

From: [Trials](#)
To: [Zeilberger, Daniel](#); [Chris Evans](#); [Trials](#); [Bansal, Chetan R.](#)
Cc: [PH-Samsung-CMHK-IPR](#); [ginger](#); [Andrew Huffstetler](#); [Modi, Naveen](#); [Michael Shore](#)
Subject: RE: IPR2025-012023 & -01071: Request to Compel Additional Discovery
Date: Wednesday, August 5, 2026 10:55:32 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)

Counsel,

Patent Owner is authorized to file a motion to compel discovery, not to exceed three pages, due no later than Monday, August 10. Patent Owner may file an opposition, not to exceed three pages, due no later than Friday, August.14. No reply brief is authorized.

Regards,

Andrew Kellogg,
Deputy Chief Clerk, Trials
Patent Trial and Appeal Board
USPTO
andrew.kellogg@uspto.gov
(571) 272-5366



From: Zeilberger, Daniel <danielzeilberger@paulhastings.com>
Sent: Tuesday, August 4, 2026 3:00 PM
To: Chris Evans <chris@offorevans.com>; Trials <Trials@USPTO.GOV>; Bansal, Chetan R. <chetanbansal@paulhastings.com>
Cc: PH-Samsung-CMHK-IPR <PH-Samsung-CMHK-IPR@paulhastings.com>; ginger <ginger@gingineerllc.com>; Andrew Huffstetler <andrew@offorevans.com>; Modi, Naveen <naveenmodi@paulhastings.com>; Michael Shore <mshore@shorefirm.com>
Subject: RE: IPR2025-012023 & -01071: Request to Compel Additional Discovery

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Your Honors,

Petitioner writes in response to Patent Owner's email as Patent Owner's email does not include Petitioner's position.

This morning, at the Board's direction, the parties had a meet-and-confer call to discuss Patent Owner's position that the Petitioner's opposition to Patent Owner's motion for sanctions made a "subjectively believed" argument such that, according to Patent Owner, Patent Owner is now entitled to additional discovery. After that call, at 11:57am ET today, Patent Owner sent a draft email to the Board. Petitioner responded at 1:12pm ET to indicate that Patent Owner's email included improper argument, mischaracterized the meet-and-confer call, and did not comply with the Board's rules or prior guidance. Patent Owner responded one minute later to say, "I'm sending my email at 2," and Patent Owner send its email at 2:47pm ET. Patent Owner's email should be disregarded for that reason.

Because Patent Owner's email has included arguments and representations about what was said during the meet-and-confer call, however, Petitioner is responding to preserve its rights. In particular, during the meet-and-confer call, Petitioner asked Patent Owner to identify where in Petitioner's opposition it made a "subjectively believed" argument. Patent Owner was unable to do so. Instead, Patent Owner argued for a false distinction, as it appears to do throughout its email, that if Petitioner did not make an argument grounded in Petitioner's subjective belief, that somehow itself speaks to what Petitioner's or counsel's subjective belief is. But that has no basis in law or logic. Patent Owner then pivoted to raising new issues that it did not previously indicate it wanted to discuss. When Patent Owner did so, Petitioner told Patent Owner that if it wanted to discuss new issues, Petitioner could consider them and the parties could talk again later the same day. Patent Owner did not agree to talk again.

Petitioner also never "refused to provide a position statement or its availability for a conference call for this email," as Patent Owner represents. If the Board would like to schedule a conference call, Petitioner remains available Wednesday at 10am-12pm ET and 1-4pm ET and Thursday 10-4pm ET.

Patent Owner's repeated requests and emails that flout the Board's rules and guidance, and misconstrue the record, are prejudicial to petitioner, and must come to an end.

Respectfully,
Daniel Zeilberger
Counsel for Petitioner

From: Chris Evans <chris@offorevans.com>
Sent: Tuesday, August 4, 2026 2:47 PM
To: Trials <Trials@USPTO.GOV>; Zeilberger, Daniel <danielzeilberger@paulhastings.com>; Bansal, Chetan R. <chetanbansal@paulhastings.com>
Cc: PH-Samsung-CMHK-IPR <PH-Samsung-CMHK-IPR@paulhastings.com>; ginger <ginger@gingineerllc.com>; Andrew Huffstetler <andrew@offorevans.com>; Modi, Naveen <naveenmodi@paulhastings.com>; Michael Shore <mshore@shorefirm.com>
Subject: [EXT] Re: IPR2025-012023 & -01071: Request to Compel Additional Discovery

Dear Honorable Board,

Patent Owner renews its request for a conference call regarding additional discovery. Following the Board's receipt of Patent Owner's prior email and Samsung's response, counsel conferred on August 4, 2026. The parties are at an impasse.

During the conference, Samsung's counsel denied it has made any representations to the Board concerning it or its counsel's subjective belief as to whether the Joint Claim Construction Statement (JCCS) filed in *CMHK, Ltd. v. Samsung Electronics Co.*, No. 4:24-cv-06567-JST (N.D. Cal.) effected a waiver of Samsung's indefiniteness defense in that forum. Petitioner's counsel also refused to state whether Samsung currently believes its indefiniteness defense has been waived and would not agree to stipulate that the indefiniteness defense has been waived.

Petitioner's opposition argues that the JCCS waived Samsung's indefiniteness defense in all forums:

1. "The Joint Claim Construction Statement Is Dispositive." Opp. at 3.
2. "Samsung did reserve rights as to indefiniteness but did not argue indefiniteness, and the joint claim construction statement (Ex. 2007) made crystal clear that Samsung was not arguing indefiniteness." *Id.* at 3-4.
3. "Thus, if Samsung intended to argue indefiniteness, it would have done so in the joint claim construction statement." *Id.* at 6.
4. "Any preliminary reservation as to indefiniteness was superseded by the pre-IPR May 13, 2025 joint claim construction statement, where Samsung did not argue indefiniteness." *Id.*

Samsung's argument might leave the Board with the impression that Samsung and its counsel *actually believed* that filing the JCCS waived Samsung's indefiniteness defense. That is not the case. Accordingly, Patent Owner requests an order that: (1) Petitioner clarify by stipulation that it never intended to represent to the Board that Petitioner and its counsel actually believed a waiver of the indefiniteness defense occurred when the JCCS was filed or (2) authorizing limited discovery into Samsung's communications concerning that belief.

Patent Owner is available for a conference call at the Board's earliest convenience anytime this week except Friday afternoon after 1:30 p.m. ET.

Samsung has refused to provide a position statement or its availability for a conference call for this email, but Samsung's counsel previously they were available Wednesday at 10am-12pm ET and 1-4pm ET, and Thursday 10-4pm ET.

Sincerely,

Chris Evans

From: Trials <Trials@USPTO.GOV>
Date: Monday, August 3, 2026 at 4:23 PM
To: Zeilberger, Daniel <danielzeilberger@paulhastings.com>; Chris Evans <chris@offorevans.com>; Bansal, Chetan

R. <chetanbansal@paulhastings.com>; Trials <Trials@USPTO.GOV>

Cc: PH-Samsung-CMHK-IPR <PH-Samsung-CMHK-IPR@paulhastings.com>; ginger <ginger@gingineerllc.com>; Andrew Huffstetler <andrew@offorevans.com>; Modi, Naveen <naveenmodi@paulhastings.com>; Michael Shore <mshore@shorefirm.com>

Subject: RE: IPR2025-012023 & -01071: Request to Compel Additional Discovery

Counsel,

The parties are directed to meet and confer to resolve this dispute among themselves.

Regards,

Andrew Kellogg,
Deputy Chief Clerk, Trials
Patent Trial and Appeal Board
USPTO
andrew.kellogg@uspto.gov
(571) 272-5366



From: Zeilberger, Daniel <danielzeilberger@paulhastings.com>

Sent: Sunday, August 2, 2026 4:59 PM

To: Chris Evans <chris@offorevans.com>; Bansal, Chetan R. <chetanbansal@paulhastings.com>; Trials <Trials@USPTO.GOV>

Cc: PH-Samsung-CMHK-IPR <PH-Samsung-CMHK-IPR@paulhastings.com>; ginger <ginger@gingineerllc.com>; Andrew Huffstetler <andrew@offorevans.com>; Modi, Naveen <naveenmodi@paulhastings.com>; Michael Shore <mshore@shorefirm.com>

Subject: RE: IPR2025-012023 & -01071: Request to Compel Additional Discovery

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Your Honors,

Petitioner disagrees with Patent Owner's characterization that "Samsung has not provided any times that it is available for the call and declined Patent Owner's request for a conference on this issue." In any event, should the Board wish to schedule a conference call, Petitioner is available this upcoming week on Monday at 2-3pm ET, Tuesday at 10-11am ET, 1-3:30pm ET, and 4-5pm ET, Wednesday at 10am-12pm ET and 1-4pm ET, and Thursday 10-4pm ET.

Respectfully,
Daniel Zeilberger
Counsel for Petitioner

From: Chris Evans <chris@offorevans.com>

Sent: Thursday, July 30, 2026 10:17 AM

To: Bansal, Chetan R. <chetanbansal@paulhastings.com>; Trials <Trials@USPTO.GOV>

Cc: PH-Samsung-CMHK-IPR <PH-Samsung-CMHK-IPR@paulhastings.com>; ginger <ginger@gingineerllc.com>; Andrew Huffstetler <andrew@offorevans.com>; Modi, Naveen <naveenmodi@paulhastings.com>; Michael Shore <mshore@shorefirm.com>

Subject: [EXT] Re: IPR2025-012023 & -01071: Request to Compel Additional Discovery

Dear Board:

Patent Owner CM HK, Ltd. respectfully requests a conference call to seek ask the Board to compel additional discovery under 37 C.F.R. § 42.51(b)(1)(iii) and b(2)(i). Specifically, Patent Owners seeks the production of

communications, reports, memos, or other documents demonstrating Samsung and its counsel's subjective belief that filing the Joint Claim Construction Statement in the Northern District of California case affirmatively waived Samsung's indefiniteness invalidity defense.

Samsung's opposition to Patent Owner's motion for sanctions asserts as its primary defense that Samsung and its counsel subjectively believed the filing of a Joint Claim Construction Statement waived Samsung's indefiniteness defense, thereby excusing their representation in Paper 14 that Samsung "never alleged" indefiniteness. (Paper 37.) This places all communications and other documents reflecting or contradicting that belief directly at issue and waives attorney-client privilege as to that subject matter. Fed. R. Civ. P. 502.

Samsung had indicated that it opposes this request.

Patent Owner is available any weekday between now and August 6, 2026 for this conference call. Samsung has not provided any times that it is available for the call and declined Patent Owner's request for a conference on this issue.

Samsung's Position:

Patent Owner CM HK's email includes improper argument and flouts the Board's May 19, 2026 guidance that reminded Patent Owner not to include improper argument in correspondence with the Board. Patent Owner's request should be denied for that reason alone.

Because Patent Owner's email includes improper argument, however, Petitioner is forced to respond. Specifically, Patent Owner's request should be denied because it is grounded on a mischaracterization of Petitioner's Opposition (Paper 37). Petitioner did not argue as a basis for opposing Patent Owner's motion that "Samsung and its counsel subjectively believed the filing of a Joint Claim Construction Statement waived Samsung's indefiniteness defense," as Patent Owner represents. This is just another example, in addition to the other examples laid out in Petitioner's opposition to Patent Owner's motion, of Patent Owner not accurately representing the record to support its positions. Even Patent Owner's own reply in support of its motion did not argue that Petitioner made a "subjectively believed" argument.

Sincerely,

Chris Evans
Counsel for Patent Owner

From: Bansal, Chetan R. <chetanbansal@paulhastings.com>
Date: Sunday, June 28, 2026 at 3:19 PM
To: Chris Evans <chris@offorevans.com>; Trials <Trials@USPTO.GOV>
Cc: PH-Samsung-CMHK-IPR <PH-Samsung-CMHK-IPR@paulhastings.com>; ginger <ginger@gingineerllc.com>; Andrew Huffstetler <andrew@offorevans.com>; Modi, Naveen <naveenmodi@paulhastings.com>
Subject: RE: IPR2025-012023 & -01071: Request for Authorization to file Motion for Sanctions
Your Honors,

Petitioner is available after 2 pm ET on July 2nd should the Board authorize a call.

Respectfully,

Chetan Bansal
Counsel for Petitioner Samsung

**PAUL
HASTINGS**

Chetan Bansal | Of Counsel, Litigation Department

Paul Hastings LLP | 2050 M Street NW, Washington, DC 20036 | Direct: +1.202.551.1948 |
Main: +1.202.551.1700 | Fax: +1.202.551.0448 | chetanbansal@paulhastings.com |
www.paulhastings.com

From: Chris Evans <chris@offorevans.com>
Sent: Thursday, June 25, 2026 11:16 AM
To: Trials <trials@uspto.gov>
Cc: PH-Samsung-CMHK-IPR <PH-Samsung-CMHK-IPR@paulhastings.com>; ginger <ginger@gingineerllc.com>; Andrew Huffstetler <andrew@offorevans.com>; Bansal, Chetan R. <chetanbansal@paulhastings.com>; Modi, Naveen <naveenmodi@paulhastings.com>
Subject: [EXT] Re: IPR2025-012023 & -01071: Request for Authorization to file Motion for Sanctions

Dear Board,

Patent Owner CM HK Ltd. respectfully requests a conference call to seek authorization to file a motion for sanctions pursuant to 37 C.F.R. §§ 42.11 and 42.12.

Patent Owner served Petitioner with its proposed motion on June 3, 2026, in accordance with 37 C.F.R. § 42.11(d)(2). More than 21 days have now elapsed since service. The parties were unable to resolve the dispute. Petitioner opposes the requested relief.

Patent Owner is available for a conference call at any time on June 29 or 30 and July 1 or 2. Patent Owner has not received any dates from Petitioner.

Respectfully submitted,

Christopher L. Evans
Counsel for Patent Owner CM HK Ltd.

From: Trials <Trials@USPTO.GOV>
Date: Tuesday, May 19, 2026 at 4:31 PM
To: Modi, Naveen <naveenmodi@paulhastings.com>; Chris Evans <chris@offorevans.com>; Trials <Trials@USPTO.GOV>
Cc: PH-Samsung-CMHK-IPR <PH-Samsung-CMHK-IPR@paulhastings.com>; Bansal, Chetan R. <chetanbansal@paulhastings.com>
Subject: RE: IPR2025-012023 & -01071: Request for Authorization to file Motion for Sanctions Counsel,

Patent Owner's email of May 15 requesting a conference call to seek authorization to file a sanctions motion does not comply with section A.1 of the Scheduling Order (Paper 19 in both cases) in that it: (1) does not indicate that the parties met and conferred, or explain why such meet and confer did not occur, prior to the email; (2) does not include multiple times when *all* parties are available; (2) contains substantive argument; and (3) includes an attachment without prior Board authorization. Patent Owner's May 18 follow-up emails similarly fail to comply with this provision of the Scheduling Order. Any future emails from either party not in compliance with this provision will be disregarded.

In addition, Patent Owner's request to file a sanctions motion does not comply with 42 C.F.R. sec. 42.11(d) (2), which requires the moving party to, among other things, serve the other party with the proposed motion at least 21 days before seeking authorization to file the motion. Patent Owner may renew its request for a conference call to seek authorization to file a sanction motion after complying with this provision.

Regards,

Andrew Kellogg,
Deputy Chief Clerk, Trials
Patent Trial and Appeal Board
USPTO
andrew.kellogg@uspto.gov
(571) 272-5366



From: Modi, Naveen <naveenmodi@paulhastings.com>
Sent: Tuesday, May 19, 2026 2:48 PM
To: Chris Evans <chris@offorevans.com>; Trials <Trials@USPTO.GOV>
Cc: PH-Samsung-CMHK-IPR <PH-Samsung-CMHK-IPR@paulhastings.com>; Bansal, Chetan R. <chetanbansal@paulhastings.com>
Subject: RE: IPR2025-012023 & -01071: Request for Authorization to file Motion for Sanctions

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Your Honors,

CM HK's total disregard of the Board's rules and practice is concerning. *First*, CM HK sought leave to file a motion for sanctions without satisfying the requirements of 37 C.F.R. § 42.11(d)(2). *Second*, CM HK continues to inundate the Board with excessive argument and **unauthorized attachments** in clear violation of the Board's rules. See Paper 19 at 1.

Out of respect for the Board's rules and practice, Samsung will not respond to CM HK's meritless arguments. If the Board would like Samsung to respond, please let us know. Samsung will also make itself available should the Board want to have a call to discuss any of these issues.

Respectfully,

Naveen Modi
Counsel for Petitioner

Naveen Modi
Global Co-Chair of IP & Partner
Paul Hastings LLP
(202) 551-1990

From: Chris Evans <chris@offorevans.com>
Sent: Monday, May 18, 2026 9:00 PM
To: Modi, Naveen <naveenmodi@paulhastings.com>; Trials <trials@uspto.gov>
Cc: PH-Samsung-CMHK-IPR <PH-Samsung-CMHK-IPR@paulhastings.com>; Bansal, Chetan R. <chetanbansal@paulhastings.com>
Subject: [EXT] Re: IPR2025-012023 & -01071: Request for Authorization to file Motion for Sanctions

Dear Honorable Board,

Patent Owner respectfully submits the attached Northern District of California filings because they further clarify the factual record underlying the Board's prior *Tesla* analysis and Petitioner's recent assertion that its indefiniteness positions had been "effectively withdrawn" prior to filing these IPRs.

On March 28, 2025, Samsung served its Patent Rule 4-1(a) Proposed Terms for Construction and stated that it was identifying claim terms "which Plaintiffs contend should be construed by the Court or found indefinite." Samsung further stated that it reserved the right to "modify, supplement, or amend the list (including the identification of terms, phrases, and/or clauses that are indefinite or governed by 35 U.S.C. § 112(f))," that "[a]ny potentially indefinite terms could also be subject to alternative claim constructions or ordinary meaning," and that the listed terms should not be construed as an admission "that the term or phrase is capable of construction and not indefinite under 35 U.S.C. § 112."

Then, on April 18, 2025—twenty-five days before the Joint Claim Construction Statement and one month before the filing of these IPRs—Samsung served its Patent Rule 4-2 Preliminary Proposed Claim Constructions and Extrinsic

Evidence. In that filing, Samsung expressly reserved the right to rely on invalidity positions identified in its Invalidity Contentions and stated that expert testimony could include “an opinion that a person of ordinary skill in the art would find claim terms indefinite.” Samsung explicitly reserved “the right to assert defenses under 35 U.S.C. § 112 for indefiniteness and lack of written description and/or enablement of claim terms, including, for instance, those exemplarily set forth in Plaintiffs’ Invalidity Contentions and the following terms.”

These local patent rule disclosures respectfully appear difficult to reconcile with Petitioner’s assertion earlier today that “Samsung had **effectively withdrawn** its March 2025 indefiniteness contentions *prior to* filing the IPRs.”

Patent Owner will comply with the procedures required by 37 C.F.R. § 42.11(d)(2), including service of any proposed sanctions motion at least 21 days before seeking authorization to file it.

At present, Patent Owner respectfully submits that these additional district-court disclosures materially bear on the Board’s prior *Tesla/Revvo*-related analysis in Paper 17 and Petitioner’s representations regarding its indefiniteness positions.

Respectfully,

Christopher Evans

Counsel for Patent Owner

From: Chris Evans <chris@offorevans.com>

Date: Monday, May 18, 2026 at 11:37 AM

To: Modi, Naveen <naveenmodi@paulhastings.com>, Trials <trials@uspto.gov>

Cc: PH-Samsung-CMHK-IPR <PH-Samsung-CMHK-IPR@paulhastings.com>, Bansal, Chetan R. <chetanbansal@paulhastings.com>

Subject: Re: IPR2025-012023 & -01071: Request for Authorization to file Motion for Sanctions

Dear Honorable Board,

Patent Owner respectfully submits that Samsung’s response does not resolve the inconsistency identified in Patent Owner’s request.

Samsung argues that it had “effectively withdrawn” its March 2025 indefiniteness contentions before filing the IPRs because Samsung did not identify indefiniteness issues in the parties’ later Joint Claim Construction Statement in the Northern District of California. But Samsung cites no rule or authority providing that omission of indefiniteness from a joint claim construction statement withdraws previously served invalidity contentions or waives indefiniteness defenses.

To the contrary, the Northern District of California Patent Local Rules specifically require indefiniteness grounds to be disclosed in Invalidity Contentions. Patent L.R. 3-3(d) (“Invalidity Contentions” shall disclose “[a]ny grounds of invalidity based on . . . indefiniteness under 35 U.S.C. § 112(2)”). The later claim construction procedures under Patent L.R. 4-3 do not require parties to identify indefiniteness defenses in the Joint Claim Construction Statement.

Moreover, Samsung identifies no actual withdrawal of its indefiniteness defenses in either the Northern District of California or Eastern District of Texas cases. The operative invalidity contentions asserting that the claims “fail to meet the definiteness requirement of 35 U.S.C. § 112” and “fail to inform, with reasonable certainty, those skilled in the art about the scope of the invention” remain part of those district court proceedings. At the same time, Samsung repeatedly represented to this Board that it had “never alleged” indefiniteness and distinguished Tesla on that basis.

Patent Owner therefore respectfully maintains that a brief conference call would assist the Board in determining whether further motion practice is appropriate.

Sincerely,

Christopher L. Evans
Attorney for Patent Owner

From: Modi, Naveen <naveenmodi@paulhastings.com>

Date: Monday, May 18, 2026 at 11:17 AM

To: Chris Evans <chris@offorevans.com>, Trials <trials@uspto.gov>

Cc: PH-Samsung-CMHK-IPR <PH-Samsung-CMHK-IPR@paulhastings.com>, Bansal, Chetan R.

<chetanbansal@paulhastings.com>

Subject: RE: IPR2025-012023 & -01071: Request for Authorization to file Motion for Sanctions

Dear Honorable Board,

Petitioner Samsung opposes Patent Owner CM HK's request for a conference call and authorization to file a sanctions motion. CM HK's request is meritless, disregards the Board's rules and procedure, and is nothing more than an attempt at relitigating the same issue of indefiniteness/inconsistent positions that the Board and the Director have already considered and rejected. CM HK has had more than sufficient opportunity to raise this issue, which both the Board and the Director previously considered. See -01023 IPR, Paper 17 at 20-23, -01023 IPR Paper 24. CM HK cites no **new** evidence that has come to light since those decisions. Indeed, as confirmed by CM HK's email, Samsung's **alleged** indefiniteness positions have been part of this IPR's record, see Exhibit 2012, since August 2025. Continued litigation of the same issue under the guise of a new remedy ("sanctions") is not in the interests of justice, frustrates the purposes of IPRs as quick and cost effective alternatives to litigation, and frankly, constitutes harassment.

First, CM HK's request for leave to move for sanctions ignores the Board's rules, including 37 C.F.R. § 42.11(d)(2). That provision required CM HK to serve Samsung with the proposed sanctions] motion "[a]t least 21 days prior to seeking authorization to file a motion for sanctions." It further provides that a sanctions motion "must not be filed or be presented to the Board" before that 21-day process runs. *Id.* CM HK, however, did not serve any proposed motion on Samsung prior to sending its email to the Board. Nor did CM HK confer with Samsung before unilaterally sending its email to the Board. CM HK's disregard for the Board's rules is sufficient reason for denying its request.

Second, CM HK's allegations omit a dispositive material fact—Samsung had effectively withdrawn its March 2025 indefiniteness contentions **prior to** filing the IPRs. As apparent from the parties' May 13, 2025 Joint Claim Construction Statement—a document of record in this IPR as Exhibit 2007—Samsung did not assert indefiniteness during claim construction before the Northern District of California. In fact, the parties provided the court the "full list of all disputed terms" and Samsung (the plaintiff in that case) did not identify any term as indefinite. See Ex. 2007 at 2-3 ("Plaintiff's Proposed Construction").

Third, CM HK offers no persuasive reason why the Board should consider CM HK's belated allegations based on Samsung's briefing filed more than six months ago and Samsung's invalidity contentions served more than one year ago. CM HK has been aware of these documents for a long time and has raised alleged claim construction inconsistencies several times now in these IPRs. CM HK recognizes its untimeliness but suggests it does not matter because Samsung purportedly had an obligation to disclose its prior positions to the Board. Samsung had no such obligation given that the prior positions were effectively moot before Samsung filed the IPRs, as discussed above.

CM HK has shown no misconduct, no material misrepresentation, and no prejudice. Its request for extraordinary sanctions, including termination, is unwarranted and should be denied. If the Board nevertheless believes a call would be helpful, Samsung will make itself available.

Respectfully,

Naveen Modi
Counsel for Petitioner

Naveen Modi
Global Co-Chair of IP & Partner
Paul Hastings LLP
(202) 551-1990

From: Chris Evans <chris@offorevans.com>

Sent: Friday, May 15, 2026 2:33 PM

To: Trials <trials@uspto.gov>

Cc: PH-Samsung-CMHK-IPR <PH-Samsung-CMHK-IPR@paulhastings.com>; Bansal, Chetan R. <chetanbansal@paulhastings.com>

Subject: [EXT] IPR2025-012023 & -01071: Request for Authorization to file Motion for Sanctions

To the Honorable Patent Trial and Appeal Board,

Patent Owner CM HK Ltd. respectfully requests a brief conference call to seek authorization to file a motion for

sanctions pursuant to 37 C.F.R. §§ 42.11 and 42.12 based on Petitioner's misrepresentations to the Board regarding indefiniteness positions asserted in co-pending district court litigation.

In the co-pending Eastern District of Texas and California cases, Petitioner served invalidity contentions asserting that all claims of the '846 and '687 patents "fail to meet the 'definiteness' requirement of 35 U.S.C. § 112, ¶ 2" and "fail to inform, with reasonable certainty, those skilled in the art about the scope of the invention." (Ex. 2012 at 69–71; Ex. 2047 at 69–71 (this will be filed with the motion).) Those contentions specifically identified numerous terms as indefinite, including "predicted," "axial acceleration," "spatial reference frame," "resulting deviations," "based on," and "real-time movement pattern." (*Id.*)

A. Indefiniteness under 35 U.S.C. § 112(2)

The asserted claims of the Asserted Patents are invalid because they fail to meet the "definiteness" requirement of 35 U.S.C. § 112, ¶ 2, which states that the claims must "particularly point[] out and distinctly claim[] the subject matter which the inventor [] regards as [the] invention." In particular, the asserted claims of the Asserted Patents are indefinite because of at least the following terms or phrases:

1. '846 Patent

Claim	Term
Asserted claims 1 and 7	"predicted"
Asserted claims 1 and 7	"axial acceleration"
Asserted claims 1 and 7	"spatial reference frame"
Asserted claim 1 and 7	"resulting deviations comprising resultant angles"
Asserted claims 1 and 7	"based on"

Yet in these proceedings, Petitioner has repeatedly represented to the Board that it has never asserted indefiniteness positions regarding any of those terms:

- "Samsung has **never alleged** that the term 'predicted axial accelerations' is indefinite." Paper 14 at 1.
- "Specifically, in the co-pending litigation, Samsung has taken the position that the term should be given its 'plain and ordinary meaning.'" *Id.* at 2.
- "But Petitioner **has always maintained** that the term 'predicted axial accelerations' should be given its ordinary meaning." Paper 20 at 4.
- "This is 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." *Id.* at 4 n.3.

This case is exactly like Tesla.

Samsung is alleging that every relevant claim term is indefinite in two co-pending district court cases (Ex. 2012 at 69–71; Ex. 2047 at 69–71) while telling the Board that none of the claim terms, "[o]ther than the 'spatial reference frame,'" need to be construed. IPR2025-01023, Pet. at 22; IPR2025-01071, Pet. at 22. Samsung has also expressly reserved "all rights to raise claim construction and other arguments in other venues ... [including] grounds that can only be raised in district court." *Id.* at 22 n.6. Petitioner should present a single construction and apply it consistently before the Board and the district courts. *See, e.g., Infineon Techs. Am. Corp. v. Mosaid Techs. Corp.*, IPR2025-01456, Paper 27 at 3–4 (Director Mar. 17, 2026).

Patent Owner has not waived this issue by not raising it earlier. It is Petitioner's duty to disclose all inconsistent claim construction to the Board under its duty of candor and good faith. *American Airlines and Southwest Airlines v. Intellectual Ventures I LLC*, IPR202501055, Paper 11, at 13 (PTAB November 21, 2025) (routine opinion); 37 C.F.R. § 42.11. As the Board held in that case: "Patent Owner should not have been the first party to inform the Board as to Petitioner's different claim construction positions in the two forums." *Id.* Permitting Petitioner to benefit from undisclosed inconsistent positions would undermine the duty of candor and the Office's interest in consistent claim construction across forums.

Petitioner has not corrected the record despite a continuing duty of candor and good faith under 37 C.F.R. § 42.11. *See*

also *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); *Intas Pharms. Ltd. v. Atossa Theras. Inc.*, PGR2025-00043, Paper 33 at 9 (PTAB Jan. 16, 2026) ("Likewise, a petitioner should keep in mind that it has a duty of candor in relation to relevant information that is inconsistent with a position advanced by the petitioner during the proceeding."). The same counsel—Paul Hastings—represents Samsung in both the district court cases and these IPR proceedings, so the inconsistent positions and the failure to correct were known or knowable.

Patent Owner intends to seek, *inter alia*, an order striking Petitioner's *Tesla*-distinguishing argument in Papers 14 and 20, an adverse credibility finding with respect to these representations, and termination of the proceedings under *Tesla*.

Patent Owner is available for a call anytime on Wednesday, Thursday, or Friday next week.

Sincerely,

Christopher L. Evans
Attorney for Patent Owner

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