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Paper 32
Date: July 9, 2026

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 B2)
IPR2025-01071 (Patent 11,698,687 B2)[1]

Before BENJAMIN D. M. WOOD and ARTHUR M. PESLAK,
Administrative Patent Judges.

WOOD, *Administrative Patent Judge*.

ORDER
Granting in Part Patent Owner's Motion for Additional Discovery
37 C.F.R. §§ 42.5(a), 42.51(b)(2)(i)

[1] We exercise our discretion to issue one Order that applies to both listed cases. The parties are not authorized to use this type of caption.

I. INTRODUCTION

Samsung Electronics Co., LTD., ("Samsung," or "Petitioner") filed Petitions requesting *inter partes* review of certain claims of two patents owned by CM HK Ltd. (Patent Owner). Paper 1 ("Pet.").[2] In its Petitions, Samsung identifies itself and Samsung Electronics America, Inc. as real parties in interest ("RPIs"). Pet. 1. We instituted *inter partes* reviews in both proceedings for all of the challenged claims in response to the Petitions. *See, e.g.*, Paper 17.

With our authorization (Paper 27), Patent Owner moves for additional discovery from Petitioner concerning whether the National Pension Service of South Korea ("NPS") should also have been named an RPI. Paper 28 ("Mot."). Petitioner opposes Patent Owner's motion. Paper 29 ("Opp.").

II. LEGAL STANDARDS

Given its expedited nature, discovery in an *inter partes* review is limited compared to discovery in a district-court infringement action. *See Garmin Int'l, Inc. v. Cuozzo Speed Techs. LLC*, IPR2012-00001, Paper 26 at 5 (PTAB Mar. 5, 2013) (precedential); 154 Cong. Rec. S9982, S9988–89 (daily ed. Sept. 27, 2008) (statement of Sen. Kyl). "Limited discovery lowers the cost, minimizes the complexity, and shortens the period required for dispute resolution." *Garmin*, IPR2012-00001, Paper 26 at 5. Therefore, when seeking additional discovery, the moving party must show, for each proposed discovery request, that the additional discovery is "necessary in the interest of justice." 35 U.S.C. § 316(a)(5); *see* 37 C.F.R. §§ 42.20(c),

[2] All citations are to the record in IPR2025-01023 unless otherwise noted.

42.51(b)(2); *Chi Mei Innolux Corp. v. Semiconductor Energy Lab'y Co.*, IPR2013-00028, Paper 25 at 4 (PTAB Apr. 26, 2013).

In *Garmin*, the Board identified several factors to consider when determining whether additional discovery is in the interest of justice, e.g. whether: (1) the requesting party has shown that there is more than a mere possibility that useful information will be uncovered (*Garmin* factor 1); (2) the party seeking discovery can obtain the requested information without the need of discovery (*Garmin* factor 3); and (3) the proposed discovery requests are responsibly tailored so as not be overly burdensome to answer given the expedited nature of *inter partes* review (*Garmin* factor 5). *Garmin*, IPR2012-00001, Paper 26 at 6–7.

III. DISCUSSION

Relying primarily on NPS's 2024 Annual Report (Ex. 2044) and a January 10, 2026 "BigGo Finance" article (Ex. 2045), Patent Owner makes the following allegations that it contends establishes that its requested discovery is in the interest of justice: (1) "NPS holds approximately 7.75% of Samsung's outstanding ordinary shares" (Mot. 3 (citing Ex. 2045, 2)); (2) "[u]nder its 'Guidelines for Stewardship Activities,' NPS lists the "Initiation of Litigation'" (Mot. 4 (citing Ex. 2044, 53); and (3) "NPS utilizes 'Confidential Dialogues' to 'encourage the company to establish action plans and countermeasures to enhance shareholder value' for both Focus Areas and Unexpected Concerns." *Id.* (citing Ex. 2044, 60).

Based on the above allegations, Patent Owner contends that "NPS's framework confirms that it may evaluate and engage in litigation-related decisions affecting portfolio companies such as Samsung, including through

non-public engagement mechanisms." Mot. 4. According to Patent Owner, "[t]aken together, these facts establish a reasonable basis to investigate whether NPS influences, *or had the ability to influence*, Petitioner's decision to file or maintain this IPR," and therefore it has established "more than a mere possibility that useful information will be uncovered." *Id.* at 4–5. Patent Owner thus requests that Petitioner be ordered to respond to the following discovery requests:

> Request for Production No. 1: Documents and communications (including emails and other electronic communications) between Petitioner (including attorneys) and NPS relating to any United States litigation, including, but not limited to: (i) IPR2025-01023; (ii) IPR2025-01071; (iii) Samsung Electronics Co. Ltd. et al v. CM HK, Ltd., No. 4:24-cv-06567 (N.D. Cal.); or (iv) the patents asserted in those matters.
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> Request for Production No. 2: Documents sufficient to show the nature and scope of any rights, authority, or involvement of NPS in influencing, directing, or participating in Petitioner's decisions relating to United States litigation or administrative proceedings.

Petitioner responds that Patent Owner's motion for additional discovery "offers nothing beyond speculation that [NPS] is an RPI." Opp. 1. Petitioner asserts that Patent Owner's motion "at best, suggest[s] that NPS owns a minority stake in Samsung and engages in generalized shareholder stewardship." *Id.* Petitioner further contends that Patent Owner's proposed discovery requests are overbroad because they request "documents and communications relating to 'any United States litigation,'" and therefore "reach[] issues far beyond whether NPS is an RPI with respect to the instant Petition." *Id.* at 3–4. Petitioner also asserts that the requests are unduly burdensome because they require discovery into "other electronic

communications," which "would seemingly require Samsung to search all text messages, all social media, etc.," and are "not limited to any specific individual(s)" or "time frame." *Id.* at 4.

Finally, Petitioner contends that "[t]here is no reason why Patent Owner could not have sought discovery before or immediately after institution," and "[a]llowing discovery at this late juncture, after the Patent Owner's Response has been filed, requires a parallel briefing track to the Response and Petitioner Reply, which goes against the expedited nature of IPRs." Opp. 4–5.

A petitioner seeking *inter partes* review must identify all of its RPIs in its petition. *Corning Optical Commc'ns RF, LLC v. PPC Broadband, Inc.*, IPR2014-00440, Paper 68 (PTAB Aug. 18, 2015) (precedential, except § II.E.1). According to the Federal Circuit, "the heart of the inquiry" concerning a real party in interest should focus on "whether a petition has been filed at a [nonparty's] 'behest.'" *Uniloc 2017 LLC v. Facebook Inc.*, 989 F.3d 1018, 1027–28 (Fed. Cir. 2021) (quoting *Applications in Internet Time, LLC v. RPX Corp.*, 897 F.3d 1336, 1351 (Fed. Cir. 2018)).

We disagree with Petitioner that Patent Owner's motion "offers nothing beyond speculation that [NPS] is an RPI." NPS represents in its 2024 Annual Report that among its "Shareholder Rights" is the "Initiation of Litigation," including "Determination on Initiation of Litigation." Ex. 2044, 53. We appreciate that it is far from clear that these statements mean that NPS believes it has the right to, e.g., direct Samsung to petition for *inter partes* review of patents asserted against Samsung. It is at least as likely, if not more so, that these statements refer to NPS initiating litigation on its own behalf against companies in which it has an equitable interest,

particularly given that NPS seeks to "enhanc[e] shareholder and enterprise value" rather than seek "involvement in management affairs." Ex. 2044, 60. Nonetheless, the possibility remains that NPS, has, or at least believes it has, such a right, and therefore these statements from NPS elevate (slightly) beyond mere speculation Patent Owner's assertions that NPS may be an RPI. *See Garmin*, IPR2012-00001, Paper 26 at 7 ("the requestor of information should already be in possession of a threshold amount of evidence or reasoning tending to show beyond speculation that something useful will be uncovered."). Moreover, is seems likely that Patent Owner would be unable to obtain information addressing NPS's involvement, if any, in these proceedings except from Samsung via discovery, particularly since NPS's engagement with Samsung may have been in the form of "confidential dialogue." *See id.* (*Garmin* factor 3). *Garmin* factors 1 and 3 therefore tend to weigh in favor of limited additional discovery. We now consider Patent Owner's proposed Document Requests in light of *Garmin* factor 5.

Request for Production No. 1:

Patent Owner's Request for Production No. 1, as currently written, is overly broad and unduly burdensome. The interest of justice, particularly at this late stage of these proceedings,[3] requires that any discovery propounded

[3] We agree with Petitioner that Patent Owner's request for additional discovery comes unnecessarily late in these IPR proceedings. NPS's 2024 Annual Report (Exhibit 2044), on which Patent Owner primarily relies to establish that the requested discovery is in the interest of justice, was published in September 2025, well before the IPRs were instituted, and over half a year before Patent Owner filed its motion for additional discovery (April 24, 2026). The BigGo Finance article (Exhibit 2045) was published on January 10, 2026, several months before Patent Owner filed the motion.

focus on "the heart of the [RPI] inquiry," as set forth by the Federal Circuit: whether the petitions were filed at NPS' behest. *Uniloc 2017*, 989 F.3d at 1027–28. Doing so permits Patent Owner to fairly explore NPS's role, if any, in these IPR proceedings, without unduly jeopardizing their "just, speedy, and inexpensive resolution." 37 C.F.R. § 42.1. On the other hand, directing Petitioner to search for and produce documents related to "any United States litigation," including the district-court litigation in the Northern District of California, would add to Samsung's litigation costs but would be unlikely lead to the discovery of useful information. *See Garmin*, IPR2012-00001, 7 ("Useful" in the context of factor 1 "does not mean merely 'relevant' and/or 'admissible,' but rather means "favorable in substantive value to a contention of the party moving for discovery"). Therefore, we limit Request for Production No. 1 to documents and communications between Petitioner and NPS relating to (i) IPR2025-01023; and (ii) IPR2025-01071.

Request for Production No. 2

Patent Owner's Request for Production No. 2 goes far beyond what we determined above to be the proper scope of discovery at this stage of the proceeding. Thus, to the Extent that Request for Production No. 2 requests documents other than documents and communications between Petitioner

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The Director's issuance of *Tianma Microelectronics Co., Ltd. v. LG Display Co., Ltd.*, IPR2025-01579, Paper 12 (Dir. Dec. Mar. 18, 2026) and *TikTok Inc. v. CellSpin Soft, Inc.*, IPR2024-00757, Paper 42 (Dir. Dec. Mar. 30, 2026) do not justify the delay. Those decisions concern whether a Petition for *inter partes* review may be instituted if a foreign government entity is determined to be an RPI of the petitioner; they do not change the law regarding whether a party may be an RPI in the first place.

and NPS relating to these IPR proceedings as required to be produced in response to Request for Production No. 1 as modified above, it is overly broad and unduly burdensome and therefore runs afoul of *Garmin* factor 5.

IV. CONCLUSION

For the reasons discussed above, we *grant in part* Patent Owner's motion for additional discovery: Petitioner must produce to Patent Owner, within 30 days of the entry of this Order, any documents and communications between Petitioner and NPS relating to IPR2025-01023 and IPR2025-01071.

V. ORDER

For the foregoing reasons, it is

ORDERED that Petitioner must produce to Patent Owner, within 30 days of the entry of this Order, all documents and communications between itself (Samsung Electronics Co., LTD., and Samsung Electronics America, Inc.) and NPS relating to (i) IPR2025-01023; and (ii) IPR2025-01071.

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