IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

MOBILE DATA TECHNOLOGIES LLC, *Plaintiff*, v. SAMSUNG ELECTRONICS AMERICA, INC. and SAMSUNG ELECTRONICS CO., LTD., *Defendants*.	Civil Action No. 2:24-cv-00435-JRG-RSP **JURY TRIAL DEMANDED**

SAMSUNG'S MOTION FOR RELIEF FROM PROTECTIVE ORDER

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I. INTRODUCTION

Defendants Samsung Electronics America, Inc. and Samsung Electronics Co., Ltd. (collectively, "Samsung") respectfully request narrow relief from the Protective Order (Dkt. No. 40) to submit under seal to the Patent Trial and Appeal Board ("PTAB") in currently pending *inter partes* review ("IPR") proceedings, a highly relevant settlement agreement produced in this action by Plaintiff Mobile Data Technologies LLC ("MDT"). Samsung's requested relief is necessitated by the PTAB's recent implementation of a new bifurcated briefing process, pursuant to which Samsung's responsive discretionary denial brief is due on June 11, 2025. In its discretionary denial brief, MDT argues that Samsung's petition should be denied because it is allegedly "abus[ing] the IPR process." But it is MDT—not Samsung—who is abusing the IPR process.

Prior to suing Samsung, MDT sued Meta Platforms, Inc. ("Meta") almost two years earlier for allegedly infringing the same patents. In response, Meta filed IPR petitions, the PTAB instituted, and Meta's IPRs proceeded through briefing and discovery. [redacted] Samsung submits this motion to obtain relief from the Protective Order so that it can present this important evidence to the PTAB.

II. FACTUAL BACKGROUND

On October 6, 2024, MDT filed its First Amended Complaint accusing Samsung of

infringing five now-expired patents: U.S. Patent Nos. 8,793,336 ("'336 patent"), 8,825,801 ("'801 patent"), 9,032,039 ("'039 patent"), 9,619,578 ("'578 patent"), and 9,922,348 ("'348 patent"). Dkt. No. 25. This Court entered a Protective Order on December 19, 2024. Dkt. No. 40. Samsung subsequently filed IPR petitions[1] against each of the asserted patents between January 31, 2025 and February 7, 2025, well before the one-year time bar. IPR2025-00535-536 ('039 patent); IPR2025-00537-538 ('801 patent); IPR2025-00539-540 ('336 patent); IPR2025-00541-542 ('348 patent); IPR2025-00543-544 ('578 patent).

MDT sued Meta about two and half years ago, on November 23, 2022. *Mobile Data Technologies, LLC v. Meta Platforms, Inc. et al.*, No. 7:22-cv-00244 (W.D. Tex.). The PTAB granted Meta's petitions for IPR on all patents, and oral argument was scheduled for March 11, 2025. *See, e.g.*, *Meta Platforms, Inc. v. Mobile Data Technologies LLC*, IPR2024-00246, Paper 38 at 2 (P.T.A.B. Feb. 4, 2025). [redacted] The existence of the Settlement Agreement became public on March 7, 2025 when MDT and Meta filed joint motions to terminate the IPRs, attaching the Settlement Agreement as a sealed exhibit. *See, e.g.*, *Meta Platforms*, IPR2024-00246, Paper 39 at 3. On March 12, 2025, the PTAB granted the motion to terminate and adopted the parties' request to treat the Settlement Agreement as business confidential information under 37 C.F.R. § 42.74(c). *See, e.g.*, *Meta Platforms*, IPR2024-00246, Paper 40 at 4.

In response to Samsung's request, MDT produced the Settlement Agreement to Samsung in this litigation on March 26, 2025 and designated it as "RESTRICTED CONFIDENTIAL –

[1] Samsung filed two IPR petitions per asserted patent, one raising substantially the same grounds that were raised in the then-pending Meta IPRs and the second raising new grounds.

ATTORNEYS' EYES ONLY" under the Protective Order.[2] [redacted] Ex. 1. That same day, the PTAB issued a memorandum instituting the new bifurcated briefing schedule where discretionary denial is addressed first under an expedited timeline.[3] MDT filed its first discretionary denial brief on May 7, 2025. *Samsung Electronics Co., Ltd. v. Mobile Data Technologies LLC*, IPR2025-00535, Paper 8. Samsung's responsive submission is due June 11, 2025. Additional discretionary denial briefs and responses will become due over the ensuing approximately 60 days.

On May 16, 2025, Samsung asked MDT to consent to Samsung's filing of the Settlement Agreement as a sealed exhibit with its responses to the PTAB. MDT refused Samsung's request via email. The parties met and conferred on May 23, 2025 and reached an impasse on the issue.

Because motions cannot be filed in the PTAB without authorization (*see* 37 C.F.R. §42.20), Samsung emailed the PTAB on May 28, 2025 and asked for permission to file a motion to compel production of the Settlement Agreement through the routine PTAB discovery rules that obligate MDT to produce information inconsistent with a position advanced by MDT in its opening brief. *See* 37 C.F.R. §42.51(b)(1)(iii). Despite the fact that Samsung was prohibited from including substantive argument in its email to the Board seeking authorization to file its motion to compel,[4]

[2] To the extent this motion is treated as "discovery related," Samsung has limited its attachments to five pages pursuant to the March 11, 2020 Standing Order Regarding "Meet and Confer" Obligations Relating to Discovery Disputes. Samsung is willing to provide the Court with the parties' email correspondence upon request.

[3] U.S. Patent & Trademark Office, Interim Processes for PTAB Workload Management (March 26, 2025), https://www.uspto.gov/sites/default/files/documents/InterimProcesses-PTABWorkloadMgmt-20250326.pdf.

[4] *See* U.S. Patent & Trademark Office, Patent Trial and Appeal Board Boardside Chat: AIA Motions Practice at 7 (March 18, 2021), https://www.uspto.gov/sites/default/files/documents/ptab_boardside_chat_aia_motions_practice_20210318.pdf.

on May 29, 2025, the PTAB denied Samsung's request, stating that, "Petitioner has not provided sufficient relevance of the requested discovery to the Director's discretionary considerations." Ex. 2. The Board, however, acknowledged that "[m]indful of any protective orders, Petitioner may discuss any fact or circumstance they believe bears on the Director's discretion to institute, including what it believes to be inconsistent positions in Patent Owner's discretionary denial brief, in its opposition." *Id.*

III. THE COURT SHOULD GRANT THE REQUESTED LIMITED RELIEF FROM THE PROTECTIVE ORDER

Modification of the Protective Order is necessary for [redacted]

This Court has granted the same relief that Samsung now seeks under similar circumstances. *Peloton Interactive, Inc. v. Flywheel Sports, Inc.*, No. 2:18-cv-00390-RWS-RSP, Dkt. No. 166 at 3 (E.D. Tex. Dec. 23, 2019) (giving Plaintiff "leave, as an exception to the March 1, 2019 Protective Order[], to submit to the PTAB the documents attached to the motion"); *see also Raytheon Co. v. Indigo Sys. Corp.*, No. 4:07-CV-109, 2008 WL 4371679, at *2 (E.D. Tex. Sept. 18, 2008) ("The court enjoys broad discretion in entering and modifying [protective orders]."") (internal citations omitted); *Stack v. Gamill*, 796 F.2d 65, 68 (5th Cir. 1986) ("[P]rotective orders should generally be modified to allow discovery in other actions....").

In *Peloton*, the plaintiff sought an exception to the provision of the Protective Order requiring that designated material "shall be used by the Parties only in the litigation of this Action and shall not be used for any other purpose" so that it could submit documents produced in the district court action to the PTAB. 2:18-cv-00390-RWS-RSP, Dkt. No. 166 at 2. The plaintiff in

Peloton reasoned that relief from the Court was necessary because discovery in IPRs is extremely limited, motions for additional discovery in IPRs are rarely granted, and parties have been sanctioned for even asking the PTAB for additional discovery based on information discovered in district court. In granting the motion, the Court noted that it was not an instance where the plaintiff was "using this case in order merely to obtain discovery not otherwise available in the IPR proceedings" or with "third parties…who don't have a chance to oppose the amendment" to the protective order. *Id.* at 2-3. Neither of those circumstances applies here either.

Like in *Peloton*, relief from the Protective Order is similarly warranted here. As discussed below, [redacted]. MDT repeatedly accuses Samsung of "abus[ing] the IPR process" in at least the following ways:

- By declining to attempt to join the instituted IPR proceeding against the '039 patent despite not having MDT's infringement contentions (which assert claims not challenged in the Meta-MDT-IPR). *Samsung Electronics*, IPR2025-00535, Paper 8 at 15-18, 40.
- By filing two petitions. *Id.* at 47-48.
- By ranking its two petitions on the '039 patent in a manner different from its ranking as to the other challenged patents. *Id.* at 48.

For example, in its discretionary denial brief, MDT argues that Samsung "deprived Patent Owner of its strategic advantage" and that Samsung's "abuse of the IPR process should not be rewarded." *Id*. at 43, 48; *see also id*. at 58 ("Petitioners' abuse of the IPR process"). MDT also argues that Samsung's petition lacks merit. *Id*. at 54-60. Given that Samsung's petition relies on the same references as Meta's petition—which was instituted and settled on the eve of oral argument—[redacted]

[redacted]

Moreover, disclosure of MDT's confidential information to the PTAB in this circumstance is consistent with the spirit of the Protective Order, which allows for disclosure of material designated "RESTRICTED CONFIDENTIAL – ATTORNEYS' EYES ONLY," to this Court and its personnel. *See* Dkt. No. 40 ¶¶5, 9. Like this Court, the PTAB is an adjudicatory tribunal—not a business competitor to MDT. Indeed, if Samsung knew at the time the Protective Order was submitted that [redacted] the PTAB was going to start a new expedited discretionary briefing schedule, Samsung would have included the PTAB and its personnel in paragraphs 5(g) and 9 of the Protective Order as individuals to which "RESTRICTED CONFIDENTIAL – ATTORNEYS' EYES ONLY" material could be disclosed. *See Team Worldwide Corp. v. WalMart Inc., et al.*, No. 2:17-00235-JRG, Dkt. No. 473 (E.D. Tex. Jan. 24, 2019) ("The parties agree that at the time they stipulated to the Protective Order, they could not have foreseen the need to produce protected documents in arbitration pursuant to a settlement agreement."). Samsung was therefore diligent in its preparation of the Protective Order.

IV. MDT WILL NOT BE PREJUDICED BY DISCLOSURE OF THE SETTLEMENT AGREEMENT TO THE PTAB

Samsung's request for relief from the Protective Order is carefully tailored to avoid

compromising the confidentiality of the Settlement Agreement. The only individuals who would have access to the Settlement Agreement would be the PTAB judges and any necessary PTAB personnel. There is no prejudice to MDT under such circumstances, especially where MDT itself already submitted the same Settlement Agreement to the PTAB as an exhibit to its joint motions to terminate the Meta IPRs. *See, e.g., Meta Platforms,* IPR2024-00246, Paper 39 at 3. In the order terminating the IPRs, the PTAB acknowledged the sensitivity of the Settlement Agreement and granted the request to treat it as confidential business information under 37 C.F.R. § 42.74(c). *See, e.g., Meta Platforms,* IPR2024-00246, Paper 40 at 4. Samsung would likewise file the Settlement Agreement, as well as any briefing discussing its terms, under seal pursuant to 37 C.F.R. § 42.14 pending entry of a protective order in the IPRs.

V. CONCLUSION

For the foregoing reasons, Samsung respectfully requests that the Court grant a narrow exception to the Protective Order and permit Samsung to file the Settlement Agreement as a sealed exhibit in opposition to MDT's discretionary denial briefing in its IPRs.

Dated: May 29, 2025

Respectfully submitted,

By: */s/ Melissa R. Smith*

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[redacted]

CERTIFICATE OF SERVICE

I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via electronic mail.

Dated: May 29, 2025

/s/ Melissa R. Smith
Melissa R. Smith

[redacted]

CERTIFICATE OF CONFERENCE

On May 23, 2025, counsel Naomi Birbach for Samsung conferred with counsel Erick Robinson for MDT, and counsel for MDT indicated that MDT is opposed to the relief sought by this Motion.

Dated: May 29, 2025

/s/ Melissa R. Smith
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