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Subject: IPR2025-01023 & 01071 – Patent Owner Request for Additional Discovery into Foreign RPI
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Dear Board:

Patent Owner CM HK Ltd. respectfully requests a brief conference call to seek authorization for limited additional discovery concerning a potential undisclosed foreign-government real party in interest (“RPI”). Under the Director's recent precedential decision in *Tianma Microelectronics Co., Ltd. v. LG Display Co., Ltd.*, IPR2025-01579, Paper 12 (Director Mar. 18, 2026), and the Director's decision in *TikTok Inc. v. Cellspin Soft, Inc.*, IPR202400757, Paper 42 (Director Mar. 30, 2026), a foreign government and any entity a foreign government has the ability to control is not a “person” eligible to be a petitioner or RPI in an AIA proceeding.

Patent Owner has identified specific evidence that the National Pension Service of South Korea (“NPS”)—[a statutory instrumentality of the Korean government](#) and a significant Samsung shareholder—exercises governance rights with respect to Samsung that extend beyond passive investment.

NPS is one of the [largest institutional investors](#) in the world and operates under the authority of the [Korean Ministry of Health and Welfare](#), with key fund management decisions approved by a government-chaired committee. It has a significant stake in Samsung, [reportedly owning 7.8% of Samsung’s voting stock, valued at 94.8 trillion won.](#)

NPS actively intervenes in corporate governance, including [opposing management](#), [influencing board composition](#), and [participating in corporate control decisions](#). NPS recently exercised its voting rights to [oppose board appointments at Samsung](#), reflecting its substantial ownership stake and active role in influencing governance decisions at the company.

Public reporting has also raised concerns that [NPS’s voting decisions](#) in connection with significant Samsung transactions were influenced by government actors, further underscoring that its decision-making may reflect state-directed considerations. NPS’s [investment principles](#) further recognize the broader impact of its decisions on the domestic economy and financial markets, reinforcing that its stewardship activities [may incorporate national policy considerations](#).

Importantly, NPS does not operate solely through public voting. It also engages in structured, non-public shareholder engagement that includes “[confidential dialogue](#)” with management, before escalating to additional stewardship measures such as placement on non-public or public focus lists and active ownership activities. This demonstrates that NPS has formal, private mechanisms for influencing company decision-making.

Accordingly, there is a reasonable basis to question whether NPS has or had influence over Samsung’s decision to file and maintain this IPR. Patent Owner is not required at this stage to

prove control. Rather, the question is whether limited discovery is warranted.

Here, the combination of (i) active participation in corporate control decisions, (ii) outcome-determinative influence in major transactions, and (iii) structured, non-public engagement with management provides more than a speculative basis for such inquiry.

The relevant facts—whether NPS influenced or had the ability to influence Samsung’s decision to file or maintain this IPR—are uniquely within Petitioner’s possession. Patent Owner cannot test that issue without limited discovery.

Patent Owner therefore seeks narrowly tailored discovery directed to:

- whether NPS engaged in any confidential dialogue or other non-public stewardship activity with Samsung relating to this IPR or to policies affecting Samsung’s conduct in this proceeding; and
- the nature and extent of NPS’s governance or oversight rights as they relate to major corporate decision-making, including litigation.

This request is proportional and warranted in the interests of justice under 37 C.F.R. § 42.51(b)(2).

Patent Owner is available at the Board’s convenience for a brief conference call.

Respectfully submitted,

Christopher L. Evans

Counsel for Patent Owner CM HK Ltd.

Petitioner’s Position:

Petitioner opposes Patent Owner’s request. As framed, Patent Owner’s theory rests on the assertion that the National Pension Service of South Korea (“NPS”) owns “approximately 7.25%” of Samsung’s outstanding ordinary shares (POR, 10), and exercises shareholder governance rights. But those allegations do not show that NPS funded, directed, controlled, or had any right to control Samsung’s decision to file or maintain this IPR, or otherwise had any involvement in this proceeding. At most, they amount to speculation based on minority share ownership and generalized shareholder activity.

Patent Owner’s timing further undermines its request. Patent Owner did not raise this issue in its POPR, but only later in its POR, even though the theory appears to rest on

public materials concerning NPS's alleged ownership stake and general governance activity.