

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 PRE-INSTITUTION BRIEF ADDRESSING THE *REVVO*
AND *TESLA* DECISIONS**

LIST OF EXHIBITS

- SAMSUNG-1001 U.S. Patent No. 11,664,926 (“the ’926 Patent”)
- SAMSUNG-1002 Excerpts from Prosecution History of the ’926 Patent (“the Prosecution History”)
- SAMSUNG-1003 Declaration and Curriculum Vitae of Dr. Mark Mahon
- SAMSUNG-1004 U.S. Patent Pub. No. 2017/0111951 (“Chu”)
- SAMSUNG-1005 IEEE P802.11ax/D1.0, “Draft Standard for Information technology - Telecommunications and information exchange between systems Local and metropolitan area networks – Specific requirements, Part 11: Wireless LAN Medium Access Control (MAC) and Physical Layer (PHY) Specifications Amendment 6: Enhancements for High Efficiency WLAN,” 802.11 Working Group of the LAN/MAN Standards Committee of the IEEE Computer Society (December 1, 2016) (“IEEE-D1”)
- SAMSUNG-1006 Liwen Chu, IEEE 802.11-16/1185r2 “IEEE P802.11 Wireless LANs 5.10.3 A-MPDU comment resolution,” IEEE Standards Ass’n (September 14, 2016) (“IEEE-D2”)
- SAMSUNG-1007 RESERVED
- SAMSUNG-1008 M. Shahwaiz Afaqui et al., “IEEE 802.11ax: Challenges and requirements for future high efficiency Wi-Fi,” (December 20, 2016)(“Afaqui”)
- SAMSUNG-1009 IEEE St 802.11 - 2016, “IEEE Standard for Information

- technology - Telecommunications and information exchange
between systems Local and metropolitan area networks –
Specific requirements, Part 11: Wireless LAN Medium Access
Control (MAC) and Physical Layer (PHY) Specifications,”
IEEE Computer Society (December 14, 2016) (“IEEE-D3”)
- SAMSUNG-1010 Boris Bellalta, “IEEE 802.11ax: High-Efficiency WLANs,”
IEEE Wireless Communications (December 2015) (“Bellalta”)
- SAMSUNG-1011 RESERVED
- SAMSUNG-1012 Liwen Chu, IEEE 802.11-16/1186r0 “HE Variant HT Control –
A-MPDU Content,” IEEE Standards Ass’n (September 12,
2016) (“IEEE-D4”)
- SAMSUNG-1013 Robert Stacey et al., IEEE 802.11-16/0024r1 “Proposed TGax
draft specification,” IEEE Standards Ass’n (March 2, 2016)
 (“IEEE-D5”)
- SAMSUNG-1014 RESERVED
- SAMSUNG-1015 IEEE Std 802.11 - 2012, “IEEE Standard for Information
technology - Telecommunications and information exchange
between systems Local and metropolitan area networks –
Specific requirements, Part 11: Wireless LAN Medium Access
Control (MAC) and Physical Layer (PHY) Specifications,”
IEEE Computer Society (March 29, 2012) (“IEEE-D6”)
- SAMSUNG-1016 U.S. Patent Pub. No. 2015/0139214 (“Noh”)

SAMSUNG-1017 U.S. Patent Pub. No. 2012/0230448 (“Kang”)

SAMSUNG-1018 IEEE P802.11ax/D0.5, “Draft Standard for Information technology - Telecommunications and information exchange between systems Local and metropolitan area networks – Specific requirements, Part 11: Wireless LAN Medium Access Control (MAC) and Physical Layer (PHY) Specifications Amendment 6: Enhancements for High Efficiency WLAN(#1121),” 802.11 Working Group of the LAN/MAN Standards Committee of the IEEE Computer Society (September 2016) (“IEEE-D7”)

SAMSUNG-1019 RESERVED

SAMSUNG-1020 IEEE St 802.11ac - 2013, “IEEE Standard for Information technology - Telecommunications and information exchange between systems Local and metropolitan area networks – Specific requirements, Part 11: Wireless LAN Medium Access Control (MAC) and Physical Layer (PHY) Specifications,” IEEE Computer Society (December 18, 2013) (“IEEE-D8”)

SAMSUNG-1021 Liwen Chu et al., IEEE 802.11-16/0069r0 “Multi-TID A-MPDU in MU Transmission,” IEEE Standards Ass’n (January 18, 2016) (“IEEE-D9”)

SAMSUNG-1022-1026 RESERVED

SAMSUNG-1027 Declaration of June Ann Munford

SAMSUNG-1028 Complaint, *Wilus Institute of Standards and Technology Inc., v. Samsung Electronics Co., Ltd.*, 2:25-cv-00070 (E.D. TX Jan 2025)

SAMSUNG-1029 Declaration of Dr. Christopher Hansen

SAMSUNG-1030 *Fintiv* Stipulation

SAMSUNG-1031-1105 RESERVED

SAMSUNG-1106 Order Granting Stay in *Maxeon Solar PTE. LTD. v. Hanwha Solutions Corp.*, No. 2:24-CV-00262-JRG (E.D. Tex. May 5, 2025) (Gilstrap, J.)

SAMSUNG-1107 Order Granting Stay in *Cellspin Soft, Inc. v. Bytedance Ltd.*, No. 2:23-CV-00496-JRG-RSP (E.D. Tex. Jan. 26, 2025) (Payne, J.)

SAMSUNG-1108 Motion Success for Stay Pending IPR (Post-Institution) (E.D. Tex.), DOCKETNAVIGATOR (last visited August 27, 2025)

SAMSUNG-1109-1110 RESERVED

SAMSUNG-1111 U.S. District Court for the Eastern District of Texas Calendar Events Set for 8/17/2026 for Judge Rodney Gilstrap

SAMSUNG-1112 RESERVED

SAMSUNG-1113 Wi-Fi 6 Patent Brochure, SISVEL (Mar. 21, 2025), https://www.sisvel.com/xlin7ipl485u/1kNkzUZptdvqKbYiX1DSfi/f518e18ee158be974d3c83f7cd7173be/Wi-Fi_6_Pool_patent_brochure.pdf

SAMSUNG-1114 RESERVED

SAMSUNG-1115 Alfred Asterjadhi et al., IEEE 802.11-16/0616r2 “Block Ack generation and selection rules,” IEEE Standards Ass’n (May 17, 2016)

SAMSUNG-1116-1121 RESERVED

SAMSUNG-1122 U.S. District Court – Judicial Caseload Profile (E.D. Tex),

ADMIN. OFF. U.S. CTS. (June 2025)

SAMSUNG-1123-1128 RESERVED

SAMSUNG-1129 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 1-3, October 25, 2023

SAMSUNG-1130-1131 RESERVED

SAMSUNG-1132 Decision Referring Petitions to the Board, IPR2025-00933, IPR2025-00934, IPR2025-00988, IPR2025-01043, IPR2025-01044, IPR2025-01069, IPR2025-01110, IPR2025-01111, Paper 11, (P.T.A.B. Oct. 2025)

SAMSUNG-1133 Decision Referring Petitions to the Board, IPR2025-00935, IPR-2025-00936, Paper 12, (P.T.A.B. Sept. 2025)

SAMSUNG-1134 Email to James Tsuei dated November 13, 2025 re P.R. 4-2 disclosure from Petitioner’s District Court Counsel

SAMSUNG-1135 Defendants’ P.R. 4-1 Exchange of Proposed Terms And Claim Elements for Construction

I. Introduction

On November 10, 2025, Patent Owner requested additional briefing “to address the implications of the Director’s recent decisions in *Revvo v. Cerebrum*, IPR2025-00632 (Precedential) and *Tesla v. Intellectual Ventures II*, IPR2025-00340 (Informative).” EX3101, 5. In the request, Patent Owner alleged that “petitioner Samsung is contending in district court that one or more of the claims challenged in the corresponding IPR is indefinite.” *Id.* The Board authorized a 5-page brief. EX3101, 1.

Petitioner welcomes the opportunity to address its claim construction positions in this IPR proceeding and in the parallel district court proceeding. As is evident from the remarks below and the accompanying evidence, Petitioner is not taking any inconsistent positions in both proceedings, and maintains that all the terms should be interpreted under the plain and ordinary meaning standard. Patent Owner’s attempt to leverage preliminary submissions in the district court proceeding to attain non-institution of this IPR should be dismissed.

II. District Court Posture and Constructions

The Docket Control Order (EX2001) in the co-pending district court litigation set forth the following deadlines regarding claim construction:

- October 23, 2025: Comply with Patent Rule (P.R.) 4-1 (Exchange Claim Terms Proposed for Construction);

- November 13, 2025: Comply with P.R. 4-2 (Exchange Preliminary Claim Constructions);
- December 4, 2025: Comply with P.R. 4-3 (Joint Claim Construction Statement);
- January 15-February 12, 2026: Claim Construction Briefs; and
- February 26, 2026: Claim Construction Hearing.

EX2001, 5-6. As indicated by the schedule above, the district court case is still in its infancy and the parties have not filed claim construction briefs as of the time of this paper's submission. Instead, only preliminary constructions for proposed claim terms have been submitted. Specifically, on October 23, 2025 (approximately four months after the petition was filed), Petitioner/Defendant *preliminarily* identified one claim term of the '926 patent as potentially indefinite to comply with the P.R. 4-1 *proposed* claim terms deadline. EX1135, 3. Petitioner/Defendant also expressly noted that "Defendants reserve the right to modify the list" and that "Defendants anticipate that the parties may be able to narrow the list of terms and phrases to be construed during the process culminating in the preparation of a joint claim construction and prehearing statement pursuant to Patent Rule 4-3 and the Court's Docket Control Order." EX1135, 2. On November 13, 2025, to comply with the P.R. 4-2 *proposed* claim terms deadline, Petitioner's District Court counsel, Ralph Phillips, provided Petitioner's district court claim construction position:

Pursuant to Patent Rule 4-2 and in the interest of reducing issues, ***Defendants hereby withdraw their contentions as to indefiniteness for all claim terms*** identified as indefinite in Defendants' Patent Rule 4-1 disclosure in the above captioned case. Instead, ***Defendants propose these terms should be given their plain and ordinary meaning and, as such, do not require construction.***

...

Given Plaintiff's position stated in its PR 4-1 disclosure (below), ***we understand this to resolve all outstanding claim construction issues*** in the above captioned case.

EX1134, 4. Patent Owner/Plaintiff's position was that "Wilus states that it currently identifies **no terms of the Asserted Patents which it proposes should be construed.**" EX1134, 1. Accordingly, in the district court proceeding, Petitioner is not proposing any construction or advancing any assertion that any of the '926 patent claims are indefinite. To the extent Patent Owner asserts that even Petitioner's current construction positions are preliminary, Petitioner confirms and further stipulates that Petitioner will not pursue any position that any of the '926 patent claims are indefinite in the district court proceeding or this IPR proceeding.

III. The Petition's Claim Construction Posture

The Petition did not assert constructions for any claim terms. Specifically,

the Petition stated that:

Petitioner submits that no formal claim constructions are necessary

because “claim terms need only be construed to the extent necessary to resolve the controversy.” *Wellman, Inc. v. Eastman Chem. Co.*, 642 F.3d 1355, 1361 (Fed. Cir. 2011). Petitioner reserves the right to respond to any constructions offered by Patent Owner or adopted by the Board.

Paper 2 (Petition), 2.

IV. Patent Owner’s Allegation of Petitioner’s Inconsistent Construction Positions are Meritless and Should be Dismissed

The district court litigation and PTAB litigation records are clear. As noted above, in both proceedings, Petitioner has taken the position that no construction is necessary—consistent with Patent Owner’s position. Patent Owner’s entire premise for this requested briefing stems from a *preliminary, non-binding* submission of terms that were merely *proposed* for construction—*i.e.*, a submission that Petitioner noted multiple times (e.g., in the October 23 P.R. 4-1 submission and in Patent Owner’s email to the Board) were *preliminary* and therefore subject to modification. EX1135, 2; EX3101, 2. And even after Petitioner made its position clear to Patent Owner in its P.R. 4-2 disclosure on November 13 that Petitioner is not pursuing *any* constructions in the district court, Patent Owner continues to pursue allegations that

misrepresent Petitioner's position to mislead the Director to issue a non-institution decision. To the extent Patent Owner faults Petitioner for exploring a preliminary indefiniteness position, Petitioner preliminarily identified a term for which Petitioner was reviewing the prescribed range and outer bounds of the range, and subsequently informed Patent Owner that no indefiniteness position would be taken. *See also* IPR2025-00340 (*Tesla*), Paper 18, 3-4.

The Director's decisions in *Revvo* and *Tesla* are simply not relevant here because Petitioner's claim construction positions in both proceedings are not inconsistent and do not include indefiniteness for any claim terms. In *Revvo*, the parties had submitted joint claim construction positions. *See* IPR2025-00632, EX1017. Here, Petitioner and Patent Owner's joint claim construction positions are due next month (December 4, 2025), and no construction disputes exist between the parties (consistent with this IPR proceeding). In *Tesla*, the parallel district court proceeding was even more advanced, as the *Markman* hearing had been conducted, and the court had issued preliminary constructions in view of the parties' positions and arguments. IPR2025-00340, Paper 6, 5-6, 15. In the parallel district court litigation between the parties in this case, the *Markman* hearing is still months away and likely will not be conducted because no construction disputes exist.

Patent Owner's attempt to distract from the strong merits of this case should not be rewarded. *Revvo/Tesla* are immaterial and IPR should be instituted.

Respectfully submitted,

Dated November 21, 2025

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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 21, 2025, a complete and entire copy of this Petitioner's Pre-Institution Brief Addressing the *Revvo* and *Tesla* Decisions and Accompanying Exhibits were provided by email to the Patent Owner by serving the correspondence email address of record as follows:

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