

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.

IPR2025-01164
Patent 12,004,262 B2

Before KRISTEN L. DROESCH, DANIEL J. GALLIGAN, and
SHARON FENICK, *Administrative Patent Judges*.

DROESCH, *Administrative Patent Judge*.

ORDER
Granting Motion for Supplemental Information
37 C.F.R. § 42.123(a)

INTRODUCTION

Samsung Electronics Co., Ltd. (“Petitioner”) filed a Motion to Submit Supplemental Information (Paper 17, “Motion” or “Mot.”) on February 17, 2026. *See* Ex. 1019 (Board email authorizing filing of such motion). Petitioner moves for admission into the record of Exhibit 1018 titled “Supplemental Public Accessibility Declaration of Dr. Christopher J. Hansen Ph.D.” *See* Mot. 1. Wilus Institute of Standards and Technology Inc. (“Patent Owner”) did not file an opposition. For the reasons discussed below, the Motion is granted.

BACKGROUND

Petitioner filed a petition for *inter partes* review (Paper 2, “Petition,” “Pet.”) and Patent Owner filed a preliminary response (Paper 8, “Preliminary Response” or “Prelim. Resp.”). In challenging the patentability of claims 1–4 of Patent No. 12,004,262 (“’262 Patent”), the Petition relies on a reference titled “IEEE P802.11axTM /D.1.0” (Ex. 1005, “802.11ax/D.1.0”), which Petitioner asserts is a prior art printed publication. Pet. 1–2, 72–75. Patent Owner disputed the prior art status of 802.11ax/D.1.0 (Ex. 1005). Prelim. Resp. 19–24. On January 9, 2026, institution of *inter partes* review for IPR2025-01164 was granted. Paper 15, 3.

ANALYSIS

37 C.F.R. § 42.123(a), sets forth that a motion to submit supplemental information must meet the following requirements:

“(1) A request for the authorization to file a motion to submit supplemental information is made within one month of the date the trial is instituted.

(2) The supplemental information must be relevant to a claim for which the trial has been instituted.”

Petitioner requested authorization to file a motion to submit supplemental information on February 6, 2026 (Ex. 1019) less than one month after institution on January 9, 2026. Thus, Petitioner’s request was timely.

Petitioner asserts that Exhibit 1018 “is a supplemental declaration that includes sworn testimony and contemporaneous evidence concerning the public accessibility of 802.11ax/D1.0.” Mot 1. Petitioner further asserts that Exhibit 1018 is relevant to two of Petitioner’s patentability challenges to claims 1–4 of the ’262 Patent that rely on 802.11ax/D1.0. *See id.* We agree that Exhibit 1018 is relevant to the claims for which trial has been instituted.

In sum, we determine that the requirements of 37 C.F.R. § 42.123(a) have been met.

As discussed above, the public accessibility of 802.11ax/D1.0 is an important issue in the proceeding. Petitioner argued public accessibility with supporting evidence including Exhibit 1015 (“Second Declaration of Christopher Hansen, Ph.D. Regarding Public Accessibility of Prior Art References”). Pet. 72–75. In the Preliminary Response, Patent Owner disputed the public accessibility of 802.11ax/D1.0 and the supporting evidence (Ex. 1015). Prelim. Resp. 19–22. Exhibit 1018 “is a supplemental declaration that includes sworn testimony and contemporaneous evidence concerning the public accessibility of 802.11ax/D1.0.” Mot. 1; *see id.* at 1–2 (“SAMSUNG-1018 supplements other information submitted with the

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Petition, including Dr. Hansen's first public accessibility declaration (SAMSUNG-1015), that addressed the public accessibility of 802.11ax/D1.0."). We determine that the record will be better developed if Exhibit 1018 is admitted into evidence.

Patent Owner was given the opportunity to oppose the Motion and dispute the relevance of Exhibit 1018 (*see* Ex. 1019), but has not done so. The trial is in the early stages because a response to the petition has not yet been filed. Patent Owner still has the opportunity to argue public accessibility of 802.11ax/D1.0 and any other issues raised by admission into the record of Exhibit 1018.

Accordingly, we determine that Exhibit 1018 should be admitted into evidence.

ORDER

It is hereby:

ORDERED that Petitioner's Motion for Supplemental Information Pursuant to 37 C.F.R. § 42.123(a) (Paper 17) is *granted* and Exhibit 1018 is admitted into evidence.

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