

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD. AND
SAMSUNG ELECTRONICS AMERICA, INC.,
Petitioners,

v.

RADIAN MEMORY SYSTEMS, LLC,
Patent Owner.

Case No. IPR2025-01289

U.S. Patent No. 11,681,614

**PETITIONER'S OPPOSITION TO PATENT OWNER'S REQUEST FOR
DISCRETIONARY DENIAL OF INSTITUTION**

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TABLE OF EXHIBITS

Exhibit	Description
1001-1017	<i>Previously presented.</i>
1018-1099	[Intentionally Omitted]
1100	May 15, 2025 Deposition Transcript of Mike Jadon
1101	Declaration of Junseok Park, <i>Radian Memory Systems LLC v. Samsung Electronics Co., Ltd. et al.</i> , 2-24-cv-01073 (E.D. Tex. May 20, 2025), Dkt. 46-20
1102	Motion for Preliminary Injunction, <i>Radian Memory Systems LLC v. Samsung Electronics Co., Ltd. et al.</i> , 2-24-cv-01073 (E.D. Tex. Apr. 19, 2025), Dkt. 39
1103	“NVMe Spec Ratification and New ZNS Milestones”, Western Digital (Jun. 17, 2020), https://blog.westerndigital.com/nvme-spec-ratification-zns-ssd/
1104	Motion to Dismiss, <i>Radian Memory Systems LLC v. Samsung Electronics Co., Ltd. et al.</i> , 2-24-cv-01073 (E.D. Tex. Sep. 11, 2025), Dkt. 68
1105	Docket Control Order, <i>Radian Memory Systems LLC v. Samsung Electronics Co., Ltd. et al.</i> , 2-24-cv-01073 (E.D. Tex. Mar. 27, 2025), Dkt. 20
1106	Motion to Amend/Correct Docket Control Order, <i>Radian Memory Systems LLC v. Samsung Electronics Co., Ltd. et al.</i> , 2-24-cv-01073 (E.D. Tex. May 6, 2025), Dkt. 72
1107	United States District Courts National Caseload Profile (Jun. 30, 2025)
1108	George Quinlin, “PTAB Average Time-To-Decision in IPRs May Surprise You”, JD Supra (July 28, 2015), https://www.jdsupra.com/legalnews/ptab-average-time-to-decision-in-iprs-71645/
1109	Judge Rodney Gilstrap List of Trials for August 31, 2026
1110	2022 Median and Average Time To Trial for Judge Rodney Gilstrap, E.D. Tex., Docket Navigator
1111	Table Showing Trial Delays for Cases Presided by Judge Rodney Gilstrap (E.D. Tex.)

Exhibit	Description
1112	U.S. Patent No. 9,652,376
1113	U.S. Pub. No. 2006/0184719
1114	U.S. Pub. No. 2007/0136555
1115	U.S. Pub. No. 2014/0189207
1116	U.S. Pub. No. 2014/0189209
1117	U.S. Pub. No. 2006/0106972

I. INTRODUCTION

The Director should deny Patent Owner's ("PO's") Request for Discretionary Denial (Paper 7) ("DD Br."). PO moved to dismiss its own lawsuit, *Radian Memory Systems LLC v. Samsung Electronics Co., Ltd.*, Case No. 2:24-cv-01073 (E.D. Tex.) (the "District Court Action"), where it asserted that Petitioner infringed U.S. Patent Nos. 11,307,995; 11,347,656; 22,347,657; 11,544,183; 11,681,614; 11,709,772; and 11,740,801 the (collectively, the "Asserted Patents"). At the same time, PO telegraphed it may file future lawsuits asserting the *same Asserted Patents*.

This IPR concerns one of the Asserted Patents: the '614 Patent. If the District Court Action is dismissed, there can be no basis for discretionary denial under the traditional *Fintiv* factors because the absence of parallel litigation eliminates any risk of inconsistent outcomes or duplicative efforts. Even if the District Court Action is not dismissed, each of the *Fintiv* factors weight in favor of institution or is neutral. And, if not dismissed, the projected trial date is no later than February 2, 2027, weeks *after* a final written decision. Moreover, ***PO has argued*** that the district court case "is in its *infancy*," establishing little investment in that proceeding. EX1016 at 6.

Denial of PO's request is also appropriate because there are no settled expectations. The Director has repeatedly favored early patent challenges to create robust, predictable patent rights. Here, the '614 Patent issued just 2 years ago. This IPR constitutes the type of early challenge promoted by the Director. An early

challenge is particularly important here because Radian has (recently and wrongly) alleged that the '614 Patent covers NVMe's Zoned Namespaces ("ZNS") standard, and that a second standard called Flexible Data Placement ("FDP") "incorporated Radian's patented technology." DD Br. at 5. Guidance on validity is thus critical for the NVMe-dependent industry, and instituting this Petition (and the petitions for the other Asserted Patents) will provide that guidance.

Finally, Radian's narrative of "unfair dealings" is incorrect. None of the allegedly improper conduct relates to Samsung. The conduct that Radian attributes to NVMe was done by *different companies*, not Samsung. And Radian's business surrounding the technology never got off the ground, independently of Radian's dealings with NVMe. Even the ZNS specification never harmed Radian, because it did not release until after Radian's business was already collapsing. Radian's allegations of unfair dealings are thus a red herring. Whatever may be the case about other companies, Samsung has never acted unfairly towards Radian.

II. FACTUAL BACKGROUND

The '614 Patent was filed on September 12, 2022 and issued on June 20, 2023. The '614 Patent claims the benefit of a provisional application filed on January 28, 2013 through a long-chain of applications.

Between 2010 and 2019, Radian supposedly created "symphonic" cooperative flash-management technology, leading to product lines embodying this technology.

EX1100 at 48:15-49:16. In fact, the concept of “Cooperative Flash Management,” DD Br. at 3, pre-dates Radian’s patents and is disclosed by the prior art in the Petition, including Petitioner’s own U.S. Pat. Pub. 2008/0189485A1 (EX1010), filed in 2007. EX1010, Abstract. Radian also claims to have evangelized its cooperative flash management technology and provided sample products to several companies. In fact, [REDACTED] [REDACTED]. EX1100 at 102:19-103:3, 108:2-6.

In 2017, Microsoft supposedly encouraged the industry to adopt technology similar to Radian’s. EX2005 ¶21. In response, the standard-setting body NVMe purportedly began to develop a technical specification. *Id.* In 2019, an NVMe representative purportedly asked Radian to join the organization. EX1100 at 96:23-97:12. Radian refused because it did not wish to comply with NVMe’s rule that its members offer royalty-free licenses to one another. EX2005 ¶23. Radian’s customer engagement [REDACTED] EX1100 at 105:21-22; *see also id.* at 139:2-141:6. Samsung had nothing to do with Radian’s business failures. Radian’s CEO has acknowledged that NVMe’s alleged threats came from *different companies*, not Samsung. *See id.* at 81:12-83:12.

Radian sought acquirers but [REDACTED]. *Id.* at 24:1-6, 27:3-10. Only later, in June 2020, did NVMe release ZNS. *Id.* at 65:12-17. By the end of October 2020, Radian had [REDACTED], *see id.* at 24:22-24, and [REDACTED]

141:6 (

specifications do not mention “zones.” *Cf.* Jadon Tr. 125:13-15 [REDACTED]

██████████). ZNS is based on preexisting technologies, including work on shingled

Nevertheless, Radian sued Samsung, alleging past and ongoing infringement

argument was erroneous and set forth its own views on the legal standard for preliminary injunctions. EX2014 at 5 n.2.

Radian ultimately withdrew its preliminary-injunction motion just days before the hearing, based on deposition testimony that merely confirmed the basic facts that Samsung had already provided to Radian—namely, that ZNS had never been successful and that both Samsung and the market were moving on. EX2010. After two months of further litigation, and after Samsung had filed counterclaims to put the issue to rest, Radian attempted to unwind the controversy it had started and moved to dismiss the entire case without prejudice. EX2011.

In refusing to dismiss with prejudice, Radian keeps its options open for future litigation against Samsung with the same patents. Notably, Radian has indicated that a different NVMe specification, the FDP, may lead Radian to file a substantially similar suit. *See* EX1102 at 4 n.2 (“Radian ... see[s] aspects of its Cooperative Flash Management technology in [FDP] ... (not at issue in this current case).”); EX2005 ¶21 (“NVMe set about standardizing command sets that used Cooperative Flash Management, such as ... ZNS ... or ... FDP.”).

III. DISCRETIONARY DENIAL IS UNWARRANTED

PO moved to dismiss the District Court Action *without prejudice*. PO claims that whether dismissal is without prejudice or not, either scenario favors

discretionary denial. Not so. If dismissed, there will be no basis for discretionary denial whatsoever. And if *not* dismissed, then *Fintiv* factors will still favor referral.

A. Dismissal Without Prejudice Supports Institution

PO urges the Director to deny institution if the District Court Action is dismissed because “IPRs ... [are] an inefficient use of the Board’s limited resources” where the “patents ... are no longer asserted.” DD Br. at 8-9. But the patents are not truly “no longer asserted.” PO specifically intends to preserve its ability to sue Samsung in the future when, in PO’s view, it is a better time to do so. As a result, the parties’ dispute still exists; PO simply wishes to control when it will be resolved. This IPR is thus an efficient use of the Board’s resources.

Specifically, even as PO seeks to dismiss its lawsuit accusing Petitioner of infringing through the ZNS standard, see EX1102 at 4 n.2, PO forecasts a different theory of infringement based on an entirely different specification: FDP. See DD Br. at 5 (“FDP ... incorporated Radian’s patented technology.”). And if PO waits to reassert the ’614 Patent, that would unfairly deprive Petitioner of its IPR rights due to the one-year bar.

The Director’s decision in *ARM LTd. v. Daedalus Prime LLC*, IPR2025-00207, Paper 14 (Director Aug. 6, 2025), is informative. The dismissal of the parallel litigation caused “*inter partes* review [to be] an appropriate use of Board resources,” not an inefficient use of Board resources, because the petitioner still had an interest

in invalidating the challenged patent. *Id.* at 2. So, too, does Petitioner here when PO wants to preserve its ability to sue and a dispute still exists. PO's argument also conflicts with the Director's guidance regarding early patent challenges. *Resmed Corp. v. Cleveland Medical Devices, Inc.*, IPR2025-00246, Paper 10 at 2. With issuance just over two years ago on June 20, 2023, an early challenge to the '614 Patent will be lost if the Petition is discretionarily denied. *Intas Pharms. LTD v. Atossa Therapeutics, Inc.*, IPR2025-00799, Paper 12 at 2-3; *CSPC Megalith Biopharmaceutical Co. v. Shanghai Miracogen Inc.*, IPR2025-00685, Paper 9 at 2. The Director should deny PO's argument because it would undermine the Director's goal of promoting "early challenges."

PO misplaces reliance on *Google LLC v. Mullen Industries LLC*, IPR2025-00227, Paper 13 and *SportRadar AG v. Sportscaster Inc.*, IPR2025-00313, Paper 19. DD Br. at 9. The petitions in *Google* and *SportRadar* were denied for numerous reasons beyond a simple lack of ongoing district litigation. IPR2025-00227, Paper 13 at 4; IPR2025-00313, Paper 19 at 2. For example, in *Google*, the challenged patent issued in 2017 and was the subject of an earlier IPR proceeding where the "Board denied institution ... on the merits," IPR2025-00227, Paper 13 at 2, and the patent owner stipulated "to not assert again in the future against the Samsung petitioners any claim challenged in this Petition" if "the Board den[ies] institution." IPR2025-00227, Paper 10 at 9-10. The '614 Patent, here, issued in 2023 and was not

the subject of any earlier proceeding. In *SportRadar*, the Board relied on “final written decisions ... issu[ing] before the district court trial occurs” and the “parties ... meaningful investment in the district court proceeding.” *SportsRadar*, IPR2025-00313, Paper 19 at 2. But here, final written decisions are likely to issue before trial occurs, *see infra* Section III.B.2, and according to Patent Owner, “[t]his case is in its *infancy*.” EX1104 at 6; *see also infra* Section III.B.3. Moreover, *Google* and *SportRadar* did discuss the likelihood of follow-up suits over the same patents, a consideration that is highly relevant here. *See* EX1102 at 4 n.2; EX2005 at ¶ 21.

B. No Dismissal Supports Institution Under *Fintiv*

If the case is not dismissed, the Director should still refer the Petition to the Board because *Fintiv* Factors 2, 3, 4, and 6 collectively weigh heavily against denying institution; and *Fintiv* Factors 1 and 5 are, at worst, neutral.

1. Factor 1: The District Court Is Likely To Grant A Stay If The IPR Is Instituted

PO speculates about whether the district court will grant a stay, but the far more reasonable prediction would be that a stay would be granted. Petitioner intends to move to stay after institution, which is likely to be granted for a case in its early stages even after the institution decision. *See, e.g., Dynamic, LLC v. Samsung Elecs. Co.*, No 2:24-cv-00140-JRG-RSP, Dkt. No. 81, at 1 (E.D. Tex. May 19, 2025); *see also* EX1105 at 3-4; Section III.B.2. Further, PO also (1) withdrew a motion for preliminary injunction, (2) has moved to dismiss the case, (3) has pursued only

limited discovery, and (4) has sought to extend existing claims construction deadlines. EX1104; EX1106; EX2010; *see also Uniloc USA, Inc. v. Avaya Inc.*, 2017 WL 2882725 (E.D. Tex. Apr. 19, 2017) (discussing stay factors).

2. Factor 2: The Board Is Likely To Issue A Final Written Decision *Before* The District Court Trial

Factor 2 weighs against discretionary denial. Although the district court has scheduled a trial for August 31, 2026, (EX1105) such a date is unlikely to hold because it is not consistent with median time-to-trial statistics for the Eastern District of Texas. The most recent (and therefore most relevant) median time-to-trial for the district court is 25.1 months. EX1107. Here, Radian filed its Complaint on December 24, 2024 (Ex. 2009), so the projected start of trial will be February 2, 2027 (i.e., the Monday after 25.1 months). That means trial will begin at least a few weeks ***after*** the Board's statutory FWD deadline for the '614 Patent (January 20). *See Intel Corp. v. Adv. Cluster Sys., Inc.*, IPR2025-00913, Paper 13 at 2; *Geotab Inc. v. Fractus S.A.*, IPR2025-01108, Paper 14 at 2-3.

Moreover, the projected FWD deadline is likely to move further up, and the projected start of trial is likely to move further back. The Board issues institution decisions about two weeks (on average) before the deadline, thereby moving the projected FWD deadline up, (EX1108) and Judge Gilstrap has scheduled ***9 trials*** for August 31, 2026, making it significantly likely that the trial date will be moved further back. EX1109.

PO spurns the U.S. Courts' time-to-trial statistics and relies on third-party statistics from "Docket Navigator." DD Br. at 14-15 (citing EX2018). PO's presentation of these statistics is itself misleading, for multiple reasons. *First*, PO's statistics run from January 1, 2008, but that timespan does not reflect current caseloads and fails to account for the significant rise in cases for the Eastern District of Texas over the past few years. Indeed, using the same Docket Navigator statistics as PO, the median time-to-trial for patent cases before Judge Gilstrap filed after January 1, 2022 is about 24 months—notably higher than the 20 months that PO asserts. *Compare* EX2018 with EX1110. *Second*, 13 of the 14 patent trials before Judge Gilstrap in the last year have been delayed by 4 months on average, creating a median time-to-trial of 25.5 months—which is more aligned with the U.S. Courts' time-to-trial statistics. EX1111.

Whether the Director uses the 20-month (four month difference between trial and FWD) or 25-month (trial weeks after FWD) time-to-trial statistics, the timing of trial and the Final Written Decision would be consistent with *Zhuhai Cosmx Battery Co. v. Ningde Aperex Tech. Ltd.*, where the Director referred the IPR petitions to the Board even though trial will precede the Final Written Decision because the challenged "patents have not been in force for a significant period of time (issued in 2024, 2023, and 2021)." IPR2025-00385, Paper 9 at 2-3. PO's cases are inapposite, as none of them dealt with a lack of settled expectations.

3. Factor 3: Limited Investment In The District Court Litigation Has Occurred

Factor 3 weighs against discretionary denial. Just a day before filing its discretionary denial brief, PO argued to the district court that “[t]his case is in its *infancy*.” EX1104 at 6. And for good reason: little investment has occurred to date, and the underlying litigation has yet to produce any orders regarding the ’614 Patent. Indeed, the Court will not issue any such orders until after the institution decision. *Apple Inc. v. Fintiv, Inc.*, IPR2020-00019, Paper 11 at 10 (P.T.A.B. Mar. 20, 2020) (“If, at the time of the institution decision, the district court has not issued orders related to the [challenged] patent, this fact weighs against [denial.]”).

PO argues that the parties “will be engaged in the Markman process and fact discovery would be closing in ... two months” by the “last institution decision on February 12, 2026.” DD Br. at 12. But the claim construction hearing is currently scheduled for February 26, 2026 (*i.e.*, **after** the Board has issued all seven institution decisions), and PO has moved to push back certain claim construction deadlines. Moreover, PO has pursued only limited discovery to date, and fact discovery is set to close *after* all the Board issues institution decisions. EX1106. And if these IPRs are instituted, PO will not need to address any prior art basis that falls within the scope of Petitioner’s broad stipulation. Thus, the limited investment in the District Court Action weighs against discretionary denial.

Relying on *Samsung Elecs. Co. v. Keyless Licensing LLC*, IPR2025-00527, Paper 12, 2 (Director Jul. 17, 2025), PO argues that the “case schedule is similar to those found ... to [be] ‘strongly’ favor denial under factor 3. But the case schedule here is not similar to *Keyless Licensing*. In *Keyless Licensing*, the close of fact discovery was only one month after the institution decision. In this case, the close of fact discovery (on April 13, 2026) is three months after the institution decision (on January 19, 2026). Moreover, the parties in *Keyless Licensing* would have already completed claim construction briefing prior to the institution decision (*Keyless Licensing*, IPR2025-00527, Paper 8 at 5), but here the responsive and reply claim construction briefing (on January 29 and February 5, 2026) occurs after the institution decision. EX1105 at 3-4.

4. Factor 4: Petitioner’s Stipulation Eliminates Overlap

Petitioner’s broad stipulation outweighs every other *Fintiv* factor. Petitioner stipulated that, if the Petition is instituted, Petitioner will not assert invalidity grounds in the underlying District Court Action, including:

1. “grounds [asserted in IPR2025-01266] ... [and] any other ground ... that was raised or could have been reasonably raised in an IPR”
2. “rel[iance] on any product or system art that is ‘based on the same evidence presented’ in this IPR”
3. “combinations of product art with printed publication prior art asserted in this [IPR] proceeding”

EX1012. Not only does this stipulation include the standard *Sotera* stipulation, but it also addresses duplication between product art and IPR art. Thus, this “broad stipulation ... reduces the concern of inconsistent outcomes or significant duplication of efforts.” *Samsung Electronics Co., Ltd. v. Wilus Institute of Standards And Technology Inc.*, IPR2025-00933, Paper 11, at 3. Indeed, this stipulation is commensurate with the stipulation that would be required by the Director’s proposed rule changes to 37 C.F.R. § 42.108.

5. Factor 5: The Parties Are The Same

Petitioner is the defendant in District Court Action, so Factor 5 is, at worst, neutral.

6. Factor 6: Other Factors Strongly Favor Institution

Petitioner’s “strong showing on the merits” weighs against denial. *Apple v. Seven Networks*, IPR2020-00156, Paper 10, 9, 9 n.8 (June 15, 2020). PO offers no response. DD Br. at 14; see *Tesla, Inc. v. Charge Fusion Techs., LLC*, IPR2025-00152, Paper 11 at 2-3 (Director June 12, 2025) (referring petition when the PO did not challenge Petitioner’s showing that prior art showed missing claim elements found to be novel during prosecution).

PO claims that IPR would provide Petitioner with a “second bite at the apple” because Petitioner has asserted invalidity counterclaims. DD Br. at 13. But Petitioner has broadly stipulated that it will not raise prior art grounds in the district court that

could have been raised in these proceedings, and Petitioner has gone further to include other grounds as well. *See* Section III.B.4. Moreover, Petitioner cannot even raise certain invalidity defenses, such as § 112 defenses, through IPR proceedings. Accordingly, there is no risk that Petitioner will duplicate arguments here that would or could have been raised in the district court.

Finally, PO claims that Factor 6 favors denial because of “Samsung’s failure to challenge the Patents despite its long-standing knowledge and unfair dealings should be reason alone to deny institution.” DD Br. at 13. These arguments lack merit for the reason discussed in the sections that follow.

C. Material Error In Prosecution History Weighs Against Denial

The Examiner made a material error in the prosecution of the ’614 Patent. And correcting this error is an appropriate use of Office resources. *E.g., Volkswagen Group of America, Inc. v. Longhorn Automotive Group LLC*, IPR2025-01064, Paper 9 at 2-3; *Anthony Inc. v. ControlTec, LLC*, IPR2025-00559, Paper 12 at 2.

The Examiner did not issue any anticipation or obviousness rejections, issuing a Notice of Allowance based on “none of the prior art teach[ing] or render[ing] obvious the features as recited in [Limitation [1b.ii]],” i.e., multi-plane writes. But the ’614 Patent’s ¶¶[0183]-[0184] admits that multi-plane writes are prior art. Further, multi-plane writes are disclosed throughout the prior art, including references cited in the Petition (*See* EX1004 at 10:49-55, 13:57-61, 14:39-44;

EX1005 ¶¶[0062]-[0067], [0123]) and '614 Patent's prosecution (See EX1113 ¶¶[0006], [0060]-[0065], [0072]; EX1114 ¶¶[0007], [0042]-[0047], [0055]; EX1115 ¶¶[0050]-[0051], [0096]-[0097], [0113]-[0114]; EX1116 ¶¶[0050]-[0051], [0096]-[0097], [0113]-[0114]; EX1117 ¶[0008]). The Examiner thus erred by failing to thoroughly evaluate the '614 Patent's specification and prior art.

Moreover, the Examiner's reliance on multi-plane writes is also expressly referred to ¶¶[0183]-[0184], reciting "features as recited in [Limitation [1b.ii]], taken in light of the disclosure, specifically as detailed on [paragraphs] 0183-0184." EX1002 at 198. Alongside ¶¶[0183]-[0184] conceding that multi-plane writes were known in the prior art, ¶¶[0183]-[0184] assert that the claimed invention's novelty is the host selecting physical addresses in order to provide a "true" multi-plane write. But the challenged claims do not include a limitation reciting "host-selection of physical addressing." Nor has PO interpreted the claims to require host-selection of physical addressing in its infringement contentions. The Examiner thus erred by reading in limitations from the specification.

The patent issued based on a feature in the specification, but not in the claims, and issued without anticipation or obviousness rejections despite the underlying limitation being admitted prior art and disclosed in the references cited in prosecution. *Volkswagen*, IPR2025-01064, Paper 9 at 2-3; *Anthony*, IPR2025-

00559, Paper 12 at 2. The '614 Patent was granted as a result of material error, and the Board should correct this error.

D. Settled Expectations Further Weigh Against Denial

1. This IPR Constitutes An Early Challenge

The '614 Patent lacks settled expectations. The '614 Patent issued on June 20, 2023. EX1001. This IPR thus constitutes an early challenge to the '614 Patent, which the Director has repeatedly held “weigh[s] against discretionary denial.” *Resmed Corp. v. Cleveland Medical Devices, Inc.*, IPR2025-00246, Paper 10 at 2; *Cambridge Industries USA, Inc. v. Applied Optoelectronics, Inc.*, IPR2025-00433, Paper 11 at 2 (Director June 27, 2025); *Zhuhai Cosmx Battery Co. Ltd., v. Nindge Amperex Technology Limited*, IPR2025-00385, Paper 9 at 2.

Citing *Amgen Inc. v. Bristol-Myers Squibb Co.*, IPR2025-00603, Paper 8 (July 24, 2025), Radian argues that the '614 Patent has settled expectations because Radian purportedly invested “tens of millions of dollars” between “2010-2015” developing “Symphonic Cooperative Flash Management.” Pet. at 17; EX2005, ¶ 12. But the Director in *Amgen* **rejected** discretionary denial where the PO argued that it had “invested billions of dollars” and developed “groundbreaking methods of treatment for cancer.” *Amgen*, IPR2025-00603, Paper 6, at 3-5, 12 (July 10, 2025). It then held that there were no settled expectations because the patent “has not been in force for a significant amount of time (issued in 2022).” *Amgen*, IPR2025-00603,

Paper 8, at 2 (July 24, 2025). Here, the '614 Patent issued after the patent in *Amgen*, and is not groundbreaking or the product of billions of dollars of investment. Moreover, Radian has not articulated how any purported investment in 2010-2015 created settled expectations for the '614 Patent which did not come into existence until nearly a decade later. In fact, Radian has failed to demonstrate that Symphonic Cooperative Flash Management embodies the '614 Patent and has admitted that although it sold products, it [REDACTED]

[REDACTED] EX1100 at 108:2-6. There are no settled expectations.

2. Radian Improperly Relies On Non-Asserted Claims

Unable to show settled expectations in the '614 Patent (or even that Samsung had knowledge of the '614 Patent prior to Radian filing the District Court Action), PO points to “related” patents and applications cited during “prosecutions of Samsung’s own patents.” DD Br. at 14-15. But PO has not articulated how these different patents and applications create settled expectations for the '614 Patent, especially given that these “related” patents and applications were filed prior to the existence of the '614 Patent and have different claims than the '614 Patent. For instance, PO refers to U.S. Patent No. 9,652,376 as purportedly creating settled expectations for the '614 Patent. DD Br. at 14-15. But the claims of the two patents are very different. *Compare* Ex. 1001 *with* EX1112.

Radian’s reliance on *iRhythm Techs., Inc. v. Welch Allyn, Inc.*, IPR2025-00363, Paper 10, 3 (June 6, 2025), and *NVIDIA Corp. v. Neural AI, LLC*, IPR2025-00608, Paper 18, 2-3 (July 31, 2025), is also misplaced. In *iRhythm*, the at-issue asserted patent was cited in the prosecution of one of Petitioner’s patents. Similarly, in *NVIDIA Corp.*, the PO sent a presentation to Petitioner that listed the asserted patents—not a related patent. Here, the ’614 Patent (or its application or published application) was not cited in the prosecution of Samsung patents.

Radian also alleges Samsung’s knowledge of the ’614 Patent through “discussions about Radian’s technology [in] 2015” and “pre-suit awareness that ‘PO was involved in the same technology space.’” DD Br. at 4, 15-16 (citing *Murata Mfg. v. Georgia Tech. Research Corp.*, IPR2025-00383, Paper 14, 2-3 (Director Jul. 29, 2025)). But Radian did not even file the ’614 Patent’s application until September 12, 2022, years after any alleged discussions or pre-suit awareness, and the claimed invention is different than those in its parent applications. And *Murata* does not support Radian. In *Murata*, the Board relied on a meeting between PO and Petitioner in 2007 that included (1) a presentation listing the title of the application of the challenged patent and (2) a discussion of the technology covered by the applications and patents listed in the presentation. Here, in contrast, the ’614 Patent was filed **after** the 2015 discussions, and has a claimed invention different than the

parent applications. The '614 Patent was not cited in Samsung prosecution histories, and the “related” Radian patents have different claim scope.

E. Radian’s Accusations Of “Unfair Dealings” Are Factually Baseless

Radian incorrectly asserts that supposed “unfair dealings” by Samsung favor discretionary denial. Even if Radian’s factual premises were true (which is specious), the most they could reveal is untoward conduct by certain members of NVMe *other than Samsung*. While Radian blames NVMe and “certain members” (DD Br. at 18) for supposedly ruining its business, Radian conspicuously does not say that Samsung was one of those “certain members.” Likewise, Radian does not say that Samsung somehow caused the alleged pressure campaign and alleged threats against Radian’s business. *See* EX1100 at 81:12-83:12; 125:13-15. Samsung has always acted fairly and above board, and Radian is improperly accusing Samsung of guilt by association. This cannot be grounds for denial.

Further, Radian’s factual narrative contains multiple erroneous assertions. First, Radian asserts that its business failed because of NVMe (again, not even because of Samsung). But Radian’s business was [REDACTED] even before NVMe ever released the ZNS specification, EX1100 at 65:12-17, 105:21-22, 139:2-141:6, and Radian never even [REDACTED], EX1100 at 102:19-103:3, 108:2-6. Radian simply asserts that its business failed because of NVMe, but its business was already in a downward spiral. Second, Radian contends that, because

it could not see any working drafts, it could not assess “the standards for patent infringement until it was too late.” DD Br. at 18. But this is illogical. Radian’s patents were not granted until *after* the standards were released. Hence, there could not possibly have been any infringement to assess before that time.

Finally, Radian claims that the United States supported its motion for a preliminary injunction and endorsed its theory of unfair dealings. Neither is true. The United States rejected Radian’s principal argument and used the opportunity presented by a Radian’s motion to set forth its own views about the appropriate legal standards for equitable relief. The United States also did not support Radian’s theory of unfair dealings vis-à-vis Samsung. It merely noted that standard-setting organizations have a “serious potential for anticompetitive harm.” EX2014 at 1.

Radian’s citation to *Tessell, Inc. v. Nutanix, Inc.*, IPR2025-00322, Paper 14, 2-3 (June 12, 2025) is inapposite. In *Tessell*, the founders of petitioner were inventors on the challenged patent. *Id.* at 2. The Director thus concluded that “[i]t is not an appropriate use of Office resources where the inventors applied for and were issued a patent, but, as is the case here, now advocate for its unpatentability.” *Id.* at 2. Here, Samsung and its employees are not inventors on the ’614 Patent.

IV. CONCLUSION

PO has identified no legitimate basis for the Director to deny institution based on any discretionary factors.

DATED: October 20, 2025

Respectfully submitted,

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CERTIFICATE OF SERVICE

In accordance with 37 C.F.R. §§ 42.6(e) and 42.105, I hereby certify that true and correct copies of Petitioner's Opposition to PO's Request for Discretionary Denial of Institution and Exhibits were served on October 20, 2025 to the following people via electronic mail at Radian_IPRs@lowensteinweatherwax.com.

Parham Hendifar

Kenneth J. Weatherwax

Xu Zhou

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