

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

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

Petitioner,

v.

KP INNOVATIONS 2, LLC,

Patent Owner.

PTAB Case No. IPR2025-00101

Patent No. 10,499,168

AUTHORIZED RESPONSE TO DIRECTOR REVIEW REQUEST

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TABLE OF EXHIBITS

Exhibit	Title
1001	U.S. Patent No. 10,499,168 to Robert Glen Klinefelter <i>et al.</i> (“’168 Patent”)
1002	U.S. Provisional Patent Application 60/243,162, Robert Glenn Klinefelter et al. (“’162 Provisional Patent Application”)
1003	Prosecution History of U.S. Patent No. 10,499,168
1004	Declaration of Dr. Sandeep Chatterjee (“ <i>Chatterjee</i> ”)
1005	Curriculum Vitae of Dr. Sandeep Chatterjee
1006	U.S. Patent No. 5,808,663 to Ken Okaya (“ <i>Okaya</i> ”)
1007	U.S. Patent No. 6,782,281 to Naokazu Nagasawa (“ <i>Nagasawa</i> ”)
1008	PCT International Patent Publication No. WO 01/31893 to Esa Harma (“ <i>Harma</i> ”)
1009	KP2’s Infringement Contentions (served September 24, 2024), KP2 Innovations 2, LLC, v. Samsung Electronics Co., Ltd. et al., No. 1:24-cv-00170 (W.D. Tex. Feb. 19, 2024)
1010	UK Patent Application Publication No 2,358,985 to Tetsuya Kubo et al. (“Kubo”)
1011	Claim listing for Challenged Claims of U.S. Patent No. 10,499,168.
1012	Complaint, <i>KP2 Innovations 2, LLC, v. Samsung Electronics Co., Ltd. et al.</i> , No. 1:24-cv-00170 (W.D. Tex. Feb. 19, 2024)
1013	Scheduling Order, KP2 Innovations 2, LLC, v. Samsung Electronics Co., Ltd. <i>et al.</i> , Dkt. No. 27, No. 1:24-cv-00170 (W.D. Tex. Feb. 19, 2024)
1014	“Access” definition. The American Heritage® College Dictionary (2000)

1015	<i>“Mobile telephone” definition. Telephony’s Dictionary (2nd Ed.1986)</i>
1016	<i>“Mobile phone” definition. The Focal Illustrated Dictionary of Telecommunications (1999)</i>
1017	Bob Summers, <i>Official Microsoft NetMeeting Book</i> , Microsoft Press (1998)
1018	Norman E. Sondak, Eileen M. Sondak, <i>“Video Conferencing: The Next Wave for International Business Communication,”</i> Ann. Conf. on Language and Comm. For World Business and the Professions (April 6-8, 1995)
1019	Certified Translation of Japanese Patent Publication JPH11298869, Kazuhiro Takahasi <i>et al</i>
1020	Dell™ Latitude™ CPx H-Series/J-Series User’s Guide, Initial Release November 15, 1999, Last Revision August 28, 2000, available at https://www.dell.com/support/home/en-us/productsupport/product/latitude-cpx-h/docs
1021	<i>“PC Card Technology Primer,”</i> Personal Computer Memory Card International Association, October 22, 2000, available at https://web.archive.org/web/20001022131519/http://www.pcmcia.org/pccard.htm
1022	<i>“The Zoomed Video Port for PC Cards,”</i> Personal Computer Memory Card International Association, July 8, 2000, available at https://web.archive.org/web/20000708043950/http://www.pcmcia.org/papers/zv.htm
1023	David G. Messerschmitt, <i>“Convergence of Telecommunications with Computing,”</i> Technology in Society, Vol. 18, No. 3, pp. 285-86 (1996)
1024	Mirza M. Luqman et al., <i>“Globalization of Wireless Telephone,”</i> Portland International Conference on Management of Engineering and Technology, July 29, 2001-August 2, 2001

1025	“ <i>System Specifications: Latitude CPx</i> ,” www.dell.com (archived March 1, 2000), available at https://web.archive.org/web/20000301021538/http://www.dell.com/us/en/bsd/products/spec_latit_cpx_notebooks.htm
2001	Declaration of Dr. Luke Theogarajan
2002	“ <i>‘I See What You Mean’: The Role of Kinesic Behaviour in Listening and Implications for Foreign and Second Language Learning</i> ,” <i>Applied Linguistics</i> , Volume 13, Issue 3, September 1992, Pages 239-258, available at https://doi.org/10.1093/applin/13.3.239
2003	“A complete history of the camera phone,” Simon Hill, May 13, 2022, available at https://www.digitaltrends.com/mobile/camera-phone-history/
2004	Notice of Order in Case 1:24-CV-00170-ADA KP Innovations 2, LLC v. Samsung Electronics Co., Ltd. et al Order Reassigning Case to Judge Alan D. Albright for all proceedings
3001	Correspondence to the Board regarding Petitioner’s preliminary Reply request
3100	Authorization for response to issues raised in the Director Review request

ARGUMENT

A. THE PETITIONER IS IMPROPERLY INTRODUCING A NEW ARGUMENT

Petitioner improperly presents a new argument. If Petitioner intended to have this new argument considered by the Board, then Petitioner should have filed for Director Review of the denial of its request for a three-page preliminary Reply. On March 5, 2025, Petitioner asked the Board for “authorization to file a 3-page preliminary reply addressing claim construction issues in Patent Owner’s Preliminary Response in IPR2025-00101 related to the claim term ‘device,’ recited in elements 18[p] and 18[a], which Patent Owner contends requires an integrated and network-enabled device. POPR, p.26.” *See* Exh. 3001. Petitioner’s request was denied by the Board on March 6, 2025. *See* Paper 8.

Petitioner admits that its argument presented in its Director’s Review request was denied on March 6, 2025, when they state that “[h]ad Petitioner been given a chance to respond as expressly requested, it would have shown that PO’s arguments rely on an overly narrow construction of the claimed “device”—requiring the “device” be contained in a single housing with “network ready” ports—that departs from plain meaning, contradicts clear claim language, and excludes numerous preferred embodiments.”

Petitioner claims they were not allowed to present arguments in their petition; this is a red herring, as it is an attempt to get another bite of the apple not provided by law or rules. The objection to the denial of the three-page review in the request for Director's Review is untimely, as it had to be made before the Decision to Institute was issued. Petitioner's decision to wait ensured that the Board would not consider these arguments. If the Petitioner ensured the Board did not consider the new arguments by failing to file for a review of that decision, Petitioner should not be rewarded for wasting the Board's time by then being allowed to raise those same arguments in a Request for Director Review. For this reason alone, Petitioner's request should be denied.

B. CLAIM CONSTRUCTION

1. No claim construction provided by Petitioner

Petitioners should not be allowed to present terms for claim construction for the first time in a Request for a Director's Review or a three-page preliminary Reply when the proposed construction is not in the record to be reviewed. The Petitioner did not provide a claim construction in its Petition. In the Decision not to Institute, the Board cited Petitioner's statement that "[t]he Board need not construe any term because the prior art invalidates the claims under any plausible construction. Pet. 12. However, Petitioner has not proposed an express construction for any claim

term.” DI p.8. Petitioner deliberately chose not to provide a claim construction in the Petition.

2. Independent claim 18 preamble states, “[a] communication service device operable with a communication network”

Claim 18’s preamble states, “a communication service device operable with a communication network.” Exh. 1001, 22:32-33. Thus, the communication service device must operate with a communication network. Later elements use the language “at least one communication service device,” referring back to the “communication service device” of the preamble, which is a single device.

None of the three members of the Board raised an issue with device claim 18 or any of the other three device claims at issue. The construction put forth by the Petitioner ignores the preamble and is illogical.

3. *Okaya* does not describe the claim element “transmit information over the communication network”

Independent claim 18 requires:

18. A communication service device operable with a communication network, comprising:
at least one user communication device configured to receive and transmit information **over the communication network**;

Exh. 1001, 22:31-36 (emphases added). Petitioner is reading out of the claim “over the communication network” and instead is interpreting the claim to say the communication device only has to be configured to transmit or receive information.

Furthermore, the single service communication device mentioned in the preamble must be operable with the communication network. The *Okaya* device is unable to transmit data over the communication network identified by the Board. None of the three Judges on the Board had any issue with finding that *Okaya* did not meet the limitations of the claims in the Grounds for which it was cited.

As the Petitioner focuses on “the at least one communication device” in their argument, they neglect that the claim is directed to a single communication service device. The “Petitioner’s argument is making an erroneous assertion that “a communication service device” is a system with their argument. The claim is a device claim, and any other of the “devices” must be part of that device and not part of a system. In contrast, *Okaya* is part of a system that includes a monitor connected to a separate computer by wires and is not part of a single “communication service device.” For example, a laptop is a single device that has a display device (LCD display and driver), sound device (speaker and A/D converter), power supply device (power jack, charging circuit, power rails), network communication device (modem, A/D converts), input out device (mouse or keyboard). Thus, a single device can have other devices. However, the claims require the communication service device to have at least one communication device that is defined by the claim elements. It could have other devices, but everything is part of a single communication service device, as described in the preamble. Furthermore, in the Petitioner’s request for

Director's Review, it arguably attempts to read different embodiments from the specification into claim 18.

C. THE DENIAL WAS DISCRETIONARY, AND IF BASED UPON THE MERITS, ALL CLAIMS WOULD BE VALID

If the Patent Owner's plausible claim construction of real-time video is adopted, then none of the grounds would be successful. *See* DI, p. 8. However, due to Petitioner's delays in bringing these issues to the director's attention, an additional month has been lost so far in the IPR, making an expedited IPR a hardship on the Board and parties.

CONCLUSION

Petitioner (1) improperly makes new arguments that were not made in its Petition, and (2) raises issues denied by the Board. Thus, Petitioner's untimely request for a Director's Review is also improper and not based upon the record currently before the Director. Petitioner is relying on arguments the Board had denied, not considered, and that are not part of the record. Even if the new arguments are entertained, they improperly interpret the claims and read out elements of the claims while ignoring the preamble of the four claims at issue in the IPR. Further, the Petitioner's request fails to show how the Board's reasoning is improper or that an error occurred.

Respectfully submitted,

June 18, 2025

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CERTIFICATE OF SERVICE (37 C.F.R.SEC 42.6(E)(1))

The undersigned hereby certifies that the **AUTHORIZED RESPONSE TO DIRECTOR REVIEW REQUEST** was served on June 18, 2025, by filing this document through P-TACTS as well as delivering a copy via electronic mail upon the following attorneys of record for Petitioners:

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