

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

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

v.

MOBILE DATA TECHNOLOGIES LLC,
Patent Owner

IPR2025-00535
U.S. Patent No. 9,032,039

**PETITIONERS' NOTICE RANKING PETITIONS FOR *INTER PARTES*
REVIEW OF U.S. PATENT NO. 9,032,039**

Mail Stop PATENT BOARD
Patent Trial and Appeal Board
U.S. Patent & Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

I. INTRODUCTION

Samsung Electronics Co. Ltd. and Samsung Electronics America, Inc. (“Petitioners”) petition for *inter partes* review of claims 1-4, 8-9, 13-15, 17-25, and 28-30 of U.S. Patent 9,032,039 (“the ’039 patent”; EX-1001).

Petitioners Samsung Electronics Co. Ltd. and Samsung Electronics America, Inc. (“Petitioners”) are simultaneously filing two Petitions: IPR2025-00535 (claims 1-4, 8-9, 13-15, 17-25, and 28-30) and IPR2025-00536 (claims 1-4, 8-9, 13-15, 17-19, 22-25, and 28-30), collectively challenging the patentability of claims 1-4, 8-9, 13-15, 17-21, 22-25, and 28-30 in the ’039 patent. Good cause exists to institute both Petitions based on the claim construction positions raised by Patent Owner (“PO”) in a concurrent IPR proceeding instituted against the ’039 patent (*Meta Platforms Inc. v. Mobile Data Techs. LLC*, IPR2024-00248 (“Meta-MDT-IPR”). Such constructions, which in at least one instance, take a position contrary to PO’s litigation construction in *Mobile Data Techs. LLC v. Meta Platforms Inc.*, 3:24-cv-00896-WHA (N.D. Cal.) (transferred from No. 7:22-cv-00244-AGA-DTG (E.D. Tex.) (“MDT-Meta Litigation), requires the consideration of the mutually exclusive grounds presented in the two Petitions. Petitioners respectfully ask the Board to institute both Petitions. Pursuant to the Trial Practice Guide, Petitioners (1) rank the IPR2024-00536 Petition higher than the IPR2024-00535 Petition; (2) provide a succinct explanation of the differences between the Petitions; and (3)

explain why the issues addressed by the differences are material and why the Board should exercise its discretion to institute additional petitions.

II. RANKING OF PETITIONS

The Board should consider the merits of the Petitions in the following order:

1. IPR2025-00536 (“-00536 Petition”); and
2. IPR2025-00535 (“-00535 Petition”).

III. THE BOARD SHOULD EXERCISE ITS DISCRETION TO INSTITUTE BOTH PETITIONS

The Board should institute both petitions based on PO’s shifting position on the construction of “*mobile device*.” The April 2024 Proposed Rulemaking on “Rules of Practice for Briefing Discretionary Denial Issues, and Rules for 325(d) Considerations, Instituting Parallel and Serial Petitions, and Termination Due to Settlement Agreement” (NPRM) recognized that “alternative claim constructions that require different prior art references on mutually exclusive grounds” is relevant to the determination of good cause to institute multiple petitions. (NPRM, 28706.) Such a circumstance exists in the present case.

The -00535 Petition and -00536 Petition present mutually exclusive grounds. The -00535 Petition applies the same prior art combinations applied in the instituted IPR filed by Meta Platforms (“*Meta*”) in the Meta-MDT-IPR, which Petitioners refer to as the Neibauer grounds. The -00536 Petition presents a different set of grounds based on the Symbian platform references, Randall-

Forsyth, and the Nintendo Gameboy® references, Pelkey-Eck. The grounds are summarized in the table below. The Neibauer grounds and the Randall-Forsyth/Pelkey-Eck grounds present different disclosures related to the recited “*mobile device*” term.

IPR2025-00535			
Ground	Basis	References	Claims
1	§ 103	Neibauer (EX-1003), Cheng (EX-1005), Squibbs (EX-1011), and Ausems (EX-1006)	Claims 1-4, 8-9, 13-15, 17-20, 22-25, and 28-30
2	§ 103	Neibauer (EX-1003), Cheng (EX-1005), Squibbs (EX-1011), and Bandera (EX-1017)	Claim 21
3	§ 103	Neibauer (EX-1003), Cheng (EX-1005), Squibbs (EX-1011), Ausems (EX-1006), and Harvey (EX-1010)	Claims 1-4, 8-9, 13-15, 17-20, 22-25, and 28-30
4	§ 103	Neibauer (EX-1003), Cheng (EX-1005), Squibbs (EX-1011), Bandera (EX-1017), and Harvey (EX-1010)	Claim 21

IPR2025-00536			
Ground	Basis	References	Claims
1	§ 103	Randall (EX-1005) and Forsyth (EX-1006)	1-4, 8-9, 13-15, 17-19, 22-25, and 28-30
2	§ 103	Pelkey (EX-1007) and Eck (EX-1008)	1-4, 8-9, 13-15, 17-19, 22-25 and 28-30

In the MDT-Meta-Litigation, PO alleged the term “*mobile device*” was simply “a piece of handheld equipment.” (EX-1025, 3.) However, in the Meta-MDT-IPR, PO alleges the term should be construed as “a portable device with limited display space and limited navigational capabilities that connects to a mobile site and/or mobile channel via a wireless network” (EX-1030, 9) and argues that, under this construction, the Meta Neibauer grounds fail to render the challenged claims unpatentable (*see* EX-1030, 7-8). Petitioners’ Randall-Forsyth and Pelkey-Eck grounds are directed to wireless devices meeting PO’s narrow construction. While Petitioners disagree with PO’s narrow construction, and with PO’s position that the challenged claims are not unpatentable under the proposed construction based on the Neibauer grounds, no final decision has been made regarding claim construction, necessitating parallel petitions.

The burden on the Board and PO in instituting both Petitions would be minimal because, as noted above, the Neibauer grounds presented in the -00535 Petition are part of an instituted trial involving Meta and PO. The common references and arguments minimizes the burden on the Board and PO.

Date: January 31, 2025

Respectfully submitted,

/Lori A. Gordon/

Lori A. Gordon (Reg. No. 50,633)
Goodwin Procter LLP
1900 N Street, N.W.
Washington, D.C. 20036
Phone: (202) 346 4435
Gordon-ptab@goodwinlaw.com

Lead Counsel for Petitioner

CERTIFICATE OF SERVICE

The undersigned certifies that a true copy of the Petitioners' Notice Ranking Petitions for *Inter Partes* Review of U.S. Patent No. 9,032,039 has been served on the Patent Owner via Federal Express Next Business Day Delivery on the below date, at the correspondence address of record as listed on the Patent Center:

RYAN, MASON & LEWIS, LLP
48 South Service Road
Suite 100
Melville, NY 11747
UNITED STATES

*Attorneys for Mobile Data Technologies
LLC*

Courtesy copies of the foregoing documents were served by e-mail on the following counsel of record for Patent Owner in the concurrent litigation:

Michael C. Smith
SCHEEF & STONE LLP
113 East Austin Street
Marshall, Texas 75670
Telephone: (903) 938-8900
michael.smith@solidcounsel.com

Erick S. Robinson (Reg. No. 51,354)
Patrick M. Dunn (Reg. No. 70,474)
Jayme Partridge (Reg. No. 39,011)
Jayne C. Piana (Reg. No. 48,424)
BROWN RUDNICK LLP
811 Main Street, Suite 1825
Houston, TX 77002
erobinson@brownrudnick.com
Tel: (281) 815-0511
Fax: (281) 605-5699

Homayoon Rafatijo (Reg. No. 80,870)
BROWN RUDNICK LLP
601 Thirteenth Street NW Suite 600
Washington, D.C. 20005
hrafatijo@brownrudnick.com
Tel: (202) 536-1700
Fax: (202) 536-1701

*Attorneys for Mobile Data Technologies
LLC*

Date: January 31, 2025

/Lori A. Gordon/

Lori A. Gordon

Lead Counsel for Petitioner