

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

**PATENT OWNER'S SUPPLEMENTAL REPLY
IN SUPPORT OF DISCRETIONARY DENIAL**

EXHIBIT LIST

Ex.	Description
2001	E-mail serving amended infringement contentions in EDTX-Litigation
2002	Comparison between the specifications of the '039 and '801 Patents
2003	Petition for <i>Inter Partes</i> Review in IPR2025-00536 (Jan. 31, 2025)
2004	Federal Register / Vol. 89, No. 77 / Friday, April 19, 2024 / Proposed Rules (Pages 28693-28706)
2005	Return of Service filed in the EDTX-Litigation (June 21, 2024)
2006	E-mail from the Board regarding the 535 and 536 IPR panel assignments (May 2, 2025)
2007	Decision Granting Institution of <i>Inter Partes</i> Review in IPR2024-00248 (June 11, 2024)
2008	E-mail from Erick S. Robinson memorializing the phone conversation with Petitioners' counsel (September 26, 2024)
2009	Comparison of independent claims of the '039 and '5801 Patents
2010	U.S. Patent No. 6,594,347 ("Calder")
2011	Examples of verbatim copy-pasting from Meta-MDT-IPRs by Petitioners
2012	U.S. Patent Application No. 2005/0177645 A1 ("Dowling")
2013	E-mail exchange between Erick S. Robinson and Petitioners' counsel regarding a stay (October 17, 2024)
2014	E-mail exchange between Erick S. Robinson and Petitioners' counsel regarding a stay (February 19, 2025)
2015	E-mail exchange between Erick S. Robinson and Petitioners' counsel wherein Petitioners shared their motion to stay with Patent Owner (March 4, 2025)
2016	Second Amended Docket Control Order in the EDTX-Litigation (December 19, 2024)
2017	United States District Courts — National Judicial Caseload Profile (September 30, 2024)
2018	E-mail from Petitioners' counsel serving their initial and additional disclosures (October 16, 2024)
2019	E-mail from Petitioners' counsel serving their invalidity contentions (January 31, 2025)
2020	E-mail from Petitioners providing materials produced by third-party Microsoft Corporation and Sybase, Inc. in response to Petitioners' subpoena in the EDTX-Litigation (April 25, 2025)

Ex.	Description
2021	E-mail from Petitioners providing materials produced by third-party Casio America, Inc. in response to Petitioners' subpoena in the EDTX-Litigation (March 7, 2025)
2022	E-mail from Petitioners providing materials produced by third-party Sony Electronics, Inc. in response to Petitioners' subpoena in the EDTX-Litigation (February 24, 2025)
2023	E-mail from Petitioners providing materials produced by third-party Casio America, Inc. in response to Petitioners' subpoena in the EDTX-Litigation (February 21, 2025)
2024	E-mail from Petitioners providing materials produced by third-party Sony Electronics, Inc. in response to Petitioners' subpoena in the EDTX-Litigation (February 11, 2025)
2025	E-mail from Petitioners providing materials produced by third-party AT&T Mobility LLC in response to Petitioners' subpoena in the EDTX-Litigation (February 5, 2025)
2026	Patent Owner's Infringement Contentions in the EDTX-Litigation (September 4, 2024)
2027	Petitioners' Invalidity Contentions in the EDTX-Litigation (January 31, 2025)
2028	E-mail exchange between Homayoon Rafatijo and Petitioners' counsel regarding Petitioners' contacting the Board for filing their proposed <i>Sotera</i> stipulation (April 21-23, 2025)
2029	E-mail from Petitioners' counsel with a draft of a proposed communication to the Board (April 30, 2025)
2030	E-mail from Petitioners' counsel with sharing with Patent Owner their proposed <i>Sotera</i> stipulation (April 18, 2025)
2031	Reserved
2032	Petitioners' proposed <i>Sotera</i> stipulation for '535 and '536 IPRs (April 18, 2025)
2033	Petitioners' claim chart against '039 Patent based on the Yahoo! System art (January 31, 2025)
2034	Petition for <i>Inter Partes</i> Review in IPR2024-00248 (Dec. 6, 2023)
2035	Summary of verbatim (or nearly verbatim, strikethrough added) matches between the '535 petition to the Houh Declaration (Ex.1002)
2036	Petition for Inter Partes Review in IPR2025-00537 (Feb. 3, 2025)
2037	Declaration of Mahdi Eslamimehr for IPR2025-00535 of U.S. Patent No. 9,032,039
2038	Petitioners' expert declaration from the '541 IPR

Ex.	Description
2039	Petitioners' expert declaration from the '537 IPR
2040	Order of the EDTX court denying Samsung's Motion for Relief from Protective Order
2041	Redacted version of Samsung's Motion for Relief from Protective Order filed in the EDTX-Litigation (May 29, 2025)
2042	Patent Owner's and Meta's February 21, 2025 joint email to the Board regarding the settlement of the MDT-Meta-Litigation and Meta-MDT-IPRs
2043	Reserved
2044	Reserved
2045	File History of Ex Parte Reexamination of U.S. Patent 8,793,336
2046	Petitioner's Authorized Reply to Patent Owner's Preliminary Response (IPR2021-00917, Paper 7, Sept. 22, 2021)
2047	Declaration of Kevin Jakel in IPR2021-00917 (May 11, 2021)
2048	E-mail from Petitioners' counsel re Updated <i>Sotera</i> Stipulation
2049	The timeline of key events showing Petitioners' gamesmanship in changing their <i>Sotera</i> stipulation

This brief is necessitated by Petitioners' untimely, materially modified *Sotera* stipulation ("SS"), proposed the morning PO's Reply was due. Ex.2048. Petitioners filed this IPR with no SS but proposed one on April 18. Petitioners responded to PO's concern over the "draft" nature of their SS, stating in their response to PO's DD brief that their SS is **not** "simply a draft for consideration that is subject to change" and committing to file "an exact copy" of their April 18 SS. Paper 9, 48 n.7. Just six days later—and only **after** PO filed the remainder of its DD briefs in the other IPRs—Petitioners abandoned that position. This last-minute material change is inexcusable at least because Petitioners "should file" their SS "as soon as practicable" but before PO's deadline to file its DD brief. FAQs Q.14.

Petitioners' gamesmanship forced PO to invest significant resources based on Petitioners' representations (Ex.2049), only to materially change their position at the last minute. First, PO completed its briefing the day before Petitioners modified their SS. By then, PO had retained an expert to compare Randall-Forsyth with Nokia 9210—an analysis disclosed in PO's May 14 DD brief in the '536-IPR. Second, PO had to engage in this additional briefing. All this extra work is the antithesis of the parties' expectation that IPRs are "cost-effective" alternatives to the EDTX-Litigation. See Paper 9, 11; see also *Tessell v. Nutanix*, IPR2025-00322, Paper 14, 1 (considering equitable principles in exercising discretion; denying institution on "equity" grounds). Petitioners' unfair SS change should not be rewarded.

Petitioners' modified SS also raises concerns of fair play and efficiency. **First**, the draft nature of Petitioners' modified SS means it can change anytime—and in fact, it already did change between June 11 and 17. **Second**, the modified SS's scope remains unclear. Petitioners appear to have further modified the SS throughout various June 17 emails—on the one hand, **expanding** it to include the Yahoo! System, but on the other hand, **narrowing** it by citing only select exhibits from their invalidity contentions. **Third**, the lack of clarity in Petitioners' modified SS casts doubt on whether this IPR is a “true alternative” to the litigation. Even setting aside the further apparent June 17 modifications over email, Petitioners disclaim only combinations involving IPR-asserted art. Ex.2048. Petitioners still retain the ability to combine system art with other non-asserted references. Ex.2033, 1 (referencing “other prior art”). That does nothing to simplify the litigation. **Fourth**, Petitioners' proposal not to pursue “any commercial prior art theory that is coextensive with prior art presented to the Board” Ex.2048, is also unclear. Petitioners do not explain what they mean by “coextensive” and they still retain the ability to assert invalidity based on the Nokia 9210 and Yahoo! Systems. For example, this IPR relies on the Yahoo! System as described in *Neibauer*. Pet., 9. Petitioners can still present Yahoo! System-based arguments using different evidence—such as source code—creating the very risk of inconsistent results that *Fintiv* seeks to avoid.

The Director should find that *Fintiv* factor 4 favors discretionary denial.

Date: June 23, 2025

Respectfully submitted,

/Erick Robinson/

Erick Robinson, Esq. (Reg. No. 51,354)

Jayne Partridge (Reg. No. 39,011)

Jayne C. Piana (Reg. No. 48,424)

Patrick M. Dunn (Reg. No. 70,474)

BROWN RUDNICK LLP

811 Main Street, Suite 1850

Houston, TX 77002

Tel: (281) 815-0511

Fax: (281) 605-5699

Homayoon Rafatijo (Reg. No. 80,870)

BROWN RUDNICK LLP

1900 N Street NW

Washington, D.C. 20036

Tel: (202) 536-1724

Fax: (202) 536-1701

Attorneys for Patent Owner

Mobile Data Technologies LLC

CERTIFICATE OF SERVICE

I hereby certify that on June 23, 2025, I caused a true and correct copy of the foregoing Patent Owner's Supplemental Reply in Support of its Discretionary Denial Brief to be served via electronic mail upon the following attorneys of record for the Petitioners:

Lori Gordon (Reg. No. 50,633)
Goodwin Procter LLP
1900 N St. N.W.
Washington, D.C. 20036
Phone: (202) 346-4000
Fax: (202) 346-4444
Gordon-ptab@goodwinlaw.com

Doug Kline (Reg. No. 35,574)
GOODWIN PROCTER LLP
100 Northern Avenue
Boston, MA 02210
Phone: (617) 570-1000
Fax: (617) 523-1231
dkline@goodwinlaw.com

Naomi Birbach (Reg. No. 67,113)
Goodwin Procter LLP
620 Eighth Avenue
New York, NY 10018
Phone: (212) 813-8800
Fax: (212) 355-3333
NBirbach@goodwinlaw.com

Srikanth Reddy
(*pro hac vice* application to be filed)
GOODWIN PROCTER LLP
100 Northern Avenue
Boston, MA 02210
Phone: (617) 570-1000
Fax: (617) 523-1231
sreddy@goodwinlaw.com

Date: June 23, 2025

Respectfully submitted,

/Erick Robinson/

Erick Robinson, Esq. (Reg. No. 51,354)
BROWN RUDNICK LLP
811 Main Street, Suite 1850
Houston, TX 77002
Tel: (281) 815-0511
Fax: (281) 605-5699

Attorneys for Patent Owner
Mobile Data Technologies LLC