UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

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

v.

TVNGO LTD.,
Patent Owner

IPR2026-00214
U.S. Patent No. RE50,399

PETITIONERS' SUR-REPLY REGARDING PATENT OWNER'S REQUEST FOR DISCRETIONARY DENIAL

INDEX OF EXHIBITS

Exhibit No.	Description
1001	U.S. Patent No. RE50,399
1002	U.S. Patent No. RE50,328
1003	Declaration of Dr. V. Michael Bove, Jr. for the ’399 patent
1004	U.S. Patent No. 8,132,220
1005	U.S. Patent No. RE50,399 reissue file history
1006	U.S. Patent No. 8,132,220 file history
1007	U.S. Patent Application Publication 2001/0003212 (“Marler”)
1008	U.S. Patent No. 7,849,226 (“Zigmond”)
1009	TVnGO’s Opening Claim Construction Brief from the LG Litigation
1010	*TVnGO, Ltd. (BVI) v. LG Electronics, Inc.*, 861 Fed. Appx. 453 (Fed. Cir. 2021)
1011	U.S. Patent Application Publication No. 2004/0107327 (“Reichardt”)
1012	U.S. Patent Application No. 09/153,577
1013	U.S. Patent No. 7,269,837 (“Redling”)
1014	U.S. Patent Application Publication No. 2003/0229900 (“Reisman”)
1015	U.S. Patent Application Publication No. 2002/0126990 (“Rasmussen”)
1016	WIPO Publication No. WO2001078381A2 (“Escobar”)
1017	WIPO Publication No. WO1997997A1 (“Townsend”)
1018	U.S. Patent Application Publication No. 2005/0138668A1 (“Gray”)
1019	U.S. Patent No. 6,338,094 (“Scott”)
1020	“Where Television and Internet Meet...: New experiences for rich media,” December 2001 (“Vliet”)
1021	U.S. Patent Application Publication No. 2004/0172661 (“Yagawa”)
1022	WIPO Publication No. WO2001010118A1 (“Cooper”)
1023	U.S. Patent No. 6,240,555 (“Shoff”)
1024	U.S. Patent Application Publication No. 2001/0047518 (“Sahota”)
1025	U.S. Patent No. 5,818,438 (“Howe”)
1026	DCT5100 Installation Manual (“DCT5100”)

Exhibit No.	Description
1027	U.S. Patent No. 8,281,339 ("Walker")
1028	OpenTV Core 1.1, Technical White Paper, 2002 ("OpenTV Whitepaper")
1029	"Panasonic TVs to Include OpenTV Software," TVTechnology Newsletter, February 4, 2004 ("Panasonic")
1030	TVnGO's Opening Claim Construction Brief from LG Litigation
1031	U.S. Patent No. RE50,328 reissue file history
1032	U.S. Patent No. 9,407,969 file history
1033	Declaration of Dr. V. Michael Bove, Jr. for the '328 patent
1034	U.S. Patent No. 9,407,969
1035	*Carbyne, Inc. v. Tritech Software Sys.*, IPR2025-00959, Paper 11 (Director October 3. 2025)
1036	U.S. Pat. No. RE50,016 E
1037	*Carbyne, Inc. v. Tritech Software Sys.*, IPR2025-00959, Paper 1
1038	EPO Examination Report for EP App. No. EP 05703078.5 dated November 15, 2011
1039	Response to EPO Examination Report for EP App. No. EP 05703078.5 dated May 24, 2012
1040	EPO Examination Report for EP App. No. EP 05703078.5 dated December 19, 2018
1041	Response to EPO Examination Report for EP App. No. EP 05703078.5 dated May 14, 2019
1042	Original Complaint in *TVnGO Ltd. v. Samsung Elecs. Co., Ltd. and Samsung Elecs. America, Inc.*, No. 25-cv-549 (W.D.Tx.) dated November 26, 2025
1043	Unopposed Motion to Extend Time in *TVnGO Ltd. v. Samsung Elecs. Co., Ltd. and Samsung Elecs. Am., Inc.*, No. 25-cv-549 (W.D.Tx.) dated February 26, 2026.
1044	Opinion in *TVnGO, Ltd. (BVI) v. LG Electronics, Inc.*, No. 18-10238 (D.N.J. May 23, 2019)
1045	*Microsoft Corp. v. Sandpiper CDN, LLC*, IPR2026-00180, Paper 15 (Director, May 6, 2026)

Petitioner files this Sur-reply to PO's Reply regarding PO's request for discretionary denial pursuant to the Director's June 2, 2026 authorization. EX3102. The Reply does nothing to negate the strong case for institution of this IPR.

I. *CARBYNE* DEMONSTRATES THAT PO IS NOT ENITLED TO SETTLED EXPECTATIONS FOR THE '399 REISSUE PATENT

Patent Owner ("PO") now admits that the only case it cited to support its purported entitlement to settled expectations, *Nvidia*, is inapposite here. Reply, 1. PO's assertion that *Carbyne* is also inapposite should be rejected. The Director has repeatedly relied on the challenged patent's issue date, *i.e.*, how long the challenged patent has been in force, to determine the existence of settled expectations. *E.g.*, *Dabico Airport Sols. Inc. v. AXA Power ApS*, IPR2025-00408, Paper 21, at 2 (Director, June 18, 2025) (informative) ("the challenged patent has been in force almost eight years, creating settled expectations"); *Alpinestars S.P.A. et al. v. Dainese S.P.A.*, IPR2025-00750, Paper 14 (Director Aug. 14, 2024) (denying settled expectations on the basis of issue date). The '399 reissue patent is not the original '220 patent because that patent was surrendered. 35 U.S.C. § 252. Thus, the relevant date is the issue date of the '99 patent, not the original patent.

The *Carbyne* decision followed the norm of measuring settled expectations by its issue date for a reissue patent in the face of the patent owner's argument for settled expectations because the original patent had issued nearly a decade earlier

and many of the challenged reissue patent claims were "substantively identical to" the original patent claims. *Carbyne, Inc. v. Tritech Software Sys.*, IPR2025-00959, Paper 5 at 15. Neither the petitioner's opposition nor the *Carbyne* decision relied on the newly added claims in arguing against and rejecting that argument. *Carbyne, Inc. v. Tritech Software Sys.*, IPR2025-00959, Paper 11 at 3 (Director Oct. 3, 2025) and Paper 8 at 19-22 (Sept. 15, 2025). The absence of new claims in the '399 reissue patent is therefore of no moment. And even if that absence were entitled to any weight, the Federal Circuit's determination that all claims of the original patent were invalid firmly tips the balance against any settled expectations.

II. TVNGO DID WITHHOLD MATERIAL PRIOR ART

TVnGO's assertion that it did not intentionally withhold material prior art from the Patent Office during prosecution is plainly false. Reply at 1. As demonstrated in the Opposition at 6-9, TVnGO twice withheld Marler, Blackketter and the European Patent Office examiner's rejections over Marler and Blacketter during the original and the reissue prosecution, and the examiner never found or considered any of that highly material information during either the reissue or original prosecution. TVnGO's Reply does not dispute that TVnGO knew of all of these documents, had a duty to disclose them, knowingly violated that duty, and that the examiner was unaware of these documents as a result. These undisputed facts preclude any settled expectations and weigh strongly in favor of institution of

this IPR so the U.S. Patent Office can consider this highly material information as it would have but for TVnGO's inequitable conduct.

TVnGO's attempts to ameliorate its inequitable conduct fail. TVnGO's quibbling in the Reply at 2 about the reason for amending the EPO claims fails because Marler anticipates several claims of the '399 patent. Petition, Ground 1. The EPO examiner's written description rejection and the limitations added to the European claims that are not in the '399 patent claims are yet another reason why TVnGO should have disclosed that rejection to the U.S. Patent Office. TVnGO further points to litigation search results that "lists" Marler and Blackketter. Reply at 3. Those litigation search results were not submitted by TVnGO. The search was conducted by Renee Preston, a USPTO paralegal, not the examiner. EX1031, 68; https://openpayrolls.com/employee/renee-m-preston-9780. Those search results are not listed on the face of the '399 patent and nothing in the record suggests that Marler or the EPO rejections were considered by the examiner. But if they were, this establishes material examiner error because Marler anticipates several claims of the '399 patent. This is yet another reason to institute this IPR. *Padagis US LLC v. Neurelis, Inc.*, IPR2025-00464, Paper 12 at 3 (Director Jul. 16, 2025). Finally, disclosing Marler in a *continuation* of the original patent does not excuse PO's failure to do so in the '399 patent prosecution. It is disclosures in a *parent* application, not a continuation, that satisfy an applicant's duty of disclosure. MPEP § 609.02.

Date: June 9, 2026

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned certifies pursuant to 37 C.F.R. § 42.6(e) that on June 9, 2026, a true and correct copy of this brief was served by emailing a copy of the same (by agreement) to the following attorneys for the Patent Owner:

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