UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD.,
Petitioner,

v.

CM HK, LIMITED,
Patent Owner.

IPR2025-01023
IPR2025-01071
Patent 10,852,846
Patent 11,698,687

PATENT OWNER'S MOTION FOR SANCTIONS

SAMSUNG EXHIBIT 1027
Samsung Electronics Co., Ltd. v. CM HK Limited
IPR2025-01023

TABLE OF CONTENTS

I. INTRODUCTION 1

II. RELEVANT FACTS 2

III. LEGAL STANDARDS. 5

IV. SAMSUNG AND ITS COUNSEL SHOULD BE SANCTIONED 5

A. SAMSUNG FAILED TO DISCLOSE MATERIAL INDEFINITENESS POSITIONS RESPONSIVE TO THE BOARD'S *REVVO*/*TESLA* INQUIRY 5

B. SAMSUNG'S MISCONDUCT MATERIALLY PREJUDICED PATENT OWNER 10

C. THE SANCTIONS REQUESTED ARE APPROPRIATE AND PROPORTIONAL. 12

V. CONCLUSION 15

EXHIBIT LIST

Ex. No.	Description
2002	*Samsung Electronics Co., Ltd., et al., v. CM HK, Ltd. et al*., Case No. 4:24-cv-06567 at Docket 1 (N.D. Cal. Sep. 18, 2024), Samsung Electronics Co., Ltd., and Samsung Electronics America, Inc.'s Complaint for Declaratory Judgment.
2003	*CM HK, Limited, v. Samsung Electronics Co., Ltd., et al.,* Case No. 2:24-cv-00880 at Docket 46 (E.D. Tex. June 26, 2025), Defendants Samsung Electronics Co, Ltd. And Samsung Electronics America, Inc.'s Renewed Motion to Stay Pending Resolution of Any Motion to Dismiss the NDCA Action.
2004	*CM HK, Limited, v. Samsung Electronics Co., Ltd., et al.,* Case No. 2:24-cv-00880 at Docket 47 (E.D. Tex. July 9, 2025), Plaintiff CM HK Ltd.'s Opposition to Defendants' Motion to Dismiss, Transfer, or Stay.
2005	*Samsung Electronics Co., Ltd., et al., v. CM HK, Ltd.,* Case No. 4:24-cv-06567 at Docket 73 (N.D. Cal. May 15, 2025), Order Granting Defendant CM HK, Ltd.'s Motion to Dismiss.
2006	*Samsung Electronics Co., Ltd., et al., v. CM HK, Ltd.,* Case No. 4:24-cv-06567 at Docket 80 (N.D. Cal June 10, 2025), Joint Stipulation and Order to Stay All Deadlines in the Scheduling Order.
2007	*Samsung Electronics Co., Ltd., et al., v. CM HK, Ltd.,* Case No. 4:24-cv-06567 at Docket 72 (N.D. Cal. May 13, 2025), Joint Claim Construction and Prehearing Statement.
2008	*CM HK, Limited, v. Samsung Electronics Co., Ltd., et al.,* Case No. 2:24-cv-00880 at Docket 2 (E.D. Tex. November 1, 2024), Plaintiff's Original Complaint for Patent Infringement.
2009	*CM HK, Limited, v. Samsung Electronics Co., Ltd., et al.,* Case No. 2:24-cv-00880 at Docket 17 (E.D. Tex. Jan 28, 2025), Plaintiff's Amended Complaint for Patent infringement.
2010	*CM HK, Limited, v. Samsung Electronics Co., Ltd., et al.,* Case No. 2:24-cv-00880 at Docket 36 (E.D. Tex. Mar. 3, 2025), Docket Control Order.
2011	*CM HK, Limited, v. Samsung Electronics Co., Ltd., et al.,* Case No. 2:24-cv-00880, (E.D. Tex. Jan. 7, 2025), Plaintiff's P.R. 3-1 & 3-2 Disclosures

2012	*CM HK, Limited, v. Samsung Electronics Co., Ltd., et al.,* Case No. 2:24-cv-00880, (E.D. Tex. Mar. 4, 2025), Defendants Samsung Electronics Co., Ltd and Samsung Electronics America, Inc's Local Patent Rule 3-3 Disclosures.
2013	Docket Navigator, "Time to Trial for Judge Rodney Gilstrap" (August 7, 2025).
2014	Docket Navigator, "Time to Trial for Eastern District of Texas," (August 7, 2025).
2015	U.S. Patent Publication No. 2011/0199298, Bassompiere et al.
2016	Email from Bratton, Ariell, RE: *Samsung v. CM HK, Ltd.,* Case No. 4:24-cv-06567 (N.D. Cal.), IPR Threats to Evans, Christopher (May 2, 2025).
2017	March 24, 2025, Director's Memo, *Guidance on USPTO's recission of* "*Interim Procedure for Discretionary Denials in AIA Post-Grant Proceedings with Parallel District Court Litigation*", Boalick, Scott R. (August 7, 2025).
2018	Patent Trial and Appeal Board, FAQs for Interim Processes for PTAB Workload Management (accessed August 15, 2025).
2019	U.S. Patent Publication No. 2009/0262074, Nasiri et al.
2020	U.S. Patent Publication No. 2011/0163950, Ye et al.
2021	U.S. Patent Publication No. 2011/0175806, Ye et al.
2022	Declaration of Christopher L. Evans.
2023	*CyWee Group Ltd. v. Samsung Electronics Co., Ltd., et al.*, Case No. 2:17-cv-00140-RWS-RSP (E.D. Tex. Mar. 21, 2018), Declaration of Dr. Joseph J. LaViola, Jr. Ph.D. in Support of CyWee Group Ltd.'s Reply Claim Construction Brief.
2024	*Samsung Electronics Co., Ltd., et al., v. CM HK, Ltd.,* Case No. 4:24-cv-06567 at Docket 110 (N.D. Cal. Aug. 27, 2025), Samsung's Opposition to CM HK's Rule 11 Motion for Sanctions.
2025	*CyWee Group Ltd. v. Samsung Electronics Co., Ltd., et al.*, Case No. 2:17-cv-00140-RWS-RSP at Docket 67 (E.D. Tex. Mar. 9, 2018), Samsung's Responsive Claim Construction Brief.

2026	*CyWee Group Ltd. v. Samsung Electronics Co., Ltd., et al.*, Case No. 2:17-cv-00140-RWS-RSP at Docket 67-1 (E.D. Tex. Mar. 9, 2018), Responsive Declaration of M. Ray Mercer, Ph.D.
2027	Andre Cornman & Darren Mei, *Extended Kalman Filtering* (Stanford EE 267, Virtual Reality Course Report, Gordon Wetzstein & Robert Konrad instructors, 2019).
2028	U.S. Patent & Trademark Office, Memorandum from Coke Morgan Stewart, Acting Under Sec'y of Commerce for Intellectual Prop. & Acting Dir. of the U.S. Patent & Trademark Office, to Members of the Patent Trial & Appeal Bd. (July 31, 2025), Enforcement and Non-Waiver of 37 C.F.R. § 42.104(b)(4) and Permissible Uses of General Knowledge in *Inter Partes* Reviews.
2029	*Samsung Electronics Co., Ltd., et al., v. CM HK, Ltd.,* Case No. 4:24-cv-06567 at Docket 93 (N.D. Cal Aug. 13, 2025), Defendant CM HK's Notice of Motion and Rule 11 Motion for Sanctions.
2030	*Samsung Electronics Co., Ltd., et al., v. CM HK, Ltd.,* Case No. 4:24-cv-06567 at Docket 116 (N.D. Cal Sept. 3, 2025), Defendant CM HK's Reply in support of its Rule 11 Motion for Sanctions.
2031	*Google LLC v. CyWee Group Ltd*., IPR2018-01257 (P.T.A.B. Jun. 14, 2018), Declaration of Prof. Majid Sarrafzadeh.
2032	Declaration of Prof. Majid Sarrafzadeh from IPR2018-01257 and IPR2018-01258 dated June 17, 2019.
2033	Rebuttal Declaration of Prof. Majid Sarrafzadeh from IPR2018-01257 dated June 13, 2018.
2034	U.S. Patent 10,201,746 B1.
2035	Deposition Transcript of Majid Sarrafzadeh on Feb. 27, 2026.
2036	Excerpts from Expert Report of Dr. M. Ray Mercer Regarding Noninfringement dated 12/3/2018 in CyWee Group Ltd. v. Samsung Elects. Co., Ltd. et al, No. 2:17-cv-00140-WCB-RSP (E.D. Tex.).
2037	Expert Report of Dr. M. Ray Mercer Regarding Invalidity dated Oct. 8, 2018 in CyWee Group Ltd. v. Samsung Elects. Co., Ltd. et al, No. 2:17-cv-00140-WCB-RSP (E.D. Tex.).

2038	D. M. Henderson, Euler Angles, Quaternions, and Transformation Matrices—Working Relationships, McDonnell Douglas Tech. Servs. Co. (1977).
2039	Exhibits 2020 through 2030 from IPR2018-01257 and IPR2018-01258.
2040	Declaration of Dr. Joseph LaViola in support of Patent Owner's Response.
2041	Samsung Electronics Co., Ltd., et al., v. CM HK, Ltd., Case No. 4:24cv-06567 at Docket 51-1 (N.D. Cal Jan. 28, 2025), Declaration of Dr. Shun-Nan Liou in Support of CM HK's Motion to Dismiss.
2042	Samsung Electronics Co., Ltd., et al., v. CM HK, Ltd., Case No. 4:24cv-06567 at Docket 61-2 (N.D. Cal Feb. 18, 2025), Declaration of Dr. Shun-Nan Liou in Support of CM HK's Reply in Support of its Motion to Dismiss.
2043	Curriculum Vitae of Dr. Joseph LaViola.
2044	National Pension Service - National Pension Fund Report 2024.
2045	BigGo Finance – South Korea's National Pension Fund Sees Stock Holdings Surge by ~$48 Billion in Q4, Driven by Samsung and SK Hynix Rally, January 10, 2026.
2046	Maeil Business News Korea – Printed from https://www.mk.co.kr/en/stock/12007600 on April 5, 2026.
2047	*Samsung Electronics Co., Ltd., et al. v. CM HK, Limited,* Case No. 4:24-cv-06567-JST, (N.D. Cal. Mar. 14, 2025), Samsung Electronics Co., Ltd and Samsung Electronics America, Inc's Local Patent Rule 3-3 Disclosures.
2048	*Samsung Electronics Co., Ltd., et al. v. CM HK, Limited,* Case No. 4:24-cv-06567-JST, (N.D. Cal. Mar. 28, 2025), Samsung Electronics Co., Ltd and Samsung Electronics America, Inc's Local Patent Rule 4-1 Disclosures.
2049	*Samsung Electronics Co., Ltd., et al. v. CM HK, Limited,* Case No. 4:24-cv-06567-JST, (N.D. Cal. Apr. 18, 2025), Samsung Electronics Co., Ltd and Samsung Electronics America, Inc's Local Patent Rule 4-2 Disclosures.
2050	Email correspondence between parties and the Board dated May 15, 2026 through May 18, 2026.

I. INTRODUCTION

Samsung obtained institution on an incomplete and misleading claim-scope record. Before filing these IPRs, Samsung asserted in two co-pending district court proceedings that multiple claim terms were indefinite, including "predicted axial accelerations" and "spatial reference frame," which was the only term Samsung asked the Board to construe. (Ex. 2012 at 69–71; Ex. 2047 at 69–71.) But when the Board ordered Samsung to address whether it had taken inconsistent claim-scope positions under *Revvo* and *Tesla*, Samsung did not disclose those operative indefiniteness positions. Instead, Samsung represented that it had "always maintained" a plain-and-ordinary-meaning construction and assured the Board this case was "unlike *Tesla*." (Paper 14 at 4; Paper 20 at 4 & n.3.) Paul Hastings represents Samsung in both district court cases and these proceedings.

That omission was material. The Board was entitled to decide for itself whether Samsung's district-court positions were inconsistent, reconcilable, immaterial, or supposedly mooted. Samsung was not entitled to withhold those positions and then characterize them as "effectively moot" only after Patent Owner exposed the omission. Because the Board relied on Samsung's incomplete account when it instituted review (Paper 17 at 20–23), sanctions under 37 C.F.R. §§ 42.11 and 42.12 are necessary to correct the record, remedy the prejudice to Patent Owner, and protect the integrity of the IPR process.

Patent Owner respectfully requests that the Board: (1) expunge Papers 14 and 20; (2) preclude Samsung from disputing that it has taken inconsistent claim-scope positions in these proceedings and the co-pending district court litigations; (3) award Patent Owner its reasonable attorneys' fees and expenses incurred addressing Samsung's misconduct, with leave to submit fee documentation after the Board rules on the merits of this motion; and (4) terminate these proceedings under *Revvo* and *Tesla*.

II. RELEVANT FACTS

1. Two co-pending district court actions involve the same patents-at-issue in these IPRs. *Samsung Electronics Co. Ltd. v. CM HK, Ltd*., No. 4:24-cv-06567-JST (N.D. Cal.) and *CM HK Ltd. v. Samsung Electronics Co., Ltd.*, No. 2:24-cv-00880-JRG (E.D. Tex.). Samsung is represented by the same counsel (Paul Hastings) in both district court cases and these proceedings.

2. On March 4, 2025, Samsung served invalidity contentions in the Eastern District of Texas asserting that "spatial reference frame," "predicted," "axial accelerations," "resulting deviation," and many other claim terms are indefinite under 35 U.S.C. § 112. (Ex. 2012 at 69-70.)[1]

[1] Citations are to the record in IPR2025-01023. Similar papers were filed in IPR2025-01071.

3. On March 14, 2025, Samsung served invalidity contentions in the Northern District of California asserting the same indefiniteness arguments. (Ex. 2047 at 69-70.)

4. Samsung then reaffirmed and preserved those indefiniteness positions in its Patent Local Rule disclosures. On March 28, 2025, Samsung identified "spatial reference frame," "display reference frame," and "deviation" as "Terms for Construction or to be Found Indefinite." (Ex. 2048 at 1-2.)

5. On April 18, 2025, Samsung again identified "spatial reference frame," "display reference frame," "deviation/resulting deviation," "resultant angles," "predicted axial acceleration," "measured axial acceleration," and "first data association model" as indefinite. (Ex. 2049 at 3-8.) Samsung also reserved its right to offer expert testimony that these claim terms "fail to inform, with reasonable certainty, those skilled in the art about the scope of the invention." (*Id.* at 2-3.)

6. Despite those district-court positions, Samsung told the Board in its petitions that, other than "spatial reference frame," no claim construction was required because the challenged claims were unpatentable "under any reasonable construction." (Paper 1 at 22.) Samsung nevertheless expressly reserved its right to pursue indefiniteness and other claim-scope arguments in district court. (*Id.* at 22 n.7.)

7. After the Director's decisions in *Revvo* and *Tesla*, the Board *sua sponte* ordered Samsung to explain why it had taken "different positions regarding the construction of 'predicted axial accelerations'" based on Patent Owner's arguments in its preliminary response. (Paper 13 at 2-3.)

8. Samsung did not disclose its indefiniteness positions in response to the Board's order. Instead, Samsung represented that it "had never alleged that the term 'predicted axial accelerations' is indefinite" and that "Patent Owner's contrary assertion is ***yet another*** blatant misstatement regarding the record." (Paper 14 at 1.) Samsung also represented that this case was "unlike *Tesla*, where the petitioner asserted the disputed claim term to be indefinite in district court litigation but argued before the Board that the term should be given its plain and ordinary meaning." (Paper 14 at 4; Paper 20 at 4 & n.3.)

9. The Board relied on Samsung's characterization of the record when it concluded that it was "not persuaded that Petitioner previously asserted that 'predicted axial accelerations,' by itself, is indefinite" and found that Samsung had "sufficient reason" for adopting its current positions. (Paper 17 at 20-23.)

10. After Patent Owner brought Samsung's undisclosed district-court indefiniteness positions to the Board's attention, Samsung argued that it had "effectively withdrawn" those indefiniteness contentions before filing the IPRs and therefore had *no obligation to disclose them to the Board*. (Ex. 2050 at 3-4.)

11. Samsung has never identified any amended invalidity contentions, withdrawn Patent Local Rule disclosure, stipulation, court order, or filing in either district court withdrawing or superseding the indefiniteness positions identified above.

III. LEGAL STANDARDS.

All parties and practitioners before the Board owe a duty of candor and good faith to the Office. 37 C.F.R. § 42.11(a). The Board may impose sanctions for, among other things, "[m]isrepresentation of a fact," "[a]dvancing a misleading argument," "[a]buse of process," or "[a]ny other improper use of the proceeding." 37 C.F.R. § 42.12(a). Available sanctions include expunging papers, precluding a party from contesting an issue, awarding compensatory expenses and attorney fees, and dismissal. 37 C.F.R. § 42.12(b).

IV. SAMSUNG AND ITS COUNSEL SHOULD BE SANCTIONED

A motion for sanctions requires the Board to consider: (1) whether the challenged conduct warrants sanctions; (2) whether the moving party suffered harm; and (3) whether the requested sanctions are proportional to that harm. *One World Techs., Inc. v. Chevron (HK) Ltd.*, IPR2020-00884, Paper 35 at 9 (PTAB Apr. 22, 2021). All three requirements are met here so sanctions are appropriate.

A. Samsung Failed to Disclose Material Indefiniteness Positions Responsive to the Board's *Revvo*/*Tesla* Inquiry

Samsung and its counsel violated their duties of candor and good faith to the

Office under Rule 42.11(a) and engaged in sanctionable misconduct under Rule 42.12(a) by failing to disclose material indefiniteness positions that Samsung was simultaneously maintaining in two co-pending district court proceedings, and by making representations to the Board that were materially incomplete and misleading in light of those undisclosed positions.

Between March and April 2025, before filing these IPRs, Samsung served invalidity contentions and Patent Local Rule disclosures in the co-pending Eastern District of Texas and Northern District of California actions. Samsung is represented by the same law firm, Paul Hastings, in both the district court cases and these IPRs. These contentions expressly assert that "predicted," "axial accelerations," "spatial reference frame," "display reference frame," "resulting deviation," "resultant angles," "predicted axial acceleration," and "measured axial acceleration" are indefinite under 35 U.S.C. § 112. (Ex. 2012 at 69–71; Ex. 2047 at 69–71; Ex. 2048 at 1–2; Ex. 2049 at 2–8.) Samsung has never withdrawn, amended, or superseded those contentions; they remain Samsung's operative invalidity and claim-construction positions in both district courts.

Samsung then filed its Petitions in these IPRs without giving the Board that claim-scope record. And even though Samsung had already asserted and preserved those indefiniteness positions in district court, it told the Board that, other than "spatial reference frame," no claim construction was required and that the challenged

claims were unpatentable "under any reasonable construction." (Paper 1 at 22.) Samsung also reserved its right to pursue indefiniteness and other claim-scope arguments in district court. (*Id.* at 22 n.1.) The Petition therefore presented an incomplete claim-scope record from the outset.

The omission became unmistakable after *Revvo* and *Tesla*. Following those decisions, the Board *sua sponte* ordered Samsung to explain why it had taken "different positions regarding the construction of 'predicted axial accelerations.'" (Paper 13 at 2–3.) As Samsung acknowledged, the Board's purpose was to determine whether Samsung had "taken materially inconsistent positions" that would require "denial of institution under *Revvo*." (Paper 20 at 3.) That order put Samsung's district-court claim-scope positions squarely at issue. Samsung was required to disclose those positions and explain them. It did not.

Instead, Samsung read the Board's Order narrowly and represented that it "has always maintained that the term 'predicted axial accelerations' should be given its ordinary meaning" and that this case was "unlike *Tesla*, where the petitioner asserted the disputed claim term to be indefinite in district court litigation but argued before the Board that the term should be given its plain and ordinary meaning." (Paper 14 at 4; Paper 20 at 4 & n.3.) Those representations were materially incomplete because Samsung did not disclose its operative district court indefiniteness positions.

Samsung never disclosed or attempted to reconcile those positions. A claim term

is indefinite if it fails to "provide objective boundaries for those of skill in the art." *Interval Licensing LLC v. AOL, Inc.*, 766 F.3d 1364, 1371 (Fed. Cir. 2014). By asking the Board to apply plain and ordinary meaning to those terms and proposing a specific construction for "spatial reference frame" Samsung represented that those terms possessed a sufficiently definite meaning to inform a skilled artisan of their scope. (Paper 1 at 22–24) That is the opposite of indefiniteness.

Most strikingly, Samsung asserted that "spatial reference frame" was indefinite in district court while simultaneously asking the Board to adopt a specific construction of that very term.

This is precisely why the duty-of-candor required disclosure of Samsung's indefiniteness positions. In *Parus Holdings*, the Board explained that "if the party is or becomes aware of incorrect or inconsistent positions, the party must make the PTAB panel aware of the incorrect or inconsistent positions and must submit the inconsistent information." *Google LLC v. Parus Holdings, Inc.*, IPR2022-00805, Paper 36 at 4–5 (PTAB Nov. 6, 2023). Once Samsung chose to argue that no *Tesla*-like inconsistency existed, it had an affirmative obligation to disclose the district-court positions that directly bore on that representation.

Longhorn Vaccines confirms the same rule. The Board explained that "[a] party should not take a position that is contrary to any fact known to the party, without disclosing that fact," because doing so "violates the duty of candor and good faith to

the Office." *Spectrum Solutions LLC v. Longhorn Vaccines & Diagnostics, LLC*, IPR2021-00847, Paper 107 at 13, 49 (PTAB May 3, 2023). The Board further held that sanctionable misconduct "begins with the intentional failure … to serve or inform the Board of relevant information that is inconsistent with a position advanced" in the proceeding. *Id*. at 49. And that duty extends through the entire proceeding. *See Duties of Disclosure and Reasonable Inquiry During Examination, Reexamination, and Reissue, and for Proceedings Before the Patent Trial and Appeal Board*, 87 Fed. Reg. 45,764, 45,765 (July 29, 2022).

That is what occurred here. Samsung knew it had asserted indefiniteness positions in district court. Samsung knew the Board had asked about potentially inconsistent claim constructions. Samsung nevertheless withheld the majority inconsistent positions while assuring the Board that it had "always maintained" the plain-and-ordinary-meaning of one term so this case was "unlike *Tesla*."

Samsung's argument that its indefiniteness positions were "effectively moot" before the IPRs were filed (Ex. 2050 at 3–4) does not cure the misconduct. First, the positions are not moot. They remain Samsung's operative invalidity and claim construction positions in both district courts. Samsung has never amended, withdrawn, or filed any notice of mootness in either court. Nor can mootness be inferred from claim construction proceedings: the Northern District of California's Patent Local Rules do not require disclosure of indefiniteness in the Joint Claim

Construction Statement, Patent L.R. 4-3, and the failure to "seek construction of a term during claim construction does not constitute waiver of an indefiniteness argument." *Apple, Inc. v. Samsung Elecs. Co.*, 932 F. Supp. 2d 1076, 1079 (N.D. Cal. 2013). Second, even if Samsung subjectively believed the contentions had been mooted, the duty of candor required Samsung to disclose its inconsistent district-court positions and let the Board decide whether they implicated *Revvo* and *Tesla*.

Samsung is responsible for three related duty of candor failures. *First*, the Petition itself asked the Board to apply plain meaning to every claim term except "spatial reference frame" without disclosing that Samsung was simultaneously asserting that many of those terms are indefinite. *Second*, when the Board ordered Samsung to explain its inconsistent claim-scope positions, Samsung still did not disclose its indefiniteness contentions. *Third*, Samsung went further and made affirmative representations that it had "always maintained" a plain-and-ordinary-meaning position and that this case was "unlike *Tesla*" that were materially incomplete and misleading in light of its undisclosed indefiniteness positions. Each failure violates the duty of candor and warrants sanctions under Rule 42.12(a).

B. Samsung's Misconduct Materially Prejudiced Patent Owner

Samsung's misconduct was not harmless. Its omissions and misrepresentations deprived the Board and the Director of material information directly relevant to the institution decision.

The omitted information concerned the precise issue identified by the Board. The Board issued its Order because it was concerned that Samsung may have taken "different positions regarding the construction of 'predicted axial accelerations.'" (Paper 13 at 2–3.) Rather than provide a complete account of its district-court positions on every term at issue in the IPRs, Samsung withheld its active indefiniteness theories and wrongly represented that it had "always maintained" a plain-and-ordinary-meaning for "predicted axial accelerations" and that this case was "unlike *Tesla*." (Paper 14 at 4; Paper 20 at 4 & n.3.)

The Board subsequently relied on Samsung's characterization of the record. In instituting review, the Board found that it was "not persuaded that Petitioner previously asserted that 'predicted axial accelerations,' by itself, is indefinite" and concluded that Samsung had "sufficient reason" to advance its current position. (Paper 17 at 20–23.) Likewise, the Director denied review without the benefit of Samsung's undisclosed district-court positions. Had Samsung complied with its duty of candor, the Board and Director may have denied institution based on *Revvo* and *Tesla*.

Samsung's misconduct also prejudiced Patent Owner in two ways. First, Patent Owner was therefore forced to litigate institution and Director Review without the benefit of a complete and accurate record. Second, Samsung has wrongly accused Patent Owner of making misstatements about Samsung's lack of candor regarding

its indefiniteness arguments. (Paper 14 at 1 ("Patent Owner's contrary assertion is ***yet another*** blatant misstatement regarding the record."); Paper 20 at 4 ("To manufacture an inconsistency, Patent Owner misstates Petitioner's position."); Ex. 2050 ("Continued litigation of the [indefinitness issue] … frustrates the purposes of IPRs … and frankly, constitutes harassment.").)

Finally, Samsung's conduct harms the integrity of the Office's adjudicatory process. The Director recently characterized as a "Misuse of AIA Review" situations where parties take inconsistent positions on overlapping issues before district courts and the PTAB "under a 'wait and see' approach . . . to gain a litigation advantage." *Magnolia Medical Techs., Inc. v. Kurin, Inc.*, IPR2026-00097, Paper 17 at 4 (Director May 14, 2026) (precedential). That is what Samsung did here, maintaining indefiniteness in the district courts while urging plain meaning before the Board, exactly the "wait and see" approach *Magnolia* condemned.

The prejudice is not speculative. The omitted information concerned the precise issue identified by the Board, was withheld in response to a Board Order seeking clarification and was material to the Board's institution analysis. Sanctions under Rule 42.12 are therefore warranted.

C. The Sanctions Requested are Appropriate and Proportional.

Rule 42.12 authorizes the Board to impose sanctions sufficient to remedy misconduct, compensate a harmed party, and protect the integrity of Board

proceedings. The sanctions requested here are narrowly tailored to address the specific prejudice caused by Samsung's violations of its duty of candor.

First, the Board should expunge Papers 14 and 20. 37 C.F.R. § 42.12(b)(1). Those papers were submitted in direct response to the Board's request for clarification regarding Samsung's inconsistent claim-scope positions. Rather than provide a complete and accurate account of its positions, Samsung omitted its operative indefiniteness contentions and affirmatively represented that it had "always maintained" that "predicted axial accelerations" should be given its ordinary meaning. Because those submissions contain material omissions and misleading representations, they should not remain part of the record.

Second, the Board should preclude Samsung from disputing that it has taken inconsistent claim-scope positions between these IPRs and the co-pending district court proceedings. 37 C.F.R. § 42.12(b)(3). The existence of those inconsistent positions is established by Samsung's own invalidity contentions, Patent Local Rule disclosures, and subsequent admissions regarding its purported "effective withdrawal" of its indefiniteness arguments. Having failed to candidly disclose those positions when specifically ordered to explain them, Samsung should not be permitted to continue contesting a fact established by the documentary record.

Third, the Board should award Patent Owner its reasonable attorneys' fees and expenses incurred addressing Samsung's misconduct. 37 C.F.R. § 42.12(b)(6).

Samsung's omissions forced Patent Owner to repeatedly brief the inconsistency issue before the Board, including in its Preliminary Response, Director Review proceedings, subsequent correspondence with the Board, and the present motion. Those costs were directly caused by Samsung's misconduct and would not have been incurred had Samsung complied with its duty of candor. Patent Owner respectfully requests leave to submit evidence documenting the amount of its attorneys' fees and expenses after the Board rules on the merits of this motion.

Fourth, the Board should terminate these proceedings or, at minimum, vacate the Institution Decision and reconsider institution on a complete record. 37 C.F.R. § 42.12(b)(8). Samsung did what *Revvo* and *Tesla* prohibit: it asserted indefiniteness in district court while presenting materially different claim-scope positions to the Board, including plain meaning for most terms and a proposed construction for "spatial reference frame." Samsung then went further by assuring the Board that this case was "unlike Tesla" without disclosing its district-court indefiniteness positions that made the comparison material. Termination is appropriate under *Revvo* and *Tesla*. At a minimum, the Board should reconsider institution.

These sanctions are proportional to the misconduct. Patent Owner seeks relief targeted at Samsung's failure to disclose material information while responding to a Board Order specifically directed at identifying inconsistent claim-scope positions, and at Samsung's affirmative representations that were materially incomplete and

misleading in light of those undisclosed positions. Sanctions are required to remedy the prejudice suffered by Patent Owner, restore the integrity of the institution process, and ensure compliance with the duty of candor owed to the Office.

V. CONCLUSION

Samsung was permitted to assert indefiniteness positions in district court. Samsung was not permitted to withhold those positions from the Board, especially after the Board specifically requested an explanation regarding a potentially inconsistent claim-scope position under *Revvo* and *Tesla*. Paul Hastings represents Samsung in both district court cases and these proceedings. Yet Samsung told the Board that this case was "unlike *Tesla*" because "Samsung did not argue for indefiniteness for the claim limitation at issue in the district court." (Paper 14 at 5.)

That representation was materially incomplete and misleading. Sanctions under 37 C.F.R. §§ 42.11 and 42.12 are necessary to correct the record, remedy the prejudice to Patent Owner, and protect the integrity of the IPR process.

Accordingly, Patent Owner respectfully requests that the Board: (1) expunge Papers 14 and 20; (2) preclude Samsung from disputing that it has taken inconsistent claim-scope positions in these proceedings and the co-pending district court litigations; (3) award reasonable attorneys' fees with leave for Patent Owner to submit fee documentation after the Board rules on the merits of this motion; and (4) terminate these proceedings under *Revvo* and *Tesla*.

Respectfully Submitted,

/Christopher L. Evans/
Christopher Evans (Tex. SBN 24058901)
Offor Evans PLLC
1122 Jackson Street, No. 901
Dallas, TX 75202
chris@offorevans.com

Ginger G. Turner (Reg. 75,842)
Gingineer Consulting LLC
4062 Peachtree Road NE
PO Box A – 281
Brookhaven, GA 30319
ginger@gingineerllc.com

Practitioners for Patent Owner CM HK Ltd.

CERTIFICATE OF SERVICE 37 C.F.R. § 42.6(e))

The undersigned hereby certifies that the above document was served June 3, 2026 by filing this document through the Patent Trial and Appeal Case Tracking System (P-TACTS), as well as delivering a copy via electronic mail to the following practitioners of record for Petitioners:

Naveen Modi (Reg. No. 46,224)
Chetan Bansal (Reg. No. 81,590)
Robert Laurenzi (Reg. No. 45,557)
Paul Hastings LLP
PH-Samsung-CMHK-IPR@paulhastings.com

Respectfully submitted,

/Christopher L. Evans/ June 3, 2026

Christopher Evans (Tex. SBN 24058901)
Offor Evans PLLC
1122 Jackson Street, No. 901
Dallas, TX 75202
chris@offorevans.com

Date