

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE OFFICE OF THE UNDER SECRETARY OF COMMERCE
FOR INTELLECTUAL PROPERTY AND DIRECTOR OF THE
UNITED STATES PATENT AND TRADEMARK OFFICE

SAMSUNG ELECTRONICS CO., LTD.,
Petitioner,

v.

CM HK LIMITED,
Patent Owner.

IPR2025-01023 (Patent 10,852,846 B2)
IPR2025-01071 (Patent 11,698,687 B2)

Before KALYAN K. DESHPANDE,¹ *Acting Deputy Chief Administrative
Patent Judge.*

DECISION
Referring the Petitions to the Board

¹ Coke Morgan Stewart, Deputy Under Secretary of Commerce for Intellectual Property and Deputy Director of the United States Patent and Trademark Office, is recused and took no part in this decision. See <https://www.uspto.gov/sites/default/files/documents/dsco-delegation.pdf>.

CM HK, Limited (“Patent Owner”) filed a request for discretionary denial (Paper 7, “DD Req.”) in the above-captioned cases, and Samsung Electronics Co., Ltd. (“Petitioner”) filed an opposition (Paper 10, “DD Opp.”).²

After considering the parties’ arguments and the record, and in view of all relevant considerations, discretionary denial of institution is not appropriate in these proceedings. This determination is based on the totality of the evidence and arguments the parties have presented.

In particular, the projected final written decision due date in these proceedings is December 20, 2026. DD Req. 1. There is no trial date scheduled in the co-pending district court litigations, and neither party provides time-to-trial statistics. DD Opp. 6–7. As such, it is likely that a final written decision in these proceedings will issue before a district court trial occurs, reducing the risk of inconsistent outcomes or significant duplication of efforts. Furthermore, the challenged patents have not been in force for a significant period of time (issued in 2020 and 2023), and, accordingly, Patent Owner has not developed strong settled expectations that favor discretionary denial. Additionally, Patent Owner’s arguments that discretionary denial is warranted under 35 U.S.C. § 325(d) are not persuasive.

Although certain arguments are highlighted above, the determination not to exercise discretion to deny institution is based on a holistic assessment of all of the evidence and arguments presented. Accordingly, the Petitions are referred to the Board to handle the cases in the normal course, including

² Citations are to papers in IPR2025-01023. The parties filed similar papers in IPR2025-01071.

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by issuing a decision on institution addressing the merits and other non-discretionary considerations, as appropriate.

In consideration of the foregoing, it is:

ORDERED that Patent Owner's requests for discretionary denial are *denied*;

FURTHER ORDERED that the Petitions are referred to the Board;
and

FURTHER ORDERED that neither party shall file a request for rehearing or Director Review of this decision until the Board issues a decision on institution.

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