

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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SAMSARA INC.  
Petitioner

v.

MOTIVE TECHNOLOGIES, INC.  
Patent Owner

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Case IPR2026-00108  
U.S. Patent No. 12,062,243

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**PETITIONER’S CORRECTED OPPOSITION TO PATENT OWNER’S  
DISCRETIONARY DENIAL BRIEF**

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Patent Trial and Appeal Board  
U.S. Patent and Trademark Office  
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**PETITIONER’S UPDATED EXHIBIT LIST**

| <b>Exhibit</b> | <b>Description</b>                                                                                                                                                                                                                                                        |
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| 1001           | U.S. Patent No. 12,062,243 to Hassan <i>et al.</i> (“Hassan”)                                                                                                                                                                                                             |
| 1002           | Prosecution History of U.S. Patent No. 12,062,243                                                                                                                                                                                                                         |
| 1003           | Declaration of Dr. Trevor Darrell                                                                                                                                                                                                                                         |
| 1004           | <i>Curriculum Vitae</i> of Dr. Trevor Darrell                                                                                                                                                                                                                             |
| 1005           | Chun, Sehyun, et al. "NADS-Net: A nimble architecture for driver and seat belt detection via convolutional neural networks." Proceedings of the IEEE/CVF International Conference on Computer Vision Workshops. 2019.                                                     |
| 1006           | U.S. Publication No. 2020/0242381 to Chao <i>et al.</i> (“Chao”)                                                                                                                                                                                                          |
| 1007           | Chinese Publication No. CN111860253 to Dongguan Zhengyang Electronic Mechanical Co ltd (“DZE”)                                                                                                                                                                            |
| 1008           | He, K., Gkioxari, G., Dollar, P., and Girschick, R. “Mask R-CNN” IEEE International Conference on Computer Vision (2017)                                                                                                                                                  |
| 1009           | Caruana, Rich. “Multitask Learning.” Machine Learning 28 (1997): 41-75.                                                                                                                                                                                                   |
| 1010           | Shanmugamani, R. Deep Learning for Computer Vision (2018)                                                                                                                                                                                                                 |
| 1011           | P. Smith, M. Shah and N. da Vitoria Lobo, "Determining driver visual attention with one camera," in IEEE Transactions on Intelligent Transportation Systems, vol. 4, no. 4, pp. 205-218, Dec. 2003, doi: 10.1109/TITS.2003.821342.                                        |
| 1012           | Baheti, Bhakti & Gajre, Suhas & Talbar, Sanjay. (2018). Detection of Distracted Driver Using Convolutional Neural Network. 1145-11456. 10.1109/CVPRW.2018.00150.                                                                                                          |
| 1013           | M. S. Majdi, S. Ram, J. T. Gill and J. J. Rodríguez, "Drive-Net: Convolutional Network for Driver Distraction Detection," 2018 IEEE Southwest Symposium on Image Analysis and Interpretation (SSIAI), Las Vegas, NV, USA, 2018, pp. 1-4, doi: 10.1109/SSIAI.2018.8470309. |
| 1014           | U.S. Patent No. 11,176,384 B1 to Yang et al. (“Yang”)                                                                                                                                                                                                                     |
| 1015           | U.S. Patent No. 12,347,177 B2 to Li et al. (“Li”)                                                                                                                                                                                                                         |

| Exhibit | Description                                                                                                                                                                                                                                                                                                                 |
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| 1016    | R. Ranjan, V. M. Patel and R. Chellappa, "HyperFace: A Deep Multi-Task Learning Framework for Face Detection, Landmark Localization, Pose Estimation, and Gender Recognition," in IEEE Transactions on Pattern Analysis and Machine Intelligence, vol. 41, no. 1, pp. 121-135, 1 Jan. 2019, doi: 10.1109/TPAMI.2017.2781233 |
| 1017    | Girshick, R., Donahue, J., Darrell, T., & Malik, J. (2014). Rich feature hierarchies for accurate object detection and semantic segmentation. In Proceedings of the IEEE conference on computer vision and pattern recognition (pp. 580-587).                                                                               |
| 1018    | Girshick, R. (2015). Fast R-CNN. In Proceedings of the IEEE international conference on computer vision (pp. 1440-1448).                                                                                                                                                                                                    |
| 1019    | Ren, S., He, K., Girshick, R., & Sun, J. (2016). Faster R-CNN: Towards real-time object detection with region proposal networks. IEEE transactions on pattern analysis and machine intelligence, 39(6), 1137-1149.                                                                                                          |
| 1020    | Li, M., Chen, S., Chen, X., Zhang, Y., Wang, Y., & Tian, Q. (2019). Actional-structural graph convolutional networks for skeleton-based action recognition. In Proceedings of the IEEE/CVF conference on computer vision and pattern recognition (pp. 3595-3603).                                                           |
| 1021    | Christoph Maurer, Integration and Deployment of Machine Learning Models (Master's Thesis, Graz University of Technology, Feb. 2021)                                                                                                                                                                                         |
| 1022    | Umar Zakir Abdul, Hamid; et al. (2016). "Current Collision Mitigation Technologies for Advanced Driver Assistance Systems-A Survey". PERINTIS eJournal. 6 (2).                                                                                                                                                              |
| 1023    | Bojarski, M., Yeres, P., Choromanska, A., Choromanski, K., Firner, B., Jackel, L., & Muller, U. (2017). Explaining how a deep neural network trained with end-to-end learning steers a car. arXiv preprint arXiv:1704.07911.                                                                                                |
| 1024    | G. Gkioxari, B. Hariharan, R. B. Girshick, and J. Malik. R-cnns for pose estimation and action detection. CoRR, abs/1406.5212, 2014                                                                                                                                                                                         |
| 1025    | LeCun, Y., Bengio, Y., & Hinton, G. (2015). "Deep learning." Nature, Vol. 521 (pp. 436-444).                                                                                                                                                                                                                                |
| 1026    | Ioffe, S., & Szegedy, C. (2015). Batch Normalization: Accelerating Deep Network Training by Reducing Internal Covariate Shift.                                                                                                                                                                                              |

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| 1027    | Goodfellow, I., Bengio, Y. & Courville, A. (2016). Deep Learning.                                                                                                                                                                                     |
| 1028    | He, K., Zhang, X., Ren, S., & Sun, J. (2015). Delving Deeping into Rectifiers: Surpassingb Human-Level Performance on ImageNet Classification.                                                                                                        |
| 1029    | Hu, J., Shen, L., & Sun, G. (2018). Squeeze-and-Excitation Networks. In 2018 IEEE/CVF Conference on Computer Vision and Pattern Recognition (pp. 7132-7141).                                                                                          |
| 1030    | He, K., Zhang, X., Ren, S., & Sun, J. (2016). Deep Residual Learning for Image Recognition.                                                                                                                                                           |
| 1031    | Krizhevsky, A., Sutskever, I., & Hinton, G. (2012). ImageNet Classification with Deep Convolutional Neural Networks.                                                                                                                                  |
| 1032    | Abouelnaga, Y., Eraqi, H., & Moustafa, M. (2017). Real-time Distracted Driver Posture Classification. In 32 <sup>nd</sup> Conference on Neural Information Processing Systems (NIPS 2018), Montreal, Canada.                                          |
| 1033    | Kose, N., Kopuklu, O., Unnervik, A., & Rigoll, G. (2019). Real-Time Driver State Monitoring Using a CNN Based Spatio-Temporal Approach.                                                                                                               |
| 1034    | Braunagel, C., Stolzmann, W., Kasneci, E., & Rosensteil, W. (2017). Driver Activity Recognition in the Context of Conditionally Autonomous Driving. In 2015 IEEE 18th International Conference on Intelligent Transportation Systems (pp. 1652-1657). |
| 1035    | Engström, J., et al. 2019. A conceptual framework and taxonomy for understanding and categorizing driver inattention.                                                                                                                                 |
| 1036    | Choi, I., & Kim, Y. (2015). Head Pose and Gaze Direction Tracking for Detecting a Drowsy Driver. In Applied Mathematics & Information Sciences 9, No. 2L (pp. 505-512).                                                                               |
| 1037    | <i>Motive Techs., Inc. v. Samsara Inc.</i> , Case No. 24-cv-00902-JD (NDCA), Second Amended Complaint                                                                                                                                                 |
| 1038    | Simonyan, K. & Zisserman A. 2015. Very Deep Convolutional Networks For Large-Scale Image Recognition.                                                                                                                                                 |
| 1039    | Maurer, C., Integration and Deployment of Machine Learning Models. Graz University of Technology Master's Thesis. (2021).                                                                                                                             |

| Exhibit | Description                                                                                                                                                                                                           |
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| 1040    | Boureau et al. 2010. A Theoretical Analysis of Feature Pooling in Visual Recognition, Proceedings of the 27th International Conference on Machine Learning.                                                           |
| 1041    | Declaration of Dr. Sylvia Ellis-Hall                                                                                                                                                                                  |
| 1042    | Motion Success Statistics (Judge Donato), Docket Navigator, accessed at <a href="https://search.docketnavigator.com/patent/binder/0/0?print=true">https://search.docketnavigator.com/patent/binder/0/0?print=true</a> |
| 1043    | Samsara Inc.'s Reply in Support of Its Motion for Stay, <i>Motive Techs., Inc. v. Samsara Inc.</i> , Case No. 3:24-cv-00902 (N.D. Cal. Dec. 24, 2025)                                                                 |
| 1044    | Order Staying Proceeding, <i>Global Touch Solutions, LLC v. Toshiba Corporation</i> , Case No. 3:15-cv-02746 (N.D. Cal. April 7, 2016)                                                                                |
| 1045    | Motive's Rule 26(A)(1) Initial Disclosures, <i>Motive Techs., Inc. v. Samsara Inc.</i> , Case No. 3:24-cv-00902 (N.D. Cal. Sept. 11, 2025)                                                                            |
| 1046    | Joint Proposed Case Schedule, <i>Motive Techs., Inc. v. Samsara Inc.</i> , Case No. 3:24-cv-00902 (N.D. Cal. Apr. 25, 2025)                                                                                           |
| 1047    | Plaintiff Motive's Motion For Leave To File A Second Amended Complaint, <i>Motive Techs., Inc. v. Samsara Inc.</i> , Case No. 3:24-cv-00902 (N.D. Cal. May 29, 2025)                                                  |
| 1048    | Declaration Of David S. Bloch in Support of Motive's Motion for Leave to File Second Amended Complaint, <i>Motive Techs., Inc. v. Samsara Inc.</i> , Case No. 3:24-cv-00902 (N.D. Cal. May 29, 2025)                  |

## I. INTRODUCTION

The Director should decline to exercise discretion to deny institution of this *inter partes* review (IPR) Petition because it is an early challenge, Patent Owner does not have settled expectations, and the Final Written Decision will issue long before trial. The Office also made several material errors in allowing the '243 patent to issue. Specifically, the Notice of Allowance mentions two prior-art references that, based on the Examiner's descriptions, combine to render the patent obvious. But the Examiner did not issue any such prior-art based rejection, nor did he explain why one would not be warranted despite his observations. Additionally, the Examiner failed to conduct searches for multiple terms that are essential to the claims and the technological field. Had he performed this search, he would have uncovered invalidating prior art such as the references applied in the Petition.

Moreover, the '243 patent is asserted in the same litigation as U.S. Patent No. 11,875,580 ("the '580 patent") for which an IPR trial was instituted and is currently at the Patent Owner Sur-Reply stage in IPR2025-00574. It is also asserted in the same litigation as U.S. Patent No. 12,136,276 ("the '276 patent"), which is also challenged in an IPR. The Petition challenging the '276 patent was recently referred to a panel for determination of institution on the merits. *See* IPR2026-00034, Notice of Decisions on Institution, Paper 11 at 2 (P.T.A.B. Feb.

10, 2026) (declining discretionary denial). This Petition should be referred and instituted as well.

All three challenged patents are asserted in the same litigation. The PTAB is thus the most efficient—and fastest—forum to address the challenges to the '243 patent, as they are already addressing challenges to the similar '580 and '276 patents. Discretionary considerations strongly favor referral for a decision on the merits, and this IPR warrants institution for the reasons set forth in the Petition.

## **II. THE EARLY CHALLENGE OF THE '243 PATENT FAVORS REVIEW.**

“Early challenges to patents favor robust, predictable patent rights and weigh against discretionary denial.” *Straumann USA, LLC v. Smart Denture Conversions, LLC*, IPR2025-00956, Paper 11 at 2 (P.T.A.B. Sept. 19, 2025). Challenges to patents that have been in force for less than six years are considered “[e]arly challenges” because patent owners typically have not developed settled expectations within this timeframe. *See, e.g., OnePlus Tech. (Shenzhen) Co. v. Pantech Corp.*, IPR2025-00756, Paper 11 at 2 (P.T.A.B. Oct. 3, 2025); *Berkshire Hathaway Energy Co. v. Birchtech Corp.*, IPR2025-00274 et al., Paper 23 at 3 (P.T.A.B. July 2, 2025); *Shenzen Tuozhu Tech. Co. v. Stratasy, Inc.*, IPR2025-00438 et al., Paper 10 at 2 (P.T.A.B. July 17, 2025).

The '243 patent issued on August 13, 2024, and was in force for barely a year at the time of the Petition's filing on November 14, 2025. The early challenge here favors consideration of the merits by the Director.

### **III. THE *FINTIV* FACTORS FAVOR CONSIDERATION OF THE MERITS.**

All of the discretionary factors under *Fintiv* strongly weigh in favor of consideration of the merits. *See Apple Inc. v. Fintiv, Inc.*, IPR2020-00019, Paper 11 at 5-6 (P.T.A.B. Mar. 20, 2020) (precedential) ("*Fintiv*").

#### **A. Factor 1 favors institution because there is evidence the district court will enter a stay if this IPR is instituted.**

Petitioner filed a motion to stay of all of Patent Owner's infringement claims in the parallel NDCA district court proceeding, including the '276 claims at issue here. EX2003. The motion to stay was recently denied. Paper 9, 1; EX2008. Despite this pre-institution denial, Factor 1 weighs in favor of consideration of the merits because the district court is highly likely to grant the requested stay after institution. Indeed, in the past four years Judge Donato (the assigned judge in the parallel proceeding) has granted *all* of the motions to stay after institution of an *inter partes* review. EX1042.

Indeed, all three of the factors analyzed by the district court in considering a motion to stay after institution favor granting the motion. EX2003; EX1043. Under the first stay factor, a stay will significantly streamline the issues presented in the

district court. EX2003, 4-8; EX1043, 1-4. Petitioner has submitted IPRs challenging all three of the patents asserted by Patent Owner in the district court proceeding. As noted, one (challenging the '580 patent) is already in trial at the Patent Owner Sur-Reply stage. The Petition challenging the '276 patent was referred to a panel for determination on the merits. *See* IPR2026-00034, Notice of Decisions on Institution, Paper 11 at 2 (PTAB Feb. 10, 2026) (declining discretionary denial). The present Petition is equally strong on the merits, and institution could obviate the litigation entirely.

The second stay factor also supports the grant of a stay post-institution because the case is in the early stages, with the *Markman* hearing not scheduled until April 16, 2026, and trial set more than 19 months from now (on August 30, 2027); the NDCA has found this timing favors a stay. EX2003, 8; EX1043, 6-8. And under the third stay factor, a stay post-institution will not unduly prejudice Patent Owner, particularly as Petitioner diligently filed this IPR within a few months of Patent Owner's amendment of the complaint to include the '243 patent and will file a renewed stay motion within a week after this Petition and the '276 patent Petition are instituted. EX2003, 8-10; EX1043, 8-10.

As discussed above, Judge Donato has not denied a stay of a patent claim pending an instituted IPR in the past four years. Indeed, Judge Donato granted a stay in a similar situation as here in which the PTAB had instituted some patents

and another institution decision remained pending. EX1044. Patent Owner's arguments regarding why it would deviate from this practice are without merit and ignore the relevant stay factors. *First*, Patent Owner's argument that the scheduling order dates are firm, DD Br., 9, has no bearing on whether the stay will be granted post institution.

*Second*, Patent Owner is flatly wrong when it asserts that the partial stay of its infringement claims will not meaningfully streamline the parallel litigation or that there is no evidence the NDCA will partially stay a case when other causes of action will move forward. *Contra* DD. Br., 9-12. The NDCA has rejected the "all-or-nothing" view and found the inquiry is "simplification, not elimination" of the issues. EX1043, 4 (citing *LBT IP II LLC v. Uber Techs. Inc.*, 2023 WL 322894, at \*2 (N.D. Cal. Jan. 19, 2023); *Anderson Power Prods., Inc. v. BizLink Tech., Inc.*, 2025 WL 474906, at \*2 (N.D. Cal. Feb. 12, 2025)).

Furthermore, the NDCA has indeed granted a partial stay of a plaintiff's patent claims pending the PTAB's decision on institution, when other causes of action (including patent claims asserted by the defendant and trade secret claims) moved forward. *See Delphix Corp. v. Actifio, Inc.*, No. 5-13-cv-04613, Dkt. No. 118 (N.D. Cal. Nov. 13, 2014). And although Patent Owner alleges there will be overlapping witnesses, DD Br., 11-12—citing, as support, only a declaration from its *IPR counsel* (who has not appeared in the District Court)—the specific issues

and technology involved in Patent Owner's infringement case are distinct from the rest of the NDCA litigation. EX1043, 3-4. And, in its initial disclosures, Patent Owner identifies only *one* overlapping subject matter for witness testimony (*Petitioner's* employee(s) having information on Petitioner's revenue related to both parties' claimed damages) and does not identify any single specific employee who will have testimony on the patent and non-patent causes of action. EX1045, 4.

*Third*, Patent Owner is again wrong when it alleges the parties' competitor relationship will result in the denial of the stay post institution—this is only a subfactor of the prejudice factor and will not change the overall balance when all other subfactors weigh in favor of a stay. EX1043, 9-10. Last, rather than considering the case too advanced to issue a stay, DD Br., 13, the NDCA has routinely granted a stay in cases where there has not been a claim construction order, and expert discovery and dispositive motion practice has not occurred. EX1043, 6-7. To be sure, Patent Owner argued the case was in its early stages when it sought to amend its complaint to add the '243 patent to the District Court case last summer. EX1043, 7.

The cases cited by Patent Owner in support of its flawed position, DD. Br., 11-12, are readily distinguishable. EX1043, 4. In *SpaceData Corp. v. Alphabet Inc.*, the court issued a Markman order, trial was only five months away, and the defendant moved to stay only one of plaintiff's patent-infringement claims. 2019

WL 1131420, at \*1-\*3 (N.D. Cal. Mar. 12, 2019). The remaining two cases are from a different jurisdiction and have different facts than here.

In *Imax Corp. v. In-Three, Inc.*, the stay requested was pending reexamination and the court noted “the reexamination process takes a long time,” and found the number of issues that will remain unresolved—given the lengthy timing and statistical unlikelihood that all claims would be eliminated—did not justify a stay. 385 F.Supp.2d 1030, 1032-1033 n.2 (C.D. Cal. Jul. 29, 2005). In *Fulfilium, Inc. v. ReShape Medical, LLC*, the PTAB had not yet instituted an IPR and the defendant moved to stay the entire case, including the non-patent causes of action; the motion was denied because the IPRs would not impact the non-patent causes of action. 2018 WL 9848044, at \*2 (C.D. Cal. June 4, 2018) (vacated on other grounds). Because the NDCA is highly likely to grant a stay, this factor weighs strongly in favor of the Director considering the merits of this IPR.

**B. Factor 2 strongly favors institution because the Board will enter a Final Written Decision months before the district court trial.**

Factor 2 strongly weighs in favor of consideration of the merits. The projected statutory deadline for issuing a Final Written Decision (FWD) in this IPR is May 25, 2027. In the parallel NDCA district court litigation, trial is scheduled for August 30, 2027. EX2002, 3. Thus, the Board will likely issue its FWD *three months before* the district court trial.

In support of its flawed position that this factor favors denial, Patent Owner grossly mischaracterizes two cases that do *not* support its argument. *Contra* DD. Br., 15. In *SmartSky*, the Acting Director weighed *against* discretionary denial that the trial date was projected to occur months after the FWD because it reduced “the chances of duplication of efforts and inconsistent outcomes.” *SmartSky Networks LLC v. Gogo Business Aviation LLC*, IPR2025-00672, Paper 10 at 2 (P.T.A.B. July 31, 2025) (Stewart). Unlike the early challenge presented in this IPR, the reason for the discretionary denial in *SmartSky* was because the challenged patent was in force for seven years, creating strong settled expectations for Patent Owner. *See id.*

Patent Owner’s mischaracterization of *Samsung* is even worse. Rather than “granting request for discretionary denial,” as Patent Owner wrongly asserts, DD Br., 14-15, the panel denied institution for efficiency reasons because Petitioner failed to show a reasonable likelihood of prevailing on three of four grounds. *See Samsung Elecs. Co. v. KP Innovations 2, LLC*, IPR2025-00101, Paper 13 at 27-28 (PTAB May 12, 2025). There was no mention of *Fintiv* in the majority opinion (and the dissent would have instituted). *See id.*

Lastly, Patent Owner notes the FWD may be extended by good cause and will not become binding until the time to appeal has passed and any appeal of the FWD is resolved. DD. Br., 14. Patent Owner cites no case law for its assertion that either of these dates are relevant to the analysis, nor can it, because the relevant

consideration is the proximity of the trial date to the Board’s projected FWD date—as articulated in the precedential *Fintiv* decision and numerous Director decisions applying it. *See Fintiv*, 9. Furthermore, it is entirely speculative that there will be any good cause shown for an extension of the FWD and that there will be an appeal to the Federal Circuit. Because the NDCA trial date is three months after the projected FWD date (which is undisputed), this factor weighs strongly in favor of merits consideration.

**C. Factor 3 strongly favors institution because there has been minimal investment, and Petitioner was diligent in filing this IPR.**

Factor 3 favors institution because the parties and the court have not made significant investment in the NDCA litigation and Petitioner was diligent in filing this IPR.

The district court case is in the early stages, with invalidity contentions only recently exchanged, opening claim construction briefs not due until March 5, 2026, the deadline for non-expert document production six months away, and expert discovery cut-off ten months away. EX2002. Even in the unlikely event that this case is not stayed post institution, the court will not have issued a *Markman* order by the institution date because the hearing is scheduled to occur mere days before. *Cf. Fintiv*, 9-10 (explaining that the issuance of “district court claim construction orders may indicate that the court and parties have invested sufficient time in the parallel proceeding to favor denial”).

Indeed, Patent Owner argued that the district court was in the early stages when it sought (and was granted) leave to add the '276 and '243 patents to the district court case. EX1046, 1; EX1047, 6; EX1048, ¶8. Patent Owner should not be permitted to have it both ways—arguing the litigation in district court was in its early stages in order to amend its complaint, and then claiming that the district court case is too far advanced in an IPR petition filed just a few months later (with minimal case activity in between).

Further, Petitioner filed this IPR expeditiously—a mere four months after Patent Owner amended its complaint on July 9, 2025, to assert the '243 patent. EX2007. The minimal investment and Petitioner's diligence weigh in favor of referral for consideration of the merits. *Fintiv*, 10-12.

**D. Factor 4 favors institution because Petitioner submitted a strong stipulation.**

Factor 4 favors consideration of the merits. Petitioner filed a strong stipulation that if the Board institutes this IPR, Petitioner will not raise in district court “any grounds raised or that reasonably could have been raised in the Petition or any grounds that are combinations of the prior art asserted in this IPR with unpublished system prior art.” Paper 6, 1. The stipulation was timely filed more than a month before Patent Owner's Discretionary Denial Brief, and, therefore, Patent Owner's arguments on overlap, DD. Br., 17, should be disregarded because they ignore the stipulation. *Id.* To be sure, Petitioner's strong stipulation mitigates

concerns of duplication of effort and concerns of potentially conflicting decisions.

*Sotera Wireless, Inc. v. Masimo Corp.*, IPR2020-01019, Paper 12 at 19 (P.T.A.B. Dec. 1, 2020) (precedential as to § II.A); *Motorola Sol'ns, Inc. v. Stellar, LLC*, IPR2024-01205, Paper 19 at 4 (P.T.A.B. Mar. 28, 2025) (Stewart).

**E. Factor 5 favors institution because the parties are the same.**

This factor weighs in favor of referral for consideration of the merits because the parties in the parallel litigation are the same and the Board will reach its determination before the district court. *See BOE Tech. Grp. Co. v. Optronix Scis. LLC*, IPR2024-01130, Paper 16 at 13 (P.T.A.B. Jan. 27, 2025) (noting weight of factor 5 depends on which tribunal is likely to reach a decision first); *NVIDIA Corp. v. Invensas Corp.*, IPR2020-00603, Paper 11 at 23 (P.T.A.B. Sept. 3, 2020) (factor 5 weighs against denial where Board is likely to reach a FWD first).

**F. Factor 6 favors institution because the merits of the challenge are strong.**

The Petition presents strong challenges based on prior art that the Examiner should have considered but did not. Indeed, in the '580 patent IPR, the Board has already instituted review of the '580 patent. *See* IPR2025-00574 ('580 patent IPR), Pet. at 10 (P.T.A.B. Feb. 14, 2025). The Board similarly declined discretionary denial of the petition challenging the '276 patent. The Petition here presently similarly strong arguments on the merits. Accordingly, this factor weighs against discretionary denial.

In sum, all six of the *Fintiv* factors weigh in favor of the Director considering the Petition's merits.

#### **IV. THE OFFICE MADE A MATERIAL ERROR ISSUING THE '243 PATENT.**

The Director should consider the Petition on the merits and institute review to correct the material error made by the Office in issuing the '243 patent. *See Padagis US LLC v. Neurelis, Inc.*, IPR2025-00464, Paper 12 at 3 (PTAB July 16, 2025) (informative) (determining it is an appropriate use of Office resources to review a material error by the Office). There are at least two clear errors presented here that warrant institution.

First, the Notice of Allowance mentions two prior-art references that, based on the Examiner's descriptions, readily establish obviousness of the allowed claims. Specifically, the Examiner states that U.S. Pub. No. 2021/0117728 to Lee teaches every limitation of the claims, including the claimed distraction classification model, but does not teach the specific prediction heads and the specific output model associated with training that model. *See* EX1002, 0145-55 (NOA). Immediately thereafter, the Examiner notes that U.S. Pub. No. 2017/0357866 to Welland teaches a system for training a distraction classification model—the very element that was observed to be missing from Lee. Thus, based on the Examiner's own prior art search, the claims should have been subject to an obviousness rejection. But the Examiner did not issue such a rejection, nor did he

explain why one would not be appropriate. Instead, the claims were simply allowed. Indeed, the only Office Action issued was a restriction requirement.

Second, as discussed in detail in the expert declaration submitted in support of the Petition, the Examiner's prior art search terms were deficient. *See* EX1003, ¶¶ 79-85. Specifically, the Examiner never searched for the term "backbone," which is a crucial aspect of the claims and the technological field. *Id.*, ¶ 80. The Examiner also searched for "network" and "model" but never searched for the more relevant terms "neural network," "machine learning," or any other term that would be related to the neural network claimed. *Id.*, ¶ 81. By failing to use the most probative search terms, the Examiner failed to uncover the closest prior art. *Id.*, ¶¶ 82-85 (identifying several more pertinent references than those disclosed in the prosecution history and explaining their materiality to patentability).

**V. THE PTAB IS THE MOST EFFICIENT FORUM TO DETERMINE VALIDITY OF THE '243 AND RELATED IPRs.**

PTAB is the most efficient forum to address all of the patents asserted by Patent Owner in the parallel district court litigation. Petitioner has filed IPR challenges for all three of the patents. One has already been instituted, and the remaining two challenges (including the challenge to '243 patent here) are strong challenges with favorable discretionary considerations. The status of each IPR, and key factors relevant to discretion, is summarized in the chart below:

| Patent (IPR)                  | IPR Institution Status      | Patent Issue Date | <i>Fintiv</i> factor 2         |
|-------------------------------|-----------------------------|-------------------|--------------------------------|
| 11,875,580<br>(IPR2025-00574) | Instituted                  | January 26, 2024  | FWD > 1 year<br>before trial   |
| 12,136,276<br>(IPR2026-00034) | Referred to<br>merits panel | November 5, 2024  | FWD > 4<br>months before trial |
| 12,062,243<br>(IPR2026-00108) | Pending                     | August 13, 2024   | FWD > 3<br>months before trial |

As illustrated by the chart, discretionary considerations for this IPR favor consideration of the merits. Petitioner’s challenges are “[e]arly challenges,” which weighs against discretionary denial. *See, e.g., OnePlus Tech.*, IPR2025-00756, Paper 11 at 2. Further, Petitioner promptly filed the last two IPRs within a few months of the Patent Owner’s amendment of its district court complaint to add the ’276 and ’243 patents. Thus, despite the late addition of these patents to litigation, the projected date for PTAB to issue its final written decision for both pending IPRs is months prior to the district court trial. This also weighs against discretionary denial.

Additionally, as asserted by Patent Owner when it sought to amend its complaint, “all three patents are directed to similar technologies.” EX1047, 5. Given the overlap in technologies, it would be more efficient for PTAB to consider all three challenges. *See e.g., Embody, Inc. v. LifeNet Health*, IPR2025-00248, Paper 13 at 3 (P.T.A.B. June 26, 2025) (Stewart) (it is an efficient use of Board resources to address related patents).

**VI. THERE ARE NO OTHER REASONS FOR DISCRETIONARY DENIAL.**

All of the remaining considerations presented here weigh against discretionary denial.

**A. Petitioner does not take any inconsistent claim construction positions.**

Petitioner is mindful the Office instructed “when a petitioner takes alternative positions before the Board and a district court, that petitioner should, at a minimum, explain why alternative positions are warranted.” *Revvo Techs., Inc. v. Cerebrum Sensor Techs., Inc.*, IPR2025-00632, Paper 20 at 3-4 (P.T.A.B. Nov. 3, 2025) (Squires) (precedential). Advancing a narrower claim construction in district court than advanced at PTAB, without sufficient explanation, favors discretionary denial. *Sun Pharms. Indus. Inc. v. Nivagen Pharms., Inc.*, IPR2025-00893, Paper 18 at 3 (P.T.A.B. Sept. 19, 2025) (Stewart) (informative). This consideration has no bearing here because Petitioner does not advance any inconsistent, or narrower, constructions at district court than before the Board.

In its Petition, Samsara construes all terms “according to their ordinary and customary meanings” as understood by a POSA in view of the specification. Pet., 2. Petitioner further stipulates to use before the Board the same express or implied constructions and interpretations that it advances in the district court. This stipulation “resolves any potential inconsistency in claim construction positions

between forums and does not require further explanation under *Revvo.*” *Caption Health, Inc. v. The University of British Columbia*, IPR2025-01422, Paper 15 at 3 (P.T.A.B. Dec. 18, 2025) (Squires). Petitioner does not contend that any of the claims are indefinite, so there is no risk of inconsistency on that front either.

Accordingly, there are no inconsistent claim construction positions that weigh in favor of discretionary denial.

**B. Patent Owner’s additional arguments for discretionary denial lack merit.**

Patent Owner’s allegations of impropriety and gamesmanship are baseless. *Contra* DD. Br., 2, 18-19.

Patent Owner alleges Petitioner is using this IPR to improperly “bolster its motion to stay” in district court. DD. Br, 18. This allegation is nonsensical and illogical. This IPR was filed not to bolster a stay motion, but because Patent Owner amended its complaint to assert infringement of the ’243 patent and, as shown in the Petition, the claims are clearly unpatentable.

Furthermore, Patent Owner’s allegation, DD. Br., 2, 18-19, that Petitioner filed this IPR to engage in gamesmanship is patently false. Petitioner seeks to streamline the district court litigation and to avail itself of the intended benefits of *inter partes* review to “provid[e] a more efficient system for challenging patents” and to reduce litigation costs. H.R. Rep. No. 112-98 at 39-40 (2011). As discussed in Section VI, the PTAB already instituted review of the ’580 patent (with similar

claims to the '276 patent) and would be the most efficient forum to resolve the patentability of the patents asserted by Patent Owner in district court.

## **VII. CONCLUSION**

The Director should refer the Petition for an institution decision on the merits and institute the Petition.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX PLLC

/Jason D. Eisenberg/

Jason D. Eisenberg  
Registration No. 43,447  
*Counsel for Petitioner Samsara Inc.*

Date: March 9, 2026

1101 K Street, NW, 10th Floor  
Washington, DC 20005  
(202) 371-2600

**CERTIFICATE OF SERVICE (37 C.F.R. § 42.6(e))**

I certify that the above-captioned **PETITIONER'S CORRECTED  
OPPOSITION TO PATENT OWNER'S DISCRETIONARY DENIAL  
BRIEF** was served in its entirety on March 9, 2026, upon the following parties via  
electronic mail:

Vincent M. Ferraro (Lead Counsel) [vferraro@kelleydrye.com](mailto:vferraro@kelleydrye.com)  
Michael J. Zinna (Back-Up Counsel) [mzinna@kelleydrye.com](mailto:mzinna@kelleydrye.com)  
Abhishek Bapna (Back-Up Counsel) [abapna@kelleydrye.com](mailto:abapna@kelleydrye.com)  
KELLEY DRYE & WARREN LLP

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX PLLC

/Jason D. Eisenberg/

Jason D. Eisenberg  
Registration No. 43,447  
*Counsel for Petitioner Samsara Inc.*

Date: March 9, 2026

1101 K Street, NW, 10th Floor  
Washington, DC 20005  
(202) 371-2600