

UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE PATENT TRIAL AND APPEAL BOARD

**SAMSUNG ELECTRONICS CO., LTD.,
SAMSUNG ELECTRONICS AMERICA, INC.,
FOSSIL GROUP, INC.,
FOSSIL STORES I, INC.,
FOSSIL PARTNERS, L.P., AND
OURA HEALTH OY, AND
ONEPLUS TECHNOLOGY (SHENZHEN) CO., LTD.**

Petitioners,

v.

OMNI MEDSCI, INC.,

Patent Owner.

Case IPR2025-01250
Patent No. 9,651,533

**PETITIONERS' ADDITIONAL BRIEF REGARDING THE IMPACT OF
THE *REVVO* AND *TESLA* DECISIONS**

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EXHIBIT LIST

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1001	U.S. Patent No. 9,651,533 (“533”)
1002	File History of U.S. Application No. 14/875,709 (“533FH”)
1003	Declaration of Brian Anthony in Support of Petition for <i>Inter Partes</i> Review of U.S. Patent No. 9,651,533 (“Anthony”)
1004	Declaration of Brian Anthony in Support of Petition for <i>Inter Partes</i> Review of U.S. Patent No. 9,651,533 submitted in IPR2019-00916, Ex. 1003 (“533-Anthony”)
1005	<i>Apple Inc. v. Omni Medsci, Inc.</i> , No. IPR2019-00916, Paper 1 (P.T.A.B. Apr. 10, 2019) (“533-Pet.”)
1006	<i>Apple Inc. v. Omni Medsci, Inc.</i> , No. IPR2019-00916, Paper 23 (P.T.A.B. Jan. 31, 2020) (“533-POR”)
1007	<i>Apple Inc. v. Omni Medsci, Inc.</i> , No. IPR2019-00916, Paper 16 (P.T.A.B. Oct. 18, 2019) (“533-Inst.”)
1008	<i>Apple Inc. v. Omni Medsci, Inc.</i> , No. IPR2019-00916, Paper 39 (P.T.A.B. Oct. 14, 2020) (“533-FWD”)
1009	<i>Omni MedSci, Inc. v. Apple Inc.</i> , No. 21-01229, ECF 69 (Fed. Cir. June 8, 2022)
1010-1014	<i>Reserved</i>
1015	<i>Apple Inc. v. Omni Medsci, Inc.</i> , No. IPR2021-00453, Paper 22 (P.T.A.B. Aug. 3, 2022) (“484-FWD”)
1016	<i>Apple Inc. v. Omni Medsci, Inc.</i> , No. IPR2021-00453, Paper 26 (P.T.A.B. Feb. 14, 2025) (“484-RFWD”)
1017	<i>Apple Inc. v. Omni MedSci, Inc.</i> , No. 2023-1034, 2024 WL 3084509 (Fed. Cir. June 21, 2024), ECF No. 44
1018	<i>Omni MedSci, Inc. v. Apple Inc.</i> , 2:18-cv-00134-RWS, Dkt. No. 211 (E.D. Tex. June 24, 2019)
1019	<i>Omni MedSci, Inc. v. Apple Inc.</i> , 2:18-cv-00429-RWS, Dkt. No. 152 (E.D. Tex. Aug. 14, 2019)
1020	Second Amended Docket Control Order, June 16, 2025. <i>Omni MedSci, Inc. v. Samsung Electronics Co., Ltd. et al.</i> , No. 2:24-cv-01070-JRG-RSP (E.D. Tex.)

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1023	Defendants’ Supplemental Invalidity and Subject Matter Eligibility Contentions, July 18, 2025. <i>Omni MedSci, Inc. v. Samsung Electronics Co., Ltd. et al.</i> , No. 2:24-cv-01070-JRG-RSP (E.D. Tex.)
1024	<i>Reserved</i>
1025	U.S. Patent No. 9,241,676 (“Lisogurski”)
1026-1027	Reserved
1028	U.S. Patent Pub. No. 2005/0049468 (“Carlson”)
1029	<i>Reserved</i>
1030	U.S. Patent No. 7,029,628 (“Tam”)
1031	U.S. Patent No. 8,050,730 (“Zhang”)
1032	<i>Reserved</i>
1033	U.S. Patent Pub. No. 2011/0237911 (“Lamego”)
1034	U.S. Patent No. 5,942,749 (“Takeuchi”)
1035	U.S. Patent No. 5,822,473 (“Magel”)
1036	US Patent 5,592,124 (“Mullins”)
1037	E.F. Schubert, Light-Emitting Diodes (Cambridge Univ. Press, 2nd ed. reprinted 2014)
1038	“The Biomedical Engineering Handbook,” by Joseph D. Bronzino (1995)
1039-1058	<i>Reserved</i>
1059	U.S. Patent No. 5,497,769 (“Gratton”)
1060	U.S. Patent No. 5,827,182 (“Raley”)

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1073	U.S. Patent Publication No. 2015/0057511 (“Basu”)
1074	U.S. Patent Publication No. 2013/0327966 (“Fidler”)
1075	U.S. Patent Publication No. 2011/0267688 (“Kleppe”)
1076	U.S. Patent Publication No. 2005/0133691 (“Doppke”)
1077	U.S. Patent Publication No. 2006/0184040 (“Keller”)
1078	<i>Reserved</i>
1079	U.S. Patent No. 6,339,715 (“Bahr”)
1080	U.S. Patent No. 8,417,307 (“Presura”)
1081-1083	<i>Reserved</i>
1084	Declaration of Jonathan Bradford in Support of Petition for <i>Inter Partes</i> Review of U.S. Patent No. 9,651,533
1085	<i>Apple Inc. v. Omni Medsci, Inc.</i> , No. IPR2019-00916, Paper 10 (P.T.A.B. Jul. 22, 2019) (“’533-POPR”)
1086	<i>Samsung Electronics Co., Ltd. et al v. Omni MedSci, Inc.</i> , No. IPR2025-01253 Paper 6 (P.T.A.B. Aug. 5, 2025)
1087	<i>Samsung Electronics Co., Ltd. et al v. Omni MedSci, Inc.</i> , No. IPR2025-01254 Paper 6 (P.T.A.B. Aug. 5, 2025)
1088-1090	<i>Reserved</i>
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1092	<i>Samsung Electronics Co., Ltd. et al v. Omni MedSci, Inc.</i> , No. IPR2025-01249 Paper 1 (P.T.A.B. Aug. 5, 2025) (“868 Pet.”)
1093	<i>Reserved</i>
1094	<i>Samsung Electronics Co., Ltd. et al v. Omni MedSci, Inc.</i> , No. IPR2025-01251 Paper 1 (P.T.A.B. Aug. 5, 2025) (“304 Pet.”)
1095	<i>Samsung Electronics Co., Ltd. et al v. Omni MedSci, Inc.</i> , No. IPR2025-01252 Paper 1 (P.T.A.B. Aug. 5, 2025) (“455 Pet.”)
1096	<i>Samsung Electronics Co., Ltd. et al v. Omni MedSci, Inc.</i> , No. IPR2025-01254 Paper 1 (P.T.A.B. Aug. 5, 2025) (“475 Pet.”)
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1098	Email correspondence between counsel for Fossil to counsel for Omni
1099	U.S. Patent No. 9,055,868 (“868”)
1100	U.S. Patent No. 10,874,304 (“304”)
1101	U.S. Patent No. 11,160,455 (“455”)
1102	U.S. Patent No. 12,193,790 (“790”)
1103	U.S. Patent No. 12,268,475 (“475”)
1104	<i>Apple Inc. v. Omni MedSci, Inc.</i> , No. IPR2020-00175, Paper 26 (P.T.A.B. June 14, 2021)
1105	<i>Omni MedSci, Inc. v. Apple Inc.</i> , No. 2021-2213, 2022 WL 2062167 (Fed. Cir. June 8, 2022), ECF No. 47
1106	<i>Apple Inc. v. Omni Medsci, Inc.</i> , No. IPR2020-00029, Paper 7 (P.T.A.B. Apr. 22, 2020)
1107	<i>Apple Inc. v. Omni Medsci, Inc.</i> , No. IPR2019-00914, Paper 13 (P.T.A.B. Nov. 6, 2019)
1108	<i>Apple Inc. v. Omni Medsci, Inc.</i> , No. IPR2019-00917, Paper 14 (P.T.A.B. Oct. 17, 2019)
1109	<i>Reserved</i>

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1110	United States District Courts – National Judicial Caseload Profile
1111	EDTX Trials 2026-08-17
1112	Joint Mot for Preferential Trial Setting, <i>Multimedia Techs. Ltd. v LG Elecs.</i> , 2:22-cv-00494-JRG-RSP, Dkt. No. 273 (E.D. Tex. Mar. 18, 2025)
1113	Omni’s First Set of Common Interrogatories to Defendants (2025-05-12)
1114	<i>Reserved</i>
1115	OnePlus Waiver of Service, <i>Omni MedSci, Inc. v. Samsung Electronics Co., Ltd. et al.</i> , No. 2:24-cv-01070-JRG-RSP, Dkt. No. 70 (E.D. Tex. June 27, 2025)
1116	<i>Omni MedSci, Inc. v. Apple Inc.</i> , 4:20-cv-00563, Dkt. No. 52 (N.D. Cal. Dec. 06, 2021)
1117	Declaration of James Nowell in Support of Petitioners’ Opposition to Patent Owner’s Discretionary Denial Brief
1118	December 9, 2025 email from the Board authorizing Petitioners to file additional brief regarding the impact of the <i>Revvo</i> and <i>Tesla</i> decisions

TABLE OF ABBREVIATIONS

Exhibit No.	DESCRIPTION
Challenged Claims	Claims 6, 11-12, 14, and 18 of the '533
Cancelled Independent Claims	Claims 5 and 13 of the '533
IPR	<i>Inter Partes</i> Review
Petitioners	Petitioners Samsung Electronics Co. Ltd., Samsung Electronics America Inc., Fossil Group, Inc., Fossil Stores I, Inc., Fossil Partners, L.P., Oura Health Oy, and OnePlus Technology (Shenzhen) Co., Ltd.
PO	Patent Owner
Pet.	<i>Samsung Electronics Co., Ltd. et al. v. Omni MedSci, Inc.</i> , No. IPR2025-01250, Pap. 1 (PTAB Aug. 5, 2025)
FWD	Final Written Decision
Texas Case	<i>Omni MedSci, Inc. v. Samsung Electronics Co., Ltd. et al.</i> , No. 2:24-cv-01070-JRG-RSP (E.D. Tex.)
'533	U.S. Patent No. 9,651,533
Lisogurski	U.S. Patent No. 9,241,676
Carlson	U.S. Patent Pub. No. 2005/0049468
POPR	Patent Owner Preliminary Response

I. INTRODUCTION

Petitioners' claim constructions in the parallel Texas Case do not impact this IPR. Regarding potentially indefinite terms, the Petition explains how "the prior art discloses and renders obvious the indisputable scope of" those terms consistent with *Tesla, Inc. v. Intell. Ventures II LLC*, IPR2025-00340, Pap. 18, at 3-4 (Director Nov. 5, 2025). Regardless, Petitioners withdrew all indefiniteness positions in the Texas Case before PO's Preliminary Response ("POPR") was due—eliminating any alleged inconsistencies and complying with *Revvo Techs., Inc. v. Cerebrum Sensor Techs., Inc.*, IPR2025-00632, Pap. 20, at 3-5 (Director Nov. 3, 2025). And even if there could be any inconsistency, Petitioners' stipulation to not raise any indefiniteness issue upon institution further moots this issue. Similarly, for the two additional terms identified by PO, the Board already found that "beam" does not need to be construed in a prior IPR concerning this patent, and Petitioners' construction of "filter" (dependent cls. 11, 18) is consistent with the Petition. The Petition thus complies with 37 C.F.R. § 42.104(b)(3), *Tesla*, and *Revvo*.

II. PROCEDURAL BACKGROUND

On July 18, 2025, Petitioners, except for OnePlus Technology (Shenzhen) Co., Ltd. who had not appeared in the case yet, served Supplemental Invalidity and Subject Matter Eligibility Contentions in the Texas Case. Ex. 1023. The Contentions identified certain '533 claim terms as potentially indefinite. *Id.*, 230-231.

Recognizing the position in the Texas Case, the Petition explains that, “[r]egardless of the outer bounds of these limitations, the prior art discloses and renders obvious the indisputable scope of these limitations.” Paper 1 (“Pet.”), 16, n.4; 33, n.8; 37, n.10; 58, n.15; 59, n.16. Likewise, Petitioners’ expert, Dr. Brian Anthony, provided detailed testimony showing that, regardless of the interpretation, the prior art meets these limitations. Ex. 1003, ¶¶68-69, 117-118, 132-133, 189-190.

On October 10, 2025, as part of the Texas Case, Petitioners served their Proposed Terms and Claim Elements for Construction pursuant to Eastern District of Texas Patent Rule (“P.R.”) 4-1, which requires all “claim terms, phrases, or clauses which [Defendants] contend[] should be construed or found indefinite by the Court” to be included. See <https://txed.uscourts.gov/?q=patent-rules>. The P.R. 4-1 disclosure identified no indefinite terms for the ’533, as confirmed by Petitioners’ P.R. 4-2 claim construction exchange on October 31, 2025. Ex. 2034.

On November 7, 2025, PO filed its POPR arguing that Petitioners took inconsistent positions on (i) indefiniteness and (ii) the proposed constructions for the terms “beam” (cl. 12)¹ and “one or more filters” (cls. 11 & 18). Paper 12 (“POPR”), 10-12. Petitioners sought to correct PO’s misrepresentation of the record, which

¹ “Beam” is also recited in previously-Cancelled Independent Claims 5 and 13 upon which the Challenged Claims depend. Pet., 31-36.

resulted in the Board's December 9, 2025 authorization of this briefing. Ex. 1118.

III. PETITIONERS' POSITIONS HAVE BEEN CONSISTENT

Petitioners' positions in this IPR and the Texas Case have been consistent. For the terms identified as potentially indefinite in the Texas Case, the Petition, supported by Dr. Anthony's detailed declaration, makes clear that the asserted art satisfies those terms regardless of the terms' outer bounds. Pet., 16, n.4; 33, n.8; 37, n.10; 58, n.15; 59, n.16. (citing Ex. 1003, ¶¶68-69, 117-118, 132-133, 189-190). In contrast, the *Tesla* petitioner argued that a term was indefinite in the district court, while proposing plain and ordinary meaning in its petition without addressing the inconsistent positions. *Tesla*, IPR2025-00340, Pap. 18 at 3-4. Here, consistent with the Director's guidance, Petitioners showed that, "notwithstanding the alleged indefiniteness of the claim term, an ordinarily skilled artisan would understand that the asserted art satisfies the claim limitation (such as if the limitation prescribed a range and only the outer bounds of the range were unclear)." *Id.*

Even if the Petition's explanation were insufficient (it is not), Petitioners did not identify any '533 term as indefinite in their P.R. 4-1 and 4-2 exchanges, thereby withdrawing all indefiniteness positions before the POPR was due in this IPR. *See* §II (discussing E.D. Tex. Local Patent Rules 4-1 and 4-2); Ex. 2034. No indefiniteness dispute thus remains. PO's assertion that Petitioners have maintained these disputes is incorrect. EDTX courts recognize that "the Local . . . Rules prevent"

“reassert[ing]” indefiniteness defenses after “drop[ping]” them. *Stratasys, Inc. v. Shenzhen Tuozhu Tech. Co.*, No. 2:24-CV-00644, 2025 WL 3164626, at *2 (E.D. Tex. Nov. 12, 2025) (denying leave to re-assert a withdrawn indefiniteness position).

Nonetheless, at PO’s request, Petitioners stipulate that Petitioners will not raise any indefiniteness arguments in the Texas Case as to any claims subject to an instituted IPR in this proceeding. *See* Ex. 1118. There was and is no inconsistency in Petitioners’ indefiniteness positions, and there will be none.

PO’s complaints regarding the “beam” (cl. 12) and “filter” (cls. 11 and 18) limitations likewise mischaracterize the facts. *See* POPR, 12. In a prior IPR directed toward this patent, the Board was already presented with the Eastern District of Texas’s prior construction of “beam,” which Petitioners have again proposed in the Texas Case. Ex. 1018, at 7-9. The Board declined to construe the term in that case—finding the claims unpatentable regardless. Ex. 1008 at 9-11; *see also* Pet., 17-18. The Petition presents the same prior construction of “beam,” and explains that “the prior art discloses and renders obvious th[e] term[] . . . under th[e] prior construction[.]” Pet., 16-18. For example, the Petition explains that Lisogurski discloses “LEDs that emit and direct light toward[s] a subject’s tissue,” consistent with Petitioners’ proposed construction of “photons or light transmitted to a particular location in space.” Pet. 42-43 (relying on ’533-FWD) (color-coding added).

Likewise, Petitioners' construction of "filter" in the Texas Case ("one or more physical components or coatings configured in the device to selectively pass light of a particular wavelength or range(s) of wavelengths") is consistent with the plain and ordinary meaning of the term, as proposed in the Petition. Ex. 2034 at Ex. A; Pet., 16-18; *see also* Ex. 1019 (prior EDTX claim construction regarding patents related to '533), at 20-22 (noting that the "customary meaning of filter" is "[a] device which transmits a selected range or energy" "to suppress unwanted frequencies or noise") (color-coding added). Indeed, the Petition's discussion of the "filter" limitation (dependent cls. 11 and 18) shows the prior art meets this limitation even under Petitioners' proposed construction. Pet., 58-61 (relying on Carlson's disclosure of a physical "optical wavelength filter or double pass filter" that "guarantee[s] that only light in [certain] range ... is transmitted through the filter") (color-coding added). Thus, regardless of the "outer bounds" of the scope of the term, the limitation is met as the Petition consistently provides. Pet., 16-17. The limitation also does not need to be construed if there is no dispute that the prior art meets it. *Nidec Motor Corp. v. Zhongshan Broad Ocean Motor Co. Ltd.*, 868 F.3d 1013, 1017 (Fed. Cir. 2017). And consistent with *Revvo*, Petitioners demonstrate alignment across forums.

IV. CONCLUSION

Petitioners' claim constructions are consistent between the IPR and the Texas Case, and comply with *Tesla* and *Revvo*. This IPR should be instituted.

Dated: December 12, 2025

By: /s/ James L. Davis, Jr.
Name: James L. Davis, Jr.
Registration No. 57,325
*Counsel for Petitioners Samsung
Electronics Co. Ltd. and Samsung
Electronics America Inc.*

Jasjit S. Vidwan
Registration No. 72,080
Robert G. Pluta
Registration No. 50,970
Counsel for Petitioner Oura Health Oy

Jared A. Smith
Registration No. 73,749
Ricardo J. Bonilla
Registration No. 65,190
*Counsel for Petitioners Fossil Group,
Inc., Fossil Stores I, Inc. and Fossil
Partners*

Jack Shaw
Registration No. 72,262
*Counsel for Petitioner OnePlus
Technology (Shenzhen) Co., Ltd.*

CERTIFICATE OF COMPLIANCE

In compliance with the Board's instruction, the undersigned certifies that the foregoing Petitioners' Additional Briefing Regarding the Impact of the *Revvo* and *Tesla* Decisions is no more than 5 pages, as measured by the word-processing system used to prepare this paper. This count does not include the items excluded by §42.24 as not counting towards the word limit.

Dated: December 12, 2025

By: /s/ James L. Davis, Jr.
Name: James L. Davis, Jr.
Registration No. 57,325
*Counsel for Petitioners Samsung
Electronics Co. Ltd. and Samsung
Electronics America Inc.*

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing PETITIONERS' ADDITIONAL BRIEF REGARDING THE IMPACT OF THE *REVVO* AND *TESLA* DECISIONS was served by filing this document through the Patent Trial and Appeal Case Tracking System (P-TACTS) as well as providing a courtesy copy via electronic mail to the following attorneys of record for each party as listed below:

OMNI MEDSCI, INC.	
Lead Counsel	Back-Up Counsel
Jennifer Hayes Registration No. 50,845 Nixon Peabody LLP 300 South Grand Avenue, Suite 4100 Los Angeles, CA 90071-3151 Phone: 213-629-6179 Facsimile: 213-629-6001 jenhayes@nixonpeabody.com	Daniel Stringfield Registration No. 68,677 Phone: 312-977-4130 Facsimile: 833-923-0056 dstringfield@nixonpeabody.com Timothy Maloney Registration No. 38,233 Phone: 312-977-4451 Facsimile: 833-818-8070 tmaloney@nixonpeabody.com Angelo J. Christopher Registration No. 81,594 Phone: 312-977-4391 Facsimile: 312-977-4405 achristopher@nixonpeabody.com Benjamin R. Holt Registration No. 78,605 Phone: 202-585-8048 Facsimile: 833-824-1380 bholt@nixonpeabody.com Daniel Georgiev Registration No. 80,647

	Phone: 312-977-4412 Facsimile: 833-824-7710 dgeorgiev@nixonpeabody.com Corey Leggett Registration No. 70,017 (415) 984-8340 Facsimile: 415-984-8300 clegett@nixonpeabody.com
FOSSIL GROUP, INC., FOSSIL STORES I, INC., AND FOSSIL PARTNERS, L.P.	
	Back-Up Counsel
	Jared A. Smith Reg. No. 73,749 FISH & RICHARDSON P.C. 12860 El Camino Real, Suite 400 San Diego, CA 92130 Phone: +1 858-678-4702 Fax: +1 858-678-5099 jasmith@fr.com Ricardo J. Bonilla Reg. No. 65,190 FISH & RICHARDSON P.C. 1717 Main Street, Suite 5000 Dallas, TX 75201 Phone: +1 214-760-6150 Fax: +1 214-747-2091 rbonilla@fr.com
OURA HEALTH OY	
	Back-Up Counsel
	Jasjit S. Vidwan Reg. No. 72,080 MAYER BROWN LLP 1999 K Street, NW Washington, DC 20006-1101

	Tel.: 202.263.3065 JVidwan@mayerbrown.com Robert G. Pluta Reg. No. 50,970 MAYER BROWN LLP 71 S. Wacker Drive Chicago, IL 60606 Tel.: 312.701.8641 RPluta@mayerbrown.com
ONEPLUS TECHNOLOGY (SHENZHEN) CO., LTD.	
	Back-Up Counsel
	Jack Shaw Reg. No. 72,262 CHERRY JOHNSON SIEGMUND JAMES PC 8140 Walnut Hill Lane, Suite 105 Dallas, Texas 75231 Tel: 254-732-2242 Fax: 866-627-3509 jshaw@cjsjlaw.com

Dated: December 12, 2025

By: /s/ James L. Davis, Jr.
Name: James L. Davis, Jr.
Registration No. 57,325
*Counsel for Petitioners Samsung
Electronics Co. Ltd. and Samsung
Electronics America Inc.*