

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

**PATENT OWNER'S SUR-REPLY IN SUPPORT OF ITS
PRELIMINARY RESPONSE**

PATENT OWNER'S EXHIBIT LIST

Exhibit	Description
2001	Order, <i>Wilus Institute of Standards and Technology Inc., v. HP Inc.</i> , Case No. 2:25-cv-00069-JRG-RSP, Dkt. No. 51 (E.D. Tex., June 13, 2025) (“Docket Control Order”)
2002	Press Release, “Lenovo and Wilus Agree Wi-Fi License Deal,” April 10, 2025
2003	Excerpts of Defendants’ P.R. 3-3 and 3-4 Invalidity Contentions and Subject Matter Eligibility Contentions in the consolidated case, <i>Wilus Institute of Standards and Technology Inc., v. HP Inc.</i> , Case No. 2:25-cv-00069-JRG-RSP (E.D. Tex.), dated July 9, 2025.
2004	Docket Navigator Stay Statistics
2005	Excerpt from U.S. District Court – National Judicial Caseload Profile for the Eastern District of Texas, March 31, 2025, https://www.uscourts.gov/sites/default/files/document/fcms_na_distprofile0331.2025.pdf
2006	Judge Rodney Gilstrap’s median time to trial from August 25, 2024 until August 25, 2025, retrieved from www.docketnavigator.com
2007	Samsung “Letter of Assurance for Essential Patent Claims,” January 14, 2022
2008	Declaration of Jin Sam Kwak
2009	List of Licensees to Wifi 6 from Sisvel, https://www.sisvel.com/licensing-programmes/Wi-Fi/wifi-6/#tab-list-of-licensees
2010	Letter re “Notice of Wi-Fi 6 License offer” from Sisvel to Samsung Electronics Co., Ltd. with Attachments 1-2, April 8, 2022

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2011	Letter re “Notice of Wi-Fi 6 License offer – Follow-up to our letter dated April 08, 2022 and follow-up communications” from Sisvel to Samsung Electronics Co., Ltd. with Attachments 1-2, October 25, 2023
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Issue #1: The Petition Fails to Show that Chu Discloses Feature [1h]. In its POPR

Reply (“Reply”), Samsung contends that “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.” Reply, at 1. This fails. First, the distinction between an MPDU type and acknowledgement policy is not “false.” Contrary to Samsung’s suggestion, “acknowledgement policy” (or “Ack policy”) neither determines nor suggests that the MPDU is a normal Ack request, Block Ack request, or some other type of request. “Ack policy” here refers to the policy a terminal uses to decide (1) how quickly to send a response frame to the access point, and (2) whether to send a response at all. This is explained in both the ’926 patent (’926 patent, at 14:32-15:7) and Chu (Ex. 1004, at [0059]).

As both the ’926 patent and Chu describe, the Ack policy bits of a given data frame received from an access point tell what acknowledgement policy the terminal should apply for its response frame (if any)—but, importantly, by itself, that does not determine what the *type* of the response frame should be. *See, e.g.*, Ex. 1004, at [0073]-[0075]. Thus, for example, the Ack policy bits for two data frames requesting for, respectively, a normal acknowledgment and a block acknowledgment, are set in Chu to the same values (“00”)—which indicates that the response frame may be *either* a normal Ack or BlockAck, as long as the response is provided immediately. *See* Ex. 1004, at [0074]-[0075] (for frames with *either* normal Ack and Block Ack

requests, “acknowledgment policy bits” are set to “value of ‘00’”).

This is why Samsung is wrong when it asserts that “in Chu, [] the type of MPDU is determined is by determining the type of ack policy.” Reply, at 1. It is also why Samsung’s interpretation of the “policy corresponding to” language from [0074]-[0075] of Chu is incorrect. It may be the case that particular types of MPDUs may have corresponding acknowledgment policies (as Chu says), but it is not the case that a given acknowledgment policy (i.e., where bits are set to “00”) corresponds to or determines a given MPDU type—which is both what Samsung’s argument requires and is contradicted by Chu itself. Samsung’s reliance on Chu’s language that “AP 14 utilizes EOF field 532 and the MPDU Length field 534 to differentiate between” normal Ack and Block Ack requests does not help—because the “AP” is not the claimed “terminal” but is instead the machine communicating a PPDU to the claimed terminal.

Samsung’s next argument, that Patent Owner’s position here “contradicts” its district court infringement allegations, is unsupported and incorrect. Samsung infringes through practicing the 802.11ax (Wi-Fi 6) standard, and the ’926 patent is essential to 802.11ax. The 802.11ax standard provides (among other things) that certain MPDUs are defined to have certain EOF and MPDU length values. *See* Ex. 1028, at 28. This does not mean that Chu, in turn, teaches that a “normal ACK MPDU” or

“block-ack MPDU” is likewise defined to have certain EOF and MPDU length values.

Issue #2: IEEE-D1 is Not Prior Art. In Reply, Samsung argues (1) that IEEE-D1 was “disseminated to at least 371 IEEE members for voting” and “hundreds of other IEEE members had access” before the Critical Date. This fails. First, the **Petition** never establishes (or even appears to assert) that “hundreds of other” (non-voting) members had access to IEEE-D1 before the Critical Date. Second, that IEEE-D1 may have been distributed to hundreds of IEEE members does not establish public availability. The law is clear: “[A] work is not publicly accessible if the only people who know how to find it are the ones who created it.” *Samsung Elecs. Co. v. Info-bridge Pte. Ltd.*, 929 F.3d 1363, 1372 (Fed. Cir. 2019) (“This is why *SRI* focused on the knowledge of those outside the authoring organization and why *Bayer* discounted the knowledge of various professors on a faculty committee reviewing student theses.”). That a classified document is distributed to hundreds of Department of Defense personnel (with appropriate clearance) does not make it available as prior art.

Finally, Samsung asserts, based solely on its expert's assertion, that there was “no expectation of confidentiality” in the (internal) distribution of IEEE-D1. This belies the undisputed facts: IEEE-D1 was password-protected at all relevant times, and no evidence suggests IEEE-D1 would have been distributed to anyone outside of the authoring organization itself.

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Dated: November 14, 2025

/Neil A. Rubin/

Reza Mirzaie (Reg. No. 69,138)
Neil A. Rubin (Reg. No. 67,030)
Philip X. Wang (Reg. No. 74,621)
Linjun Xu (Reg. No. 73,887)
RUSS AUGUST & KABAT
12424 Wilshire Boulevard, 12th Floor
Los Angeles, CA 90025
Telephone: 310-826-7474
Email: rmirzaie@raklaw.com
Email: nrubin@raklaw.com
Email: pwang@raklaw.com
Email: lxu@raklaw.com

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

CERTIFICATE OF SERVICE

I hereby certify that "Patent Owner's Preliminary Response" was served on
November 14, 2025 by email sent to:

W. Karl Renner
Jeremy J. Monaldo
FISH & RICHARDSON PC
60 South Sixth Street, Suite 3200
Minneapolis, MN 55402
Telephone: 202-783-5070
Email: renner@fr.com
Email: jjm@fr.com
Email: IPR39843-0196IP1@fr.com
Email: PTABInbound@fr.com

Dated: November 14, 2025

/Neil A. Rubin/

Reza Mirzaie (Reg. No. 69,138)
Neil A. Rubin (Reg. No. 67,030)
Philip X. Wang (Reg. No. 74,621)
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RUSS AUGUST & KABAT
12424 Wilshire Boulevard, 12th Floor
Los Angeles, CA 90025
Telephone: 310-826-7474
Email: rmirzaie@raklaw.com
Email: nrubin@raklaw.com
Email: pwang@raklaw.com
Email: lxu@raklaw.com

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