UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

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

v.

VB ASSETS, LLC,
Patent Owner

IPR2025-00868
U.S. Patent No. 8,515,765

PATENT OWNER'S REPLY IN SUPPORT OF DISCRETIONARY DENIAL

TABLE OF EXHIBITS

Exhibit Number	Description
2001	Declaration of Andrew J. Ligotti
2002	https://www.uspto.gov/sites/default/files/documents/InterimProcesses-PTABWorkloadMgmt-20250326.pdf ("Acting Director Memo")
2003	https://www.uspto.gov/patents/ptab/faqs/interim-processes-workload-management ("FAQs")
2004	*VB Assets, LLC v. Samsung Electronics Co., Ltd. et al.*, No. 2:24-cv-00828 (E.D. Tex. Oct. 9, 2024), Dkt. 1 ("Complaint")
2005	Excerpts of Prosecution History of U.S. Patent No. 10,891,968
2006	U.S. Patent No. 8,073,681 ("'681 Patent")
2007	*VB Assets, LLC v. Amazon.com Servs. LLC*, No. 1:19-cv-01410-MN, Dkt. 291 (D. Del. Nov. 8, 2023) ("Amazon Delaware Litigation Jury Verdict")
2008	*VB Assets, LLC v. Amazon.com Servs. LLC*, No. 1:19-cv-01410-MN, Dkt. 352 (D. Del. June 9, 2025) ("Amazon Notice of Appeal")
2009	*VB Assets, LLC v. Samsung Electronics Co., Ltd. et al.*, No. 2:24-cv-00828, Dkt. 42 (E.D. Tex. Apr. 4, 2025) ("EDTX Litigation Amended Docket Control Order")
2010	*Samsung Electronics Ltd. et al. v. VB Assets, LLC*, IPR 2025-00870, Paper 6 ("Notice According Filing Date in IPR2025-00870")
2011	Docket Navigator Statistics
2012	*VB Assets, LLC v. Samsung Electronics Co., Ltd. et al.*, No. 2:24-cv-00828, Samsung Elecs. Co., Ltd. and Samsung Electronics America Inc.'s Invalidity and Subject Matter Eligibility Contentions (April 29, 2025) ("Samsung EDTX Litigation Invalidity Contentions")
2013	Exhibit G-3, Subject Matter Eligibility Contentions for '765 Patent
2014	Samsung Notice of Deposition Subpoena to Carnegie Mellon University (May 14, 2025)
2015	Samsung Notice of Documents Subpoena to Carnegie Mellon University (May 14, 2025)
2016	Samsung Notice of Deposition Subpoena to Mavenir Systems, Inc. (May 14, 2025)
2017	Samsung Notice of Documents Subpoena to Mavenir Systems, Inc. (May 14, 2025)

Exhibit Number	Description
2018	Samsung Notice of Deposition Subpoena to Xura, Inc. (May 14, 2025)
2019	Samsung Notice of Documents Subpoena to Xura, Inc. (May 14, 2025)
2020	Samsung Notice of Documents Subpoena to AT&T Communications, LLC (June 12, 2025)
2021	Plaintiff's Rule 30(B)(1) Notice of Oral and Videotaped Deposition of Ho-Jung Ahn (July 18, 2025)
2022	Plaintiff's Rule 30(B)(1) Notice of Oral and Videotaped Deposition of Roger Kibbe (June 20, 2025)
2023	Reserved
2024	Reserved
2025	Declaration of Dr. Anatole Gershman
2026	Curriculum vitae of Dr. Anatole Gershman

Pursuant to the Board's authorization (EX-3101), Patent Owner respectfully submits this Reply in Support of Discretionary Denial. *See* Paper 8, 1.

Patent Owner's Discretionary Denial brief pointed out that all of Samsung's invalidity theories are simultaneously raised in the EDTX Litigation. Paper 8, 23-28. Indeed, Patent Owner explained how the so-called *Sotera* stipulation filed with the Petition should be afforded little weight because it failed to reduce overlap between the invalidity proceedings in the IPRs and the EDTX Litigation. *Id*. Despite having four months since filing of the IPR and ten since service of the complaint, Samsung filed a new stipulation. Paper 10, 23-24 n. 1; EX-1024. Samsung never explained why four months constitutes filing as soon as practicable, as required by the Interim Director Discretionary Process.[1] Setting this aside, Samsung's new stipulation again does nothing to allay gamesmanship concerns; in fact, it worsens them.

Samsung only updated the stipulation after Patent Owner pointed out to the Acting Director that the IPRs failed to streamline Samsung's invalidity case. Samsung had every opportunity to either tailor its stipulation or its district court invalidity case in a manner that meaningfully diminished the risk of overlapping

[1] *See* Interim Director Discretionary Process, §I.D (Stipulations: "If a petitioner chooses to file a stipulation . . . they should file it as soon as practicable."), available at *https://www.uspto.gov/patents/ptab/interim-director-discretionary-process*.

invalidity proceedings at any time from filing the IPRs in April 2025 until August 20. Samsung did neither. Samsung knew which of its many validity challenges are duplicative, yet Samsung decided to wait and see what Patent Owner argued before adjusting the scope of its stipulation (and, as discussed below, still did not broaden its stipulation enough to warrant institution). Even now Samsung feigns ignorance about its own defenses, which lacks credibility as the EDTX Litigation is nearly a year old already. Paper 10, 23. Moreover, Samsung devoted less than a page of its opposition to the impact of its new stipulation (*id.*) but requested three pages for a sur-reply that must be limited to *Fintiv* Factor 4 at most. Especially in view of Samsung's history of raising arguments outside the scope of proper rebuttal (*id.*, 1, 4-7), this gamesmanship does not demonstrate true intent to avoid overlap and underscores the inefficiencies of proceeding with this case in view of EDTX trial in which jury selection is set to begin on July 6, 2026. EX-2009.

Samsung's new stipulation still lacks meaning because it fails to identify with specificity which of the vast possible invalidity theories Samsung is foregoing in the EDTX Litigation if IPR is instituted. At the end of the day, it still does nothing to change the fact that the district court will still have to conduct a simultaneous and robust validity analysis regardless of the outcome of these IPRs. For example, Samsung's stipulation not to pursue "combinations of the prior art asserted in the corresponding IPR proceeding(s) with unpublished system prior art" lacks

specificity and does not foreclose Samsung from pursuing a combination of prior art that Samsung reasonably could have raised in the IPR proceedings with unpublished system art. Samsung's newly updated stipulation is not enough to demonstrate any meaningful efficiency gained by the IPR proceeding. In fact, Samsung has tried to secure institution using essentially identical stipulations in other proceedings, but to no avail. *See, e.g.*, *Samsung Electronics Co., Ltd. et al. v. Headwater Research LLC*, IPR2025-00481, -00483, -00484, Paper 9 at 2 (Acting Director Aug. 4, 2025) (discretionarily denying institution where the "totality of the evidence and arguments the parties have presented" included a stipulation that, if instituted, "Samsung will not pursue in the District Court litigation combinations of the prior art asserted in whichever proceeding(s) are instituted with unpublished system prior art (or any other type of prior art)."); *Samsung Electronics Co., Ltd. et al. v. Headwater Research LLC*, IPR2025-00481, -00483, -00484, Ex. 1031 (Stipulation).

Samsung's new stipulation does nothing to ensure that this IPR would be a true alternative to the EDTX Litigation. Notwithstanding the new stipulation, Samsung will assuredly argue that the EDTX jury should consider art that Samsung reasonably could have raised in the Petition in combination with system prior art.

Dated: September 2, 2025

Respectfully submitted,

By: /Christopher TL Douglas/
Christopher TL Douglas, Reg. No. 56,950

CERTIFICATION UNDER 37 C.F.R. §42.24

Pursuant to 37 C.F.R. §42.24(d), I certify that this brief complies with the Board's August 27, 2025, authorization (EX-3101) because it is less than three pages, excluding the parts that are exempted by 37 C.F.R. §42.24 (including the certificate of service or this certificate word count and appendix of exhibits).

Dated: September 2, 2025

By: / Christopher TL Douglas /
Christopher TL Douglas

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. §42.6(e), the undersigned hereby certifies that a true and correct copy of the foregoing **PATENT OWNER'S REPLY IN SUPPORT OF DISCRETIONARY DENIAL** was served in its entirety on September 2, 2025 by filing this document through the PTAB's P-TACTS Filing System as well as delivering a true and correct copy by electronic mail on Petitioner's lead and backup counsel at the following email addresses (as agreed by counsel for Petitioner):

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