:11 PM

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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 recission 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,

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