

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD.,
Petitioner,

v.

WILUS INSTITUTE OF STANDARDS AND TECHNOLOGY
INC.,
Patent Owner.

Case No. IPR2025-01044
U.S. Patent No. 11,516,879

**PATENT OWNER'S REQUEST FOR DIRECTOR REVIEW OF
INSTITUTION DECISION**

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TABLE OF AUTHORITIES

Cases

<i>Shenzhen Tuozhu Tech. Co., Ltd. v. Stratasys, Inc.</i> , IPR2025-00438, Paper 10	3
<i>Tesla, Inc. v. Intellectual Ventures II LLC</i> , IPR2025-00217, Paper 9	3

I. Introduction

Patent Owner respectfully requests Director Review of the October 10, 2025 Decision Referring Petitions to the Board (Paper 11) and the November 7, 2025 Decision Granting Institution of *Inter Partes* Review (Paper 12). For the reasons stated below, Patent Owner believes the Director erred in concluding that Patent Owner's district court litigations were directed to a diverse range of subject matter. All of Patent Owner's patents challenged by Samsung cover inventions specifically about the format, structure, and information in Wi-Fi packets. Patent Owner thus respectfully requests that the Director grant Director review and that he deny institution of *inter partes* review.

II. Legal Standard

Director review of a Board decision on institution is warranted when the request presents “(a) an abuse of discretion, (b) important issues of law or policy, (c) erroneous findings of material fact, or (d) erroneous conclusions of law.” Director Review Process, Section 2.B (available at <https://www.uspto.gov/patents/ptab/decisions/director-review-process>, last accessed March 26, 2025). The present request addresses an erroneous finding of material fact.

III. The Determination That the IPRs Concern a “Diverse Range of Subject Matter” Was Erroneous

In the decision referring the petition in this and other IPRs brought by Samsung to the Board, the Acting Chief Administrative Patent Judge correctly found that “it is unlikely that a final written decision in these proceedings will issue before the district court trial occurs, and there is insufficient evidence the district court is likely to stay its proceeding even if the Board were to institute trial.” Paper 11 at 2. Nonetheless, the IPRs were referred to the Board for three reasons: (1) a lack of settled expectations and (2) the purported “large number and wide scope of the patents asserted in the district court litigation.” *Id.* at 3. Notably, while the decision identified purported errors during prosecution with respect to some of the patents challenged by Samsung, it did not identify any such errors in the prosecution of the '879 patent. *Id.* at 3. While the first factor is relevant to discretionary denial, the Director has not typically refused discretionary denial simply because of a purported lack of settled expectations, when the district court trial date is highly likely to precede a final written decision. Accordingly, the second factor was decisive to the decision to refer to the Board. Wilus respectfully submits that this factor was decided in error, based upon misleading representations by Samsung that Wilus was not afforded an opportunity to rebut.

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Contrary to Samsung's arguments, the IPRs Samsung has brought against Wilus do not present the "diverse range of subject matter" at issue in *Tesla, Inc. v. Intellectual Ventures II LLC*, IPR2025-00217, Paper 9, or *Shenzhen Tuozhu Tech. Co., Ltd. v. Stratasys, Inc.*, IPR2025-00438, Paper 10. In *Tesla*, the patents covered topics across a range including target recognition, vehicle guidance, cameras, and wireless networking. *Tesla*, IPR2025-00217, Paper 8 at 6. These are fundamentally different technology areas, from different fields of art and covering distinct types of accused products. In *Shenzhen*, the patents ranged from remote control of a 3-D printer using video images, to heated build platforms for 3-D printers, to detection of 3-D printing material characteristics. *Shenzhen*, IPR2025-00438, Paper 9 at 8–9. Again, these patents are from different fields of endeavor: from computer vision on the one hand to mechanical engineering on the other.

The Wilus patents that Samsung is challenging, by contrast, all relate to features of the 802.11ax standard that improve efficiency and performance of wireless communications in congested spectrum, as Samsung's own briefing recognizes. *See* Paper 9 at 7–8. The related subject matter can be seen from the overlapping prior art in these petitions, including the various versions of 802.11 standards that are relied upon as purported prior art. For example, IPR2025-00934 asserts the draft 802.11ax_D1.0 standard, alone or in

combination against all claims. (IPR2025-00934, Paper 2 at 32–60, Ex. 1004). IPR2025-00935 and -00936 each assert the Lee patent application directed to 802.11 WLANs, along with a proposed draft of the 802.11ax specification (IPR2025-00935, Paper 2 at 1–2, Ex. 1005 at [0002]–[0004], Ex. 1006; IPR2025-00936, Paper 2 at 1–2, Ex. 1005 at [0002]–[0004], Ex. 1006). IPR2025-01043 and -01044 each assert the Zhou patent application directed to 802.11 WLANs. (IPR2025-01043, Paper 2 at 1–3, Ex. 1004 at [0014]; IPR2025-01044, Paper 2 at 1–3, Ex. 1004 at [0014]). IPR2025-00933 and -00988 each assert the Josiam patent application directed to 802.11ax WLANs. (IPR2025-00933, Paper 2 at 1–2, Ex. 1005 at [0003]; IPR2025-00988, Paper 2 at 1–3, Ex. 1014 at [0003]). Likewise, IPR2025-01069 asserts the Bharadwaj patent application directed to 802.11ax WLANs. (IPR2025-01069, Paper 2 at 1–2, Ex. 1006 at [0002]–[0005]).

The fact that all eight of these patents are alleged to be rendered obvious by versions of the 802.11ax standard or patents that are directed to improvements that very same standard refutes any argument that the situation here is comparable to those in *Tesla* or *Shenzhen*. If the mere assertion of patents from different families that are all directed to the same wireless communications standard is sufficient to meet the “diverse range of subject matter” factor from *Tesla* and *Shenzhen*, then the factor is almost meaningless.

This finding from the discretionary denial decision should be reversed.

IV. Conclusion

For the foregoing reasons, Wilus respectfully requests that the Director grant Director Review and deny institution of this IPR.

Dated: November 21, 2025

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CERTIFICATE OF SERVICE

I hereby certify that "Patent Owner's Request for Director Review of Institution Decision" was served on November 21, 2025 by email sent to:

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