

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
Patent 10,852,846

**PATENT OWNER'S REPLY IN SUPPORT OF ITS
AUTHORIZED MOTION FOR SANCTIONS**

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EXHIBIT LIST

Ex. No.	Description
2002	<i>Samsung Electronics Co., Ltd., et al., v. CM HK, Ltd. et al.</i> , 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	<i>CM HK, Limited, v. Samsung Electronics Co., Ltd., et al.</i> , 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	<i>CM HK, Limited, v. Samsung Electronics Co., Ltd., et al.</i> , 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	<i>Samsung Electronics Co., Ltd., et al., v. CM HK, Ltd.</i> , 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	<i>Samsung Electronics Co., Ltd., et al., v. CM HK, Ltd.</i> , 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	<i>Samsung Electronics Co., Ltd., et al., v. CM HK, Ltd.</i> , Case No. 4:24-cv-06567 at Docket 72 (N.D. Cal. May 13, 2025), Joint Claim Construction and Prehearing Statement.
2008	<i>CM HK, Limited, v. Samsung Electronics Co., Ltd., et al.</i> , Case No. 2:24-cv-00880 at Docket 2 (E.D. Tex. November 1, 2024), Plaintiff’s Original Complaint for Patent Infringement.
2009	<i>CM HK, Limited, v. Samsung Electronics Co., Ltd., et al.</i> , Case No. 2:24-cv-00880 at Docket 17 (E.D. Tex. Jan 28, 2025), Plaintiff’s Amended Complaint for Patent infringement.
2010	<i>CM HK, Limited, v. Samsung Electronics Co., Ltd., et al.</i> , Case No. 2:24-cv-00880 at Docket 36 (E.D. Tex. Mar. 3, 2025), Docket Control Order.

2011	<i>CM HK, Limited, v. Samsung Electronics Co., Ltd., et al.</i> , Case No. 2:24-cv-00880, (E.D. Tex. Jan. 7, 2025), Plaintiff’s P.R. 3-1 & 3-2 Disclosures
2012	<i>CM HK, Limited, v. Samsung Electronics Co., Ltd., et al.</i> , 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, Bassompierre et al.
2016	Email from Bratton, Ariell, RE: <i>Samsung v. CM HK, Ltd.</i> , Case No. 4:24-cv-06567 (N.D. Cal.), IPR Threats to Evans, Christopher (May 2, 2025).
2017	March 24, 2025, Director’s Memo, <i>Guidance on USPTO’s rescission of “Interim Procedure for Discretionary Denials in AIA Post-Grant Proceedings with Parallel District Court Litigation”</i> , 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	<i>CyWee Group Ltd. v. Samsung Electronics Co., Ltd., et al.</i> , 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	<i>Samsung Electronics Co., Ltd., et al., v. CM HK, Ltd.</i> , 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	<i>CyWee Group Ltd. v. Samsung Electronics Co., Ltd., et al.</i> , Case No. 2:17-cv-00140-RWS-RSP at Docket 67 (E.D. Tex. Mar. 9, 2018), Samsung’s Responsive Claim Construction Brief.
2026	<i>CyWee Group Ltd. v. Samsung Electronics Co., Ltd., et al.</i> , 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, <i>Extended Kalman Filtering</i> (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 <i>Inter Partes</i> Reviews.
2029	<i>Samsung Electronics Co., Ltd., et al., v. CM HK, Ltd.</i> , 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	<i>Samsung Electronics Co., Ltd., et al., v. CM HK, Ltd.</i> , 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	<i>Google LLC v. CyWee Group Ltd.</i> , 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 <i>CyWee Group Ltd. v. Samsung Elects. Co., Ltd. et al</i> , 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 <i>CyWee Group Ltd. v. Samsung Elects. Co., Ltd. et al</i> , No. 2:17-cv-00140-WCB-RSP (E.D. Tex.).
2038	D. M. Henderson, <i>Euler Angles, Quaternions, and Transformation Matrices—Working Relationships</i> , 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	<i>Samsung Electronics Co., Ltd., et al., v. CM HK, Ltd.</i> , 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	<i>Samsung Electronics Co., Ltd., et al., v. CM HK, Ltd.</i> , 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	<i>Samsung Electronics Co., Ltd., et al. v. CM HK, Limited</i> , 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	<i>Samsung Electronics Co., Ltd., et al. v. CM HK, Limited</i> , 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	<i>Samsung Electronics Co., Ltd., et al. v. CM HK, Limited</i> , 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.
2051	<i>Samsung Electronics Co., Ltd., et al. v. CM HK, Limited</i> , Case No. 4:24-cv-06567-JST, ECF No. 207 (N.D. Cal. Apr. 18, 2025), Samsung's Motion to Retain Confidentiality with Exhibits 1-6.
2052	Robert A. Matthews, Jr., <i>Annotated Patent Digest</i> § 23:25.120 (May 2026 update).

I. INTRODUCTION

When addressing claim-scope under *Revvo* and *Tesla* at the Board’s request, Samsung represented it had “*never* alleged” that “predicted axial accelerations” was indefinite. (Papers 14 at 1, emphasis added.) But Samsung’s pending district court invalidity contentions assert “predicted,” and “axial accelerations” are both indefinite under § 112 ¶ 2. (Ex. 2012 at 69-70, Ex. Ex. 2047 at 69-70.) Those positions cannot be reconciled.

Samsung’s counsel now argues the parties’ Joint Claim Construction Statement (“JCCS”) filed in the Northern District of California waived indefiniteness globally. And, according to Samsung, the JCCS somehow erased the invalidity contentions as if they *never* happened, thereby eliminating Samsung’s duty to disclose its prior inconsistent indefiniteness position to the Board. But Samsung’s *post hoc* rationalization is contrary to the law and facts, including statements Samsung made before and *after* the JCCS was filed.

II. ARGUMENT

A. Samsung Never Waived its Indefiniteness Defenses.

The parties filed the JCCS in the Northern District of California (“NDCA”) on May 13, 2025. (Ex. 2007.) Samsung contends it waived its indefiniteness arguments by not asserting them in the JCCS. (Paper 38 “Opp.” at 4-7) Samsung argues the JCCS “made crystal clear that Samsung was not arguing indefiniteness [during

claims construction].” (Opp. at 4.) The only authority Samsung cites is a case holding that a district court *may* address indefiniteness during claim construction, an undisputed proposition. (*Id.* at 6.) The NDCA Patent Local Rules require that “any grounds of invalidity based on ... indefiniteness under 35 U.S.C. § 112(2)” be disclosed in a party’s *invalidity contentions*. (Ex. 1031 § 3-3(d).) By contrast, during claim construction, the only § 112 disclosure required by the NDCA Patent Local Rules is the identification of terms “governed by 35 U.S.C. §112(6).” (*Id.* §§ 4-1, 4-2, 4-3.)

Consistent with those Patent Local Rules, courts broadly and consistently hold that failing to raise indefiniteness during claim construction does not constitute waiver. *See generally* Ex. 2052 (Robert A. Matthews, Jr., *Annotated Patent Digest* § 23:25.120 (May 2026 update) (“courts generally will not find a waiver of an indefiniteness challenge simply because an accused infringer did not raise the challenge as part of its claim construction arguments”) (collecting cases from N.D. Cal., W.D. Tex., D. Del., E.D. Tex., E.D. Va., D. Mass., and Ct. Fed. Cl.)).

For example, in *Apple, Inc. v. Samsung Electronics Co., Ltd.*, 932 F. Supp. 2d 1076, 1079 (N.D. Cal. 2013), Apple made the same waiver argument. But the court rejected that argument and agreed with Samsung, holding that “failure to seek construction of a term during claim construction does not constitute waiver of an indefiniteness argument,” particularly when preserved in invalidity contentions. *Id.*

Samsung also did not waive indefiniteness by proposing claim constructions. Federal Circuit precedent holds that “[e]ven if a claim term’s definition can be reduced to words, the claim is still indefinite if a person of ordinary skill in the art cannot translate the definition into meaningfully precise claim scope.” *Halliburton Energy Servs., Inc. v. M-I LLC*, 514 F.3d 1244, 1251 (Fed. Cir. 2008). Accordingly, “a term can be indefinite even if it is susceptible to a construction.” *Apple, Inc. v. Samsung Elecs. Co.*, No. 12-CV-00630-LHK, 2014 WL 252045, at *18 (N.D. Cal. Jan. 21, 2014); *IQASR LLC v. Wendt Corp.*, 825 F. App’x 900, 907 (Fed. Cir. 2020). Even a stipulated construction is not an “admission that the claim term is not indefinite.” *MeadWestVaco Corp. v. Rexam Beauty and Closures, Inc.*, 731 F.3d 1258, 1270 n.8 (Fed. Cir. 2013).

Before and after the JCCS, Samsung reserved its right to assert indefiniteness:

4/18/2025 (Ex. 2049 - Patent Rule 4-2 at 3:8-11):

Notwithstanding their proposed constructions herein, Plaintiffs reserve the right to assert defenses under 35 U.S.C. § 112 for indefiniteness ... including, for instance, those exemplarily set forth in Plaintiffs’ Invalidity Contentions and the following terms...

5/13/2025 (Ex. 2007 - JCCS): No mention of indefiniteness.

5/20/25 (Paper 1 at 22 n.7): Petitioner reserves all rights to raise claim construction and other arguments in other venues.

Specifically, Petitioner is not conceding that each claim satisfies all statutory requirements, nor waiving any arguments concerning claim scope or grounds that can only be raised in district court.

What “claim construction arguments ... in other venues” and “arguments

concerning claim scope ... that can only be raised in district court” was Samsung reserving, if not indefiniteness? Samsung offers no evidence it intended to waive indefiniteness when the JCCS was filed, and no evidence it believes the JCCS had that effect.

The time scope of “never” necessarily includes the period before the JCCS. Samsung tries to overcome this by suggesting its representation that it “never alleged” indefiniteness “was directed to the CyWee case.” (Opp. at 8.) But Samsung purposefully used the word *never* to the Board without qualification or limitation. (Paper 14 at 1.) And the Board adopted it. (Institution Decision, Paper 17 at 19-21.)

Samsung’s JCCS waiver theory is a *post hoc* rationalization to justify its misrepresentations to the Board. Incredibly, Samsung continues to rely on the Board’s institution decision procured through misrepresentations to argue that it “has sufficient reason to contend here that ‘predicted axial accelerations’ should be accorded its plain and ordinary meaning.” (Paper 36 at 4.)

Further demonstrating bad faith, Samsung is using the district court’s protective order to block Patent Owner from seeking disclosure in these proceedings of internal Samsung reports (the “Koo Reports”) that may reveal whether Samsung contemporaneously believed it was waiving its indefiniteness positions when it filed the JCCS, whether Samsung engineers believe any terms to be indefinite, and what Samsung engineers believe are the plain and ordinary meaning of claim terms. (Ex.

2051 at 25/30.) CM HK believes the Koo Reports are subject to mandatory disclosure under 37 C.F.R. § 42.51(b)(1)(iii). When asked to confirm that the reports contain nothing inconsistent with what Samsung told the Board, Samsung declined and instead filed a district court motion to prevent CM HK's from obtaining the Koo Reports in these proceedings. (Ex. 2051 at 8/30, 13/30, 24/30)

B. The Served and Filed Motions Are Not Materially Different.

Rule 42.11(d)(2) requires a 21-day notice of misconduct and a meaningful opportunity to cure. Both conditions were satisfied: the motion was served on June 3, and the filed version rests on the same allegation: Samsung misrepresented it had “*never* alleged” indefiniteness to obtain institution. Courts applying Rule 11's analogous safe harbor hold that a served motion is sufficient so long as the filed version rests on “substantially the same grounds.” *Richter v. Oracle Am., Inc.*, No. 22-CV-04795-BLF, 2023 WL 8586690, at *6 (N.D. Cal. Dec. 8, 2023). Samsung does not argue it lacked notice or that it would have cured its misconduct. Instead, Samsung is doubling down. (Opp. at 15.)

III. CONCLUSION

Samsung's misrepresentations in Papers 14 and 20 were relied upon by the Board to institute. For the foregoing reasons, Patent Owner requests that the Board terminate the proceeding, expunge Papers 14 and 20, impose issue preclusion, and award Patent Owner its reasonable attorneys' fees.

Respectfully Submitted,

/Ginger G. Turner/

Ginger G. Turner (Reg. 75,842)

Gingineer Consulting LLC

4062 Peachtree Road NE

PO Box A – 281

Brookhaven, GA 30319

ginger@gingineerllc.com

/Christopher L. Evans/

Christopher Evans (Tex. SBN 24058901)

Offor Evans PLLC

1122 Jackson Street, No. 901

Dallas, TX 75202

chris@offorevans.com

Practitioners for Patent Owner CM HK Ltd.

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

This document was served July 24, 2026 by filing in 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/

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

July 24, 2026

Date