

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

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

Petitioners

v.

WHIRLPOOL CORPORATION

Patent Owner

Case IPR2026-00336
Patent 12,232,681

PATENT OWNER'S REPLY IN SUPPORT OF ITS
DISCRETIONARY DENIAL BRIEFING

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Patent Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

EXHIBIT LIST

Exhibit	Description
EX2001	Complaint for Patent Infringement, <i>Whirlpool Corporation v. Samsung Electronics Co., Ltd. et al.</i> , No. 2:25-cv-01042, Dkt. No. 1, filed Oct. 10, 2025 (E.D. Tex.)
EX2002	Amended Complaint for Patent Infringement, <i>Whirlpool Corporation v. Samsung Electronics Co., Ltd. et al.</i> , No. 2:25-cv-01042, Dkt. No. 38, filed Feb. 9, 2026 (E.D. Tex.)
EX2003	Plaintiff's Motion for Preliminary Injunction, <i>Whirlpool Corporation v. Samsung Electronics Co., Ltd. et al.</i> , No. 2:25-cv-01042, Dkt. No. 4, filed Oct. 10, 2025 (E.D. Tex.)
EX2004	Samsung's Opposition to Whirlpool's Motion for Preliminary Injunction (Redacted), <i>Whirlpool Corporation v. Samsung Electronics Co., Ltd. et al.</i> , No. 2:25-cv-01042, Dkt. No. 24, filed Dec. 15, 2025 (E.D. Tex.)
EX2005	Expert Declaration of Dr. Kimberly K. Cameron Regarding Non-infringement and Invalidity of the Asserted Patents, <i>Whirlpool Corporation v. Samsung Electronics Co., Ltd. et al.</i> , No. 2:25-cv-01042, Dkt. No. 70-1, filed May 27, 2026 (E.D. Tex.)
EX2006	Expert Declaration of Dr. Kimberly K. Cameron Regarding Non-infringement and Invalidity of U.S. Patent No. 12,543,922 (Redacted), <i>Whirlpool Corporation v. Samsung Electronics Co., Ltd. et al.</i> , No. 2:25-cv-01042, Dkt. No. 70-2, filed May 27, 2026 (E.D. Tex.)
EX2007	Expert Declaration of Dr. Kimberly K. Cameron Regarding Non-infringement and Invalidity of the Asserted Patents (Redacted), <i>Whirlpool Corporation v. Samsung Electronics Co., Ltd. et al.</i> , No. 2:25-cv-01042, Dkt. No. 70-3, filed May 27, 2026 (E.D. Tex.)
EX2008	Transcript of Evidentiary Hearing Held April 8, 2026 (Redacted), <i>Whirlpool Corporation v. Samsung Electronics Co., Ltd. et al.</i> , No. 2:25-cv-01042, Dkt. No. 76, filed June 10, 2026 (E.D. Tex.)
EX2009	Plaintiff's Post-hearing Brief in Support of Motion for a Preliminary Injunction, <i>Whirlpool Corporation v. Samsung Electronics Co., Ltd. et al.</i> , No. 2:25-cv-01042, Dkt. No. 65, filed May 5, 2026 (E.D. Tex.)
EX2010	Samsung's Post-hearing Responsive Brief in Opposition to Motion for a Preliminary Injunction (Redacted), <i>Whirlpool Corporation v. Samsung Electronics Co., Ltd. et al.</i> , No. 2:25-cv-01042, Dkt. No. 70, filed May 27, 2026 (E.D. Tex.)
EX2011	Plaintiff's Post-hearing Reply Brief in Support of Motion for a Preliminary Injunction (Redacted), <i>Whirlpool Corporation v. Samsung</i>

	<i>Electronics Co., Ltd. et al.</i> , No. 2:25-cv-01042, Dkt. No. 75, filed June 10, 2026 (E.D. Tex.)
EX2012	Declaration Of Justin DeLapa In Support Of Patent Owner's Discretionary Denial Briefing Pursuant To The Director's March 26, 2025 Memorandum
EX2013	Docket Report, <i>Whirlpool Corporation v. Samsung Electronics Co., Ltd. et al.</i> , No. 2:25-cv-01042 (E.D. Tex.) last accessed June 11, 2026
EX2014	Whirlpool Corporation Product Marking Page, available at https://www.patent-listing.com/index.html (last accessed June 10, 2026)
EX2015	Docket Control Order, <i>Whirlpool Corporation v. Samsung Electronics Co., Ltd. et al.</i> , No. 2:25-cv-01042, Dkt. No. 78, filed June 12, 2026 (E.D. Tex.)
EX2016	Declaration of William B. Collier, Jr. in Support of Patent Owner's Notice of Intent to Designate Provisionally Recognized Attorney William B. Collier, Jr. as Back-Up Counsel Under 37 C.F.R. § 42.10(c)
EX2017	Declaration of Dr. Emad Tanbour
EX2018	U.S. Patent No. 12,232,681 ("the '681 Patent") (with certificate of correction)
EX2019	Declaration of Dr. Emad Tanbour, <i>Whirlpool Corporation v. Samsung Electronics Co., Ltd. et al.</i> , No. 2:25-cv-01042, Dkt. No. 65-6, filed May 5, 2026 (E.D. Tex.) (signed Oct. 10, 2025)
EX2020	Samsung, Bespoke AI Smart Dishwasher, https://www.samsung.com/us/dishwashers/freestanding/38-dba-bespoke-auto-open-door-dish (Last accessed July 11, 2026)
EX2021	Curriculum Vitae of Dr. Emad Tanbour
EX2022	U.S. Patent No. 12,642,422
EX2023	Second Amended Complaint for Patent Infringement, <i>Whirlpool Corporation v. Samsung Electronics Co., Ltd. et al.</i> , No. 2:25-cv-01042, Dkt. No. 88, filed June 26, 2026 (E.D. Tex.)
EX2024	Order Granting Leave to File Second Amended Complaint, <i>Whirlpool Corporation v. Samsung Electronics Co., Ltd. et al.</i> , No. 2:25-cv-01042, Dkt. No. 90, filed July 1, 2026 (E.D. Tex.)
EX2025	Petitioner's Stipulation, <i>Tesla, Inc. v. Bulletproof Property Management, LLC</i> , IPR2026-00204, Exhibit 1102 (P.T.A.B. Mar. 20, 2026)

Patent Owner Whirlpool Corporation (“Whirlpool”) files this reply, with permission from the Director, in support of its request that the Director deny Samsung’s Petition to institute inter partes review of U.S. Patent Nos. 10,512,385 (the “’385 Patent”) and 12,232,681 (the “’681 Patent”).

I. The Addition of the ’422 Patent to the District Court Litigation Supports Discretionary Denial.

On July 1, the District Court granted Whirlpool’s unopposed motion to file an amended complaint adding U.S. Patent No. 12,642,422 (“the ’422 Patent”) to that case. EX2023; EX2024. Whirlpool contends that the same Samsung dishwasher models infringe all the asserted patents, including the newly added ’422 Patent. EX2023. The addition of the ’422 Patent weighs against a stay under at least *Fintiv* Factors 1 and 4.

Like the other asserted patents, the ’422 Patent claims a dishwasher comprising *inter alia* an upper dishrack with walls shaped to allow the dishrack to hold drinking vessels on their cylindrical edge. *See* EX2022, Fig 7. As a result, there will be significant overlap of issues involved in litigating the ’422 Patent and the other asserted patents. *See generally* EX2023. For example, discovery related to the infringing products will be largely identical, claim construction will address terms across the asserted patents, and, as Samsungs IPR and PGR challenges illustrate, Samsung will likely assert similar invalidity challenges across these patents. Due to this overlap of issues, *Fintiv* factor 4 favors discretionary denial.

With the addition of the '422 Patent, the Eastern District of Texas is unlikely to stay litigation. “It has been [that district’s] consistent and long-established practice to deny motions to stay pending [review] . . . when the PTAB . . . [has] instituted review on less than all asserted claims of all asserted patents.” *AGIS Software Development LLC v. Google LLC*, No. 2:19-cv-361-JRG, 2021 U.S. Dist. LEXIS 24195, at *9 (E.D. Tex. Feb. 9, 2021). Because trial is scheduled for December 6, 2027, and a final written decision on the '422 Patent would not issue before that trial date, the District Court is very unlikely to stay the case as to the '422 Patent or any of the other asserted patents. Because the district court case will almost certainly proceed, *Fintiv* factor 1 further weighs in favor of discretionary denial.

II. Samsung’s Late Stipulation Does Not Justify Institution

Samsung submitted what it calls a “broader-than-*Sotera* Stipulation” *after* Whirlpool filed its discretionary denial briefs. EX1041. Samsung contends its stipulation is based on the Decision in *Tesla, Inc. v. Bulletproof Property Management, LLC*, IPR2026-00204, Paper 14 (P.T.A.B. June 15, 2026). However, this case is not comparable to *Tesla*. First, the District Court in *Tesla* vacated the trial date “leaving no currently scheduled trial.” *Id.* at 2. The absence of a trial date weighed heavily on the Director’s decision. *Id.* Here, trial in the District Court is set for December 6, 2027, and there is no reason to believe that trial will be removed from the Court’s docket. *See* EX2015.

Second, contrary to Samsung’s assertion, its stipulation is not identical to that in *Tesla*. *Compare* EX1041 with EX2025. Specifically, Samsung expressly reserves the right to continue pursuing its invalidity theories before the District Court in opposing Whirlpool’s preliminary injunction motion. EX1041 (“Samsung may continue to assert that that no injunction of any sort should issue in the related district court case because the existence of the ongoing IPR”). As a result, the parties will continue to litigate these same invalidity grounds, even if the Board orders institution. Consistent with its conditional stipulation, Samsung has not withdrawn its invalidity arguments before the District Court and continues pursuing duplicative invalidity positions in the two forums.

Next, Samsung’s stipulation does not include the *Tesla* stipulation that the petitioner would not assert “the specific grounds asserted in the instituted IPR” and that the petitioner sought “to avoid multiple proceedings in different forums addressing the validity of the claims challenged in the instituted IPR based on the same grounds or prior art.” *Compare* EX1041 with EX2025. Samsung apparently removed these stipulations to retain the invalidity challenges already asserted in the District Court case. This omission confirms that Samsung views this proceeding as an additional “bite at the apple” rather than any sort of true alternative to a validity determination in the District Court lawsuit.

Dated: July 28, 2026

Respectfully submitted,

/Michael F. Heim /

Michael F. Heim (Reg. No. 32,702)

Attorney for Patent Owner

Whirlpool Corporation

CERTIFICATE OF SERVICE

The undersigned certifies that pursuant to 37 C.F.R. § 42.6(e), a true copy of the foregoing PATENT OWNER'S REPLY IN SUPPORT OF ITS DISCRETIONARY DENIAL BRIEFING was served on the date below to the following lead counsel for Petitioners via e-mail:

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