

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 IPR2025-01165
U.S. Patent No. 11,664,926

PETITIONER'S REPLY TO
PATENT OWNER'S PRELIMINARY RESPONSE

Issue #1: Chu Discloses Feature [1h] — Patent Owner (“PO”) alleges that Chu fails to disclose feature [1h] (“a type of the response frame is determined as one of an Ack frame, a compressed BlockAck frame, and a multi-STA BlockAck frame according to a combination of a type of the MPDU determined by the EOF field and the length field, and the Ack policy information”). POPR, 4-5. PO’s argument and mischaracterization of Chu should be rejected for the following reasons.

First, PO concedes that Chu teaches using the EOF and length fields to indicate an acknowledgement policy, but relies on a false distinction between indicating the acknowledgement policy and the MPDU type. POPR, 9-12. Chu explicitly teaches that a normal ACK MPDU “has an acknowledgment policy corresponding to a Normal Ack Request” and similarly a “block ack MPDU” “has an acknowledgment policy corresponding to a block acknowledgment.”

SAMSUNG-1004, [0074]-[0075]. In other words, in Chu, one of the ways in which the type of MPDU is determined is by determining the type of ack policy, which, as PO conceded, is accomplished using the EOF and length fields. The ’926 patent similarly discloses using the EOF and length field values to determine “Ack” and “BlockAck” context. SAMSUNG-1001, 17:23-27, 18:2-6, 18:45-49, 18:54-58.

As explained in the Petition, Chu teaches that a “normal ACK MPDU” has an EOF = 1 and MPDU length $\neq$ 0 and that a “‘block-ack’ MPDU” has EOF = 0

and MPDU length $\neq 0$. See Pet., 47-50, 52-53, 55-57, 59, 74 (citing SAMSUNG-1004, [0073]-[0075], [0129]-[0133], [0159], [0161], claims 12, 15). Indeed, Chu's explicit disclosure that "the AP 14 ***utilizes the EOF field 532 and the MPDU Length field 534 to differentiate*** between a normal acknowledgment request and a block acknowledgment request" is consistent with Petitioner's understanding that the EOF and length field values in Chu are used to determine MPDU type.

SAMSUNG-1004, [0073]; SAMSUNG-1001, 17:23-27, 18:2-6, 18:45-49, 18:54-58. In addition, the EOF and length field values along with the acknowledgement policy bits are used to determine the acknowledgement policy. SAMSUNG-1004, [0073]-[0075]; POPR, 16 (PO further conceding that "Chu teaches determination of response frame type based on" EOF and length fields and policy bits).

Second, PO's argument contradicts its infringement position, which aligns with Chu's disclosure of [1h]. In particular, PO's infringement contentions identify two MPDU types: (1) a tagged MPDU having EOF = 1, non-zero MPDU length; and (2) an untagged MPDU having EOF = 0, non-zero MPDU length, which are similar to Chu's "normal ACK MPDU" having EOF = 1 and MPDU length $\neq 0$ and "'block-ack' MPDU" having EOF = 0 and MPDU length $\neq 0$. SAMSUNG-1028, 28-30. PO cannot have it both ways in contending that the same EOF and length values somehow allegedly indicate MPDU type in a system operated by

Petitioner but not in the cited prior art.

Issue #2: IEEE 802.11ax D1.0 (“IEEE-D1”) is 102(a)(1) prior art — PO

attempts to disqualify SAMSUNG-1005 (802.11ax/D1.0), applied in one of the Grounds (1A), as valid prior art. But PO’s critiques fall short as they fail to acknowledge uncontroverted evidence that D1.0 was disseminated to at least 371 IEEE members for voting before the Critical Date (*id.*, ¶¶54-55), that hundreds of other IEEE members had access to D1.0 before the Critical Date (*id.*), that members were permitted to “reproduce [D1.0] for purposes of international standardization consideration” (*id.*, ¶65), and that D1.0’s copyright notice states it was “made available for a wide variety of both public and private uses” (*id.*, ¶65). Dr. Hansen’s sworn testimony is also uncontroverted that “[t]here was, in practice, no expectation of confidentiality.” *Id.*, ¶56. Dr. Hansen explained that “[v]oting members . . . commonly shared standard amendment drafts with non-voting members.” *Id.*, ¶66. PO’s cited cases are inapposite given that none involved actual dissemination to hundreds of interested individuals. And while the Petition addressed how any interested person could have readily joined the ranks of IEEE voting members, the law is clear that even a limited distribution can suffice to establish a printed publication. *GoPro*, 898 F.3d 690, 695 (Fed. Cir. 2018).

Respectfully submitted,

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CERTIFICATE OF SERVICE

Pursuant to 37 CFR §§ 42.6(e)(4) and 42.205(b), the undersigned certifies that on November 10, 2025, a complete and entire copy of this Petitioner's Reply to Patent Owner's Preliminary Response was provided by email to the Patent Owner by serving the correspondence email address of record as follows:

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