

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD.,
Petitioner,

v.

CM HK LIMITED,
Patent Owner.

Case IPR2025-01023
Patent No. 10,852,846

**PETITIONER'S OPPOSITION TO PATENT OWNER'S
MOTION FOR ADDITIONAL DISCOVERY**

Patent Owner's Motion (Paper 28, "Mot.") should be denied because it does not show that the requested additional discovery is "necessary in the interests of justice." 37 C.F.R. § 42.51(b)(2). Under the controlling *Garmin* factors, additional discovery is not available based on mere speculation that "something useful will be uncovered." *Garmin Int'l, Inc. v. Cuozzo Speed Techs. LLC*, IPR2012-00001, Paper 26, at 6 (P.T.A.B. Mar. 5, 2013) (precedential). Patent Owner's request for additional discovery offers nothing beyond speculation that the National Pension Service of South Korea ("NPS") is an RPI. The Motion identifies no document, communication, or evidence of funding, direction, control, approval, governance right, board action, tying NPS to Samsung's decision to file or maintain this IPR. The Motion's allegations, at best, suggest that NPS owns a minority stake in Samsung and engages in generalized shareholder stewardship. That is not evidence tending to show beyond speculation that NPS controlled, funded, or directed the instant Petition. The Motion further fails because the requested discovery is overly burdensome and not reasonably tailored to uncover evidence on the underlying issue: NPS's alleged RPI relationship with Samsung with respect to the instant Petition. The Motion is also untimely.

I. Patent Owner has not shown more than speculation under *Garmin*

Garmin factor 1 weighs heavily against granting additional discovery because Patent Owner has not offered anything beyond "[t]he mere possibility of finding

something useful” or a “mere allegation” that useful evidence will be found. IPR2012-00001, Paper 26 at 6. As the Board explained in *Garmin*, the movant should already possess evidence tending to show beyond speculation that “something useful will be uncovered.” *Id.* at 6–8 (explaining that “‘useful’ means favorable in substantive value to a contention of the party moving for discovery”).

Here, the “useful” information would be information tending to show that NPS is an RPI. But Patent Owner has not shown that such “useful” information exists because it has offered no evidence supporting its claim that NPS is an RPI. *Garmin*, IPR2012-00001, Paper 26 at 8 (denying discovery on objective indicia of non-obviousness because movant did not offer, for example, “evidence or sufficient reasoning tending to show beyond speculation that Garmin copied Cuozzo’s invention”). The Motion does not identify any communication between NPS and Samsung concerning this IPR, the district court action, CM HK, or the challenged patents. It does not identify any evidence demonstrating that NPS funded or played any role in the Petition, or even that it had any right to control the Petition. Patent Owner alleges only that NPS owns approximately 7.75% of Samsung’s ordinary shares and has public stewardship guidelines addressing voting, confidential dialogue, focus lists, and possible litigation by NPS. Mot. 3–4. But a mere ownership stake and generalized shareholder activity is not evidence that NPI “played any role in controlling the preparation or filing of the Petition.” *See The*

Mangrove Partners Master Fund, Ltd. v. VirnetX Inc., IPR2015-01046, Paper 25, at 2–5 (P.T.A.B. Dec. 21, 2015) (denying motion for additional discovery).

Patent Owner’s references to “Legal Risk,” “Initiation of Litigation,” and “Confidential Dialogues” in the 2024 NPS Fund Report do not bridge the gap. Mot. 3–4. The cited materials address NPS’s own stewardship tools and portfolio-risk monitoring; they do not show that Samsung must submit patent-litigation decisions to NPS, that NPS has any right to direct Samsung’s patent litigation and IPRs, or that any NPS-Samsung dialogue occurred concerning these IPRs. General shareholder stewardship does not bestow RPI status on NPS because such stewardship does not show that the petition was filed at NPS’s behest.

II. The requests are overbroad and not reasonably tailored to the RPI issue

Garmin factor 5 weighs against the requested discovery because the requested discovery is overly burdensome and not narrowly tailored. *Garmin*, Paper 26, at 6; *Bloomberg, Inc. v. Markets-Alert Pty Ltd.*, CBM2013-00005, Paper 32 at 10-11 (May 29, 2013) (precedential) (finding requests overly broad because they would require “numerous individuals to search and produce the requested information”). Request No. 1 seeks “documents and communications (including emails and other electronic communications) between Petitioner (including attorneys) and NPS relating to any United States litigation,” including these IPRs, the district court action, and the asserted patents. Mot. 5. By requesting documents and communications

relating to “any United States litigation,” the request reaches issues far beyond whether NPS is an RPI with respect to the instant Petition. The request further requires discovery into “other electronic communications,” which would seemingly require Samsung to search all text messages, all social media, etc. If that wasn’t already burdensome enough, the requested discovery is not limited to any specific individual(s) and extends to Samsung’s outside counsel law firms (not just Paul Hastings) that have handled any US litigation for Samsung at any time. The expansive scope of this request confirms that the underlying discovery is not in the interests of justice. *See Bloomberg, Inc*, Paper 32 at 2-3, 9-11.

Request No. 2 suffers from similar flaws. Mot. 5. The Request is not limited to discovery into NPS’s alleged role in this Petition; instead, it extends to *any* United States litigation or administrative proceeding. The request is also not tailored to the documents of a particular decision maker(s) at Samsung and complying with the request would require a burdensome search concerning all documents pertaining to Samsung’s broader corporate-governance and litigation practices. That is no trivial task for a company the size of Samsung. Such expansive discovery cannot be in the interests of justice. *See Bloomberg, Inc*, Paper 32 at 2-3, 9-11.

III. Patent Owner’s delay weighs against discovery

Patent Owner’s timing of the requested discovery further weighs against the motion. There is no reason why Patent Owner could not have sought this discovery

before or immediately after institution. In fact, Patent Owner is citing public materials from 2024 concerning NPS ownership and stewardship, which confirms that Patent Owner's requested discovery is not triggered by facts that have only recently arisen. Patent Owner's delay thus weighs against burdening the expedited IPR schedule with the unreasonable discovery sought by Patent Owner. *See Wavemarket Inc. d/b/a Location Labs v. Locationet Sys. Ltd.*, IPR2014-00199, Paper 34, at 6–9 (P.T.A.B. Aug. 11, 2014) (denying RPI discovery where review had been instituted nearly three months earlier). Allowing discovery at this late juncture, after the Patent Owner's Response has been filed, requires a parallel briefing track to the Response and Petitioner Reply, which goes against the expedited nature of IPRs.

Patent Owner's delay cannot be excused by new PTAB precedent, *Tianma* and *TikTok*. Neither decision changed the law regarding who qualifies an RPI nor did they announce a new rule requiring the Petition to name all RPIs. Moreover, *Tianma* involved a China-linked ownership and control theory supported by evidence tying the petitioner through a corporate chain to a defense entity wholly owned by the Chinese government, together with a 10%-or-more ownership disclosure and entity-list evidence. *TikTok* likewise arose in a materially different China-focused sovereign-control context, including governmental and judicial materials. By contrast, Samsung is a publicly traded multinational company.

The Motion should be denied.

Respectfully submitted,

Dated: May 1, 2026

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CERTIFICATE OF SERVICE

I certify that I caused to be served on the counsel identified below a true and correct copy of the foregoing Petitioner's Opposition to Patent Owner's Motion for Additional Discovery by electronic means on May 1, 2026:

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