From:	Director_Discretionary_Decision
To:	Yung-Hoon (Sam) Ha; Director_Discretionary_Decision; Taeg Sang (Tim) Cho; Trials
Cc:	Laura Avena; YuKai Bao; Joze Welsh; DG-Sinotechnix; David DeZern; brandon@nelbum.com; Samsung-Sinotechnix-IPR
Subject:	RE: IPR2025-00331 through -00336
Date:	Monday, June 30, 2025 12:30:10 PM

Petitioner's request for additional briefing in IPR2025-00331, IPR-00333, IPR2025-00335, and IPR2025-00336 is denied as there is insufficient time for additional briefing in these proceedings.

From: Yung-Hoon (Sam) Ha <YHa@desmaraisllp.com>
Sent: Sunday, June 29, 2025 10:20 PM
To: Director_Discretionary_Decision <Director_Discretionary_Decision@uspto.gov>; Taeg Sang (Tim) Cho <TCho@desmaraisllp.com>; Trials <Trials@USPTO.GOV>
Cc: Laura Avena <LAvena@desmaraisllp.com>; YuKai Bao <YBao@desmaraisllp.com>; Joze Welsh <JWelsh@desmaraisllp.com>; DG-Sinotechnix <Sinotechnix@nelbum.com>; David DeZern <david@nelbum.com>; brandon@nelbum.com; Samsung-Sinotechnix-IPR <Samsung-Sinotechnix-IPR@desmaraisllp.com>
Subject: RE: IPR2025-00331 through -00336

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Case Nos.: IPR2025-00331 through -00336

Dear Honorable Board,

In light of Director Stewart's recent guidance in *Intel Corp. v. Proxense LLC,* IPR2025-00327, Paper 12 (PTAB June 26, 2025) ("There may be persuasive reasons why the Board should review challenged claims several years after their issuance date. For example, a significant change in law may have occurred since the patent issued, and a petitioner can explain how that change in law directly bears on the patentability of the challenged claims. As another example, a patent may have been in force for years but may have not been commercialized, asserted, marked, licensed, or otherwise applied in a petitioner's particular technology space, if at all. These non-exclusive examples provide considerations that weigh against a patent owner's claim of settled expectations and bears on the Directors discretion."), Petitioner seeks authorization from the Board to submit additional briefing limited to 3 pages, directed to the "settled expectations" prong of the Director's discretionary denial analysis in IPR2025-00331, IPR-00333, IPR2025-00335, and IPR2025-00336. Petitioner would not be opposed to Patent Owner receiving a commensurate 3-page reply brief directed to this issue.

To be clear, Petitioner is not seeking additional briefing in the companion IPR2025-00332 and

IPR2025-00334 because these arguments will be presented in the main opposition briefings that are due on July 11 and July 16, respectively.

Petitioner has conferred with Patent Owner and Patent Owner opposes this request.

Best regards,
Yung-Hoon Ha
Counsel for Petitioner

From: Director_Discretionary_Decision <Director_Discretionary_Decision@uspto.gov>
Sent: Thursday, June 12, 2025 12:20 PM
To: Taeg Sang (Tim) Cho <TCho@desmaraisllp.com>; Trials <Trials@USPTO.GOV>; Director_Discretionary_Decision <Director_Discretionary_Decision@uspto.gov>
Cc: Yung-Hoon (Sam) Ha <YHa@desmaraisllp.com>; Laura Avena <LAvena@desmaraisllp.com>; YuKai Bao <YBao@desmaraisllp.com>; Joze Welsh <JWelsh@desmaraisllp.com>; Yung-Hoon (Sam) Ha <YHa@desmaraisllp.com>; DG-Sinotechnix <Sinotechnix@nelbum.com>; David DeZern <david@nelbum.com>; brandon@nelbum.com; Samsung-Sinotechnix-IPR <Samsung-Sinotechnix-IPR@desmaraisllp.com>
Subject: [Ext] RE: IPR2025-00331 through -00336

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Petitioner is authorized to file a two-page supplemental brief identifying and addressing its broader stipulation, due no later than Friday, June 13, 2025. In response, Patent Owner is authorized to file a two-page reply, due Tuesday, June 17, 2025, limited to addressing only Petitioner's supplemental brief.

From: Taeg Sang (Tim) Cho <TCho@desmaraisllp.com>
Sent: Wednesday, June 11, 2025 6:21 PM
To: Trials <Trials@USPTO.GOV>; Director_Discretionary_Decision <Director_Discretionary_Decision@uspto.gov>
Cc: Yung-Hoon (Sam) Ha <YHa@desmaraisllp.com>; Laura Avena <LAvena@desmaraisllp.com>; YuKai Bao <YBao@desmaraisllp.com>; Joze Welsh <JWelsh@desmaraisllp.com>; Yung-Hoon (Sam) Ha <YHa@desmaraisllp.com>; DG-Sinotechnix <Sinotechnix@nelbum.com>; David DeZern <david@nelbum.com>; brandon@nelbum.com; Samsung-Sinotechnix-IPR <Samsung-Sinotechnix-IPR@desmaraisllp.com>
Subject: IPR2025-00331 through -00336

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Case Nos.: IPR2025-00331 through -00336

Dear Honorable Board,

In light of *Samsung Electronics Co. v. Sionyx LLC*, IPR2025-00064, Paper 16, and IPR2025-00065, Paper 16, both issued on June 6, 2025—the same day the Petitioner's Discretionary Denial Opposition Briefs were due for IPR2025-00331, -00333, -00335, and -00336, Petitioner seeks leave to file an even broader stipulation than that currently on file for each of the six IPRs (i.e., IPR2025-00331 through -0336). Specifically, unlike *Motorola Sols*. which merely found that this factor "***does not outweigh***" the other *Fintiv* factors favoring denial, the Board explicitly found in IPR2025-00064 that "Fintiv factor four weighs ***somewhat*** in favor of discretionary denial" and in IPR2025-00065 that "Fintiv factor four weighs ***strongly*** in favor of discretionary denial." Given the more recent applications of *Fintiv* Factor 4 that explicitly weighed Factor 4 in favor of discretionary denial when unpublished product art is combined with the art asserted in the IPR proceedings, Petitioner respectfully seeks permission to submit a broader stipulation (highlighted below) to address the Office's concerns regarding duplication of efforts to ensure that the IPR proceedings will serve as a "true alternative" to the district court litigation on the issues of validity.

> Consistent with *Sotera Wireless, Inc*., Petitioner hereby stipulates "that if the PTAB institutes inter partes review, Petitioner 'will not pursue in [*Sinotechnix LLC v. Samsung Electronics Co., et al.,* No. 2:24-cv-00544 (EDTX) ("Litigation")] the specific grounds [asserted in IPR2025-00335], or . . . any other ground . . . that was raised or could have been reasonably raised in an IPR (i.e., any ground that could be raised under §§ 102 or 103 on the basis of prior art patent or printed publications).'" *Sotera Wireless, Inc. v. Masimo Corp.,* IPR2020-01019, Paper 12 at 13-14 (PTAB Dec. 1, 2020) (precedential). For the avoidance of doubt, if the PTAB institutes inter partes review, Petitioner will not, in the Litigation, rely on any product or system art that is "based on the same evidence presented" in this IPR. *Cf. SAP America, Inc. v Cyandia, Inc.,* IPR2024-01496, Paper 13 at 9 (PTAB Apr. 7, 2025). Further, if the PTAB institutes inter partes review, Petitioner will not, in the Litigation, "assert combinations of product art with printed publication prior art asserted in this [IPR] proceeding." *See, e.g., Samsung Elecs. Co. v. SiOnyx*, IPR2025-00064, Paper 16 at 14.

Petitioner has conferred with Patent Owner's counsel and explained that Petitioner will not oppose Patent Owner's permission to file a Reply to our Discretionary Denial Opposition Brief directed to Fintiv factor 4 if Board grants leave to file the updated stipulation. Patent Owner stated that, solely for the purpose of minimizing disputes before the Board, Patent Owner does not oppose this request.

Best regards,
Taeg Sang Cho
Counsel for Petitioner

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