UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

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

Petitioner

v.

MOLECULAR REBAR DESIGN, LLC,

Patent Owner

Case IPR2025-00357

U.S. Patent No. 8,968,924

PATENT OWNER'S WAIVER OF PRELIMINARY RESPONSE

On December 16, 2024, trial was instituted in IPR2024-01011 against U.S. Patent No. 8,968,924. *See LG Energy Solution, Ltd. v. Molecular Rebar Design, LLC*, IPR2024-01011, Paper 9 (PTAB Dec. 16, 2024).

On December 23, 2024, Petitioner filed the Petition in this proceeding and moved for joinder with IPR2024-01011. (Paper 5, "Joinder Motion"). As stated in the Joinder Motion, Samsung's Petition "does not present any new grounds of unpatentability; rather it is substantively identical to the LGES Petition" and Samsung "will accept an 'understudy' role unless and until LGES is terminated from the proceeding." Joinder Motion, 3-4. Moreover, the "Samsung Petition involves the same patent, challenges the same claims, relies on the same expert declaration, and is based on the same grounds and combinations of prior art." *Id.* at 5.

The Board scheduled a conference call for Wednesday, January 8, 2025 relating to the Joinder Motion. The call was cancelled based on Patent Owner stating that it did not oppose joinder. Patent Owner fully expects this proceeding to be joined with IPR2024-01011 and, therefore, hereby waives its preliminary response in this proceeding under 37 C.F.R. § 42.107(b). However, this is not a waiver of any post-institution arguments, positions or evidence that may be offered by Patent Owner. Nor should the waiver be interpreted as a concession that the Petition has merit. The sole basis for Patent Owner waiving its preliminary response is that it expects this proceeding to be joined with a proceeding that has already been instituted. Patent

Owner has already filed its response in those instituted proceedings, and the arguments and evidence therein apply equally to Samsung's Petition.

Dated: April 23, 2025

Respectfully submitted,

/Stephen D. Zinda/
Stephen D. Zinda
Reg. No. 67,272

Counsel for Molecular Rebar Design, LLC

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. §§ 42.6(e)(4), the undersigned certifies that on April 23, 2025, the foregoing document was served via electronic mail on the following attorneys of record at the indicated e-mail address, which Petitioner has consented to electronic service for:

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