UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD., and

SAMSUNG ELECTRONICS AMERICA, INC.,

Petitioners,

v.

XIFI NETWORKS R&D, INC.,

Patent Owner.

Post-Grant Review No. 2025-00068
U.S. Patent No. 12,169,756

PATENT OWNER'S MEMORANDUM

IN SUPPORT OF DISCRETIONARY DENIAL

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PATENT OWNER EXHIBIT LIST

Exhibit No.	Description
EX2001	Complaint, *XiFi Networks R&D, Inc. v. Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc.*, No. 2:24-cv-01057-JRG, Dkt. 1 (E.D. Tex. Dec. 17, 2024).
EX2002	First Amended Docket Control Order, *XiFi Networks R&D, Inc. v. Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc.*, No. 2:24-cv-01057-JRG, Dkt. 28 (E.D. Tex. Apr. 14, 2025).
EX2003	Plaintiff's First Amended Complaint, *XiFi Networks R&D, Inc. v. Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc.*, No. 2:24-cv-01057-JRG, Dkt. 13 (E.D. Tex. Mar. 11, 2025).
EX2004	Defendants' Answer and Affirmative Defenses to Plaintiff's First Amended Complaint, *XiFi Networks R&D, Inc. v. Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc.*, No. 2:24-cv-01057-JRG, Dkt. 31 (E.D. Tex. Jun. 9, 2025).
EX2005	Defendants' P.R 3.3 and 3.4 Invalidity Contentions (Jun. 18, 2025).
EX2006	Table 1 Comparing Select Sections of Almeroth Declaration (EX1002) to Corresponding Sections of Petition (Paper 3).

I. INTRODUCTION

The Director should exercise discretion and deny institution of Samsung's petition for post-grant review of U.S. Patent No. 12,169,756 ("the '756 patent"). A trial in the United States District Court for the Eastern District of Texas will decide validity of the '756 patent three months before the Board's deadline to issue a final written decision. That court is unlikely to grant a motion to stay while the petition is pending, and Samsung's *Sotera* stipulation does not eliminate the overlap between Samsung's arguments in the district court and in its petition. Institution would thus result in inefficient use of the Board's, the parties', and the district court's time and resources. Equally important, Samsung's petition depends extensively on questionable expert testimony. That testimony strays beyond providing "helpful context" and instead broadly attempts to breathe meaning into the alleged prior art beyond its actual disclosure.

Pursuant to Acting Director Stewart's March 26, 2025 Memorandum titled "Interim Processes for PTAB Workload Management" ("Stewart Memorandum"), Patent Owner XiFi Networks R&D, Inc. ("XiFi") respectfully requests that the Director exercise discretion and deny Petitioners Samsung Electronics Co, Ltd.'s and Samsung Electronics America, Inc.'s ("Petitioners" or "Samsung") request for

post-grant review.[1]

II. BACKGROUND

XiFi sued Samsung in the Eastern District of Texas on December 17, 2024. *XiFi Networks R&D, Inc. v. Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc.*, No. 2:24-cv-01057-JRG, Dkt. 1 (E.D. Tex. Dec. 17, 2024). EX2001 (Complaint). The district court established a case schedule and has set trial for October 19, 2026. EX2002 (District Court First Amended Docket Control Order, dated April 14, 2025) at 1. The parties are currently engaged in active discovery.

XiFi asserts eleven patents against Samsung. EX2003 (First Amended Complaint) at ¶1.[2] The eleven patents are from the same patent family and involve closely related subject matter. *Id*. at ¶¶33-42. Faced with these assertions, Samsung did not seek a stay to prepare petitions for post-grant review but instead engaged directly and actively in defending the case. In particular, Samsung has asserted invalidity of all asserted claims. EX2004 (Defendant's Answer and Affirmative

[1] On September 25, 2025, Director Squires confirmed that he will maintain the discretionary denial framework set forth in the Stweart Memorandum.

[2] Nine patents were asserted in the original complaint filed in December 2024, including the '756 patent; two patents were added in the amended complaint.

Defenses to Plaintiff's First Amended Complaint for Patent Infringement, Second Affirmative Defense (Invalidity)) at pg. 30. Samsung served its invalidity contentions on June 18, 2025. EX2005 (Samsung's P.R 3.3 and 3.4 Invalidity Contentions) at 151. Several weeks later, on July 3 and 10, 2025, Samsung filed IPR petitions challenging eight of the patents asserted by XiFi. IPR2025-01203, IPR2025-01204, IPR2025-01205, IPR2025-01206, IPR2025-01207, IPR2025-01208, IPR2025-01209, IPR2025-01270. On July 21, 2025, Samsung filed PGR petitions challenging the remaining three XiFi patents. PGR2025-00067, PGR2025-00068, PGR2025-00069.

III. ARGUMENT

Considering all relevant factors here, efficiency and integrity of the system are best served if the Director denies institution. Institution of post-grant review is a matter of discretion. *In re Palo Alto Networks, Inc.*, 44 F.4th 1369, 1373 (Fed. Cir. 2022) (citing 35 U.S.C. § 324). A petition that would result in an "inefficient use of Board resources" should be denied. *NHK Spring Co., Ltd. v. Intri-Plex Techs., Inc*. IPR2018-00752, Paper 8 (PTAB Sept. 12, 2018) (precedential). The Board and the Director will deny institution where PGR would be inefficient in view of parallel litigation. *See, e.g.*, *Milwaukee Elec. Tool Co. v. Klein Tools, Inc*., PGR2025-00048, Paper 14 at 3 (PTAB Sept. 12, 2025); *Azurity Pharms., Inc. v. Heron Therapeutics, Inc*., PGR2025-00035, Paper 11 at 3 (PTAB Aug. 14, 2025);

Phison Elecs. Corp. v. Vervain, LLC, PGR2025-00213, Paper 14 at 3 (July 10, 2025).

The Board and the Director take "a holistic view of whether efficiency and integrity of the system are best served by denying or instituting review." *Apple Inc. v. Fintiv, Inc.*, IPR2020-00019, Paper 11 at 6 (PTAB Mar. 20, 2020) (precedential) (citing *NHK*, IPR2018-00752, Paper 8). When determining whether to exercise its discretion to deny institution under 35 U.S.C. § 324, the Board considers six factors:

(1) whether the court granted a stay or evidence exists that one may be granted if a proceeding is instituted;

(2) proximity of the court's trial date to the Board's projected statutory deadline for a final written decision;

(3) investment in the parallel proceeding by the court and the parties;

(4) overlap between issues raised in the petition and in the parallel proceeding;

(5) whether the petitioner and the defendant in the parallel proceeding are the same party; and

(6) other circumstances that impact the Board's exercise of discretion, including the merits.

Fintiv, IPR2020-00019, Paper 11 at 6; *see also NXP USA, Inc. v. Impinj, Inc.*,

PGR2022-0005, Paper 17 at 7-13 (applying *Fintiv* in the context of a post-grant review). In the evaluation and application of the *Fintiv* factors, the Director also may consider the extent of the petition's reliance on expert testimony and strength of the unpatentability challenges. Stewart Memorandum at 2-3.

A. The District Court Trial Will Precede a Final Written Decision by Over Three Months.

The trial date alone is grounds for denial. Over three months before the Board must issue a final written decision, a jury will determine validity of the same claims in view of the same art and arguments. Trial is set to begin on October 19, 2026. EX2002. If PGR is instituted on the '756 patent, a final written decision is not due until February 3, 2027—over three months after trial is scheduled to conclude. *See* 35 U.S.C. §326(a)(11). Samsung's eight trailing IPRs and three trailing PGRs, including this one, are not an efficient use of the Board's resources. *See, e.g.*, *Shenzen Tuozhu v. Stratasys, Inc.*, IPR2025-00354, Paper 11 at 2 (PTAB June 12, 2025) ("[I]t will be inefficient to maintain two parallel proceedings when the district court scheduled trial date and the projected final written decision due date are in close proximity."). Discretionary denial is appropriate where parallel litigation will conclude well in advance of the Board's statutory decision deadline. *Fintiv*, IPR2020-00019, Paper 11 at 9; *see also Cisco Systems, Inc. v. WSOU Investments LLC*, IPR2025-00429, Paper 15 at 2 (PTAB June 25, 2025) (denying institution where trial scheduled to begin three months before final written decision

deadline); *Catalyst Orthoscience Inc. v. Shoulder Innovations, Inc.*, PGR2025-0001, Paper 8 at 13 (PTAB April 24, 2025) (denying institution where a district court trial would "likely" precede a final written decision).

Even if the district court postpones the trial for several weeks due to other cases on its docket, trial likely will still precede a final written decision by approximately three months. Therefore, discretionary denial is appropriate. *See Google*, 2025 WL 1182608, at *4 (denying institution despite "a number of cases . . . scheduled for jury selection on the same day as the District Court Litigation."). The Director has found that a high likelihood that a district court trial will precede any final written decision, particularly when coupled with the parties' significant investment in the district court proceeding, discussed in section III.B below, weighs in favor of discretionary denial, even where the petition was filed within nine months of the patent's issuance. *See, e.g.*, *Azurity Pharms*, PGR2025-0035, Paper 11 at 2-3; *RingConn, LLC v. OuraRing, Inc.*, PGR2025-0018, Paper 11 at 2-3 (PTAB Jun. 25, 2025).

B. Samsung Waited Seven Months to File its Petitions for Post-Grant Review, While the Parties Actively Litigated the Case.

Samsung's delay weighs in favor of denial. Delay favors discretionary denial, particularly "if the petitioner cannot explain the delay in filing its petition." *Fintiv*, IPR2020-00019, Paper 11 at 12; *see also Ericsson Inc v. Procomm Int'l Pte. Ltd.*, IPR2024-01455, Paper 15 at 2 (PTAB May 16, 2025) (denying institution and

noting that petitioner "does not explain sufficiently" how other case events affected the delayed timing of the petition); *see also AT&T Servs. Inc. v. Asus Tech. Licensing Inc.*, IPR2024-00992, 2024 WL 5126018, at *5 (PTAB Dec. 16, 2024) (denying institution where petitioner filed petition five months after receiving infringement contentions and failed to "present[] any factual evidence to justify this delay").

Samsung's delay created the gap between the trial date and final written decision deadline. XiFi filed its original complaint on December 17, 2024, including an assertion of the '756 patent. EX2001. XiFi served infringement contentions on March 26, 2025, and Samsung served invalidity contentions on June 18, 2025. EX2005. Yet Samsung waited until July 21, 2025—seven months after the complaint, four months after infringement contentions, and over a month after its own invalidity contentions—to file its PGR petitions. Here, Samsung has offered no explanation for why it delayed filing the petition.

Samsung's delay will require the parties to invest significant resources in litigation even before the Board makes institution decisions. By the Board's institution deadline of February 3, 2026, the parties will have completed almost 10 months of fact discovery with less than four months of fact discovery remaining, and will have begun claim construction exchanges. *See* 35 U.S.C. §324; EX2002 at 3-4. The parties' and the district court's meaningful investment in the proceedings

weighs in favor of discretionary denial. *See, e.g., Phison Elec.*, PGR2025-00213, Paper 14.

C. The District Court Will Likely Deny a Motion to Stay.

Samsung has not requested a stay in the district court proceeding. The likelihood of a stay being granted by Judge Gilstrap in the district court proceeding before institution decisions is near zero. *See, e.g.*, *Force Mos Tech., Co. v. Asustek Computer, Inc.*, No. 2:22-cv-00460-JRG, 2024 WL 1586266, at *4 (E.D. Tex. Apr. 11, 2024) ("[T]his Court has a consistent practice of denying motions to stay when the PTAB has yet to institute post-grant proceedings.").

Even if the Board institutes PGR, the district court is still unlikely to grant a stay. The district court recently denied a post-institution motion to stay proceedings due to (1) undue prejudice to the patent owner, and (2) the inability of the proceeding to moot the petitioner's invalidity case. *Lionra Techs. Ltd. v. Cisco Sys., Inc.*, No. 2:24-cv-00097-JRG, 2025 WL 1239317, at *2-4 (E.D. Tex. Apr. 28, 2025).

As to the issue of undue prejudice, Judge Gilstrap determined that a stay would inordinately burden the patent owner's "ability to vindicate its patent rights" because the PTAB's final written decision, "which could be subject to further appeals, is not due until a date more than five months after the jury trial is set to begin." *Id* at *2. XiFi faces a similar timeline here and the same inability to

vindicate its patent rights should the district court grant a post-institution stay. By the Board's institution deadline for the last of the eleven asserted patents, February 3, 2026, trial will be only eight months away. EX2002 at 1. A stay at that late stage would halt the district court proceedings for, at minimum, an entire year while the district court and the parties await a final written decision.

As to the issue of mootness, Judge Gilstrap in *Lionra* determined that "the IPR only cover[ed] a portion of Defendant's invalidity arguments" and it was "far from a certainty" that the proceeding could simplify the issues of the case. *Lionra*, 2025 WL 1239317, at *4. As discussed in section III.D below, the same is true here.

Given the similarity between the facts of this dispute, and the reasoning in the recent *Lionra* case before Judge Gilstrap, it is unlikely that the district court will grant a post-institution stay here.[3]

[3] Even if the Board institutes review of the '756 patent, it is unlikely that the district court would sever and/or stay the district court proceeding if the Board does not also institute review of all ten other patents. *See, e.g.*, *AGIS Software Development LLC v. Google LLC*, No. 2:19-cv-00361-JRG, 2021 WL 465424, at *2 (E.D. Tex. Feb. 9, 2021) ("It has been this Court's consistent and long established practice to deny motions to stay [] when the PTAB [] ha[s] instituted

D. Post-Grant Review Will Not Moot the District Court Proceeding.

Samsung's *Sotera* stipulation (Paper 7) is inadequate under *Sotera Wireless, Inc. v. Masimo Corp*., IPR2020-01019, Paper 12 (PTAB Dec. 1, 2020) (precedential). A petition that "includes the same or substantially the same claims, grounds, arguments, and evidence as presented in the parallel proceeding" poses the potential for inconsistent results and inefficient efforts; such a situation weighs in favor of discretionary denial. *Fintiv*, IPR2020-00019, Paper 11 at 12 (noting that "concerns of inefficiency and the possibility of conflicting decisions [are] particularly strong" in such circumstances). Although a *Sotera* stipulation may mitigate this risk, it "will not be dispositive by itself." Boalick Memorandum at 3.[4]

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review on less than all asserted claims of all asserted patents[.]").

[4] March 24, 2025 Memorandum authored by Chief Administrative Patent Judge Scott R. Boalick, titled "Guidance on USPTO's Recission of 'Interim Procedure for Discretionary Denials in AIA Post-Grant Proceedings with Parallel District Court Litigation,'"
https://www.uspto.gov/sites/default/files/documents/guidance_memo_on_interim_procedure_recission_20250324.pdf ("Boalick Memorandum").
https://www.uspto.gov/sites/default/files/documents/deshpande-delegation-letter.pdf

Ultimately, institution should be denied if the stipulation does not ensure that the PGR proceeding would be a "true alternative" to the district court proceeding. *Motorola Sols., Inc. v. Stellar, LLC*, IPR2024-01205, Paper 19 at 4-5 (PTAB Mar. 28, 2025) (quoting *Sotera*, IPR2020-01019, Paper 12 at 19) (vacating institution, noting that the Board gave "too much weight to Petitioner's *Sotera* stipulation").

The four clauses of Samsung's *Sotera* stipulation do not mitigate overlap between these parallel proceedings. The first clause is limited to grounds for invalidity "involving *only* patent or printed publication art," (Paper 7 at 2) (emphasis added), and therefore does not prevent Samsung from combining any of the 210 patents and 98 printed publications cited in its district court invalidity contentions with any of the twenty-six (26) prior art systems it also identifies. EX2005 at 11-25. Samsung expressly states that it "reserves the right to rely on any system, public knowledge or use embodying or otherwise incorporating any of the prior art disclosed herein alone *or in combination.*" *Id*. at 2 (emphasis added).

The second clause stipulates that Samsung will not pursue "any grounds of invalidity arising under U.S.C. § 102 or § 103 with respect to the '756 patent that include WO2013/126859 ("Chincholi") or U.S. Patent No. 9,055,592 ("Clegg")." (Paper 7 at 2). This language does not prevent Samsung from relying in the district court on Chincholi and Clegg *as evidence of* other invalidity grounds. *See Ingenico Inc. v. IOENGINE, LLC,* 136 F.4th 1354, 1366 (Fed. Cir. 2025) ("IPR estoppel

does not preclude a petitioner from relying on the same patents and printed publications as evidence in asserting a ground that could not be raised during the IPR."). As noted above, Samsung's district court invalidity contentions identify 26 prior art systems; Samsung has reserved the right to rely on products and systems embodying any identified patent. EX2005 at 2-3.

Here, there appears to be a direct relationship between a patent in Samsung's petition and a prior art system in Samsung's invalidity contentions. The Clegg patent was issued to Netgear, and one of the alleged prior art systems is Netgear's "Broadcom Enabled Router." EX2005 at 25. Under Samsung's permissive stipulation, Samsung could use the Clegg patent as evidence to substantiate its claims regarding the Netgear router without directly asserting the Clegg patent itself on §§ 102 or 103 grounds. XiFi has not yet had the opportunity to conduct discovery regarding the provenance of any other alleged prior art system, yet given the extent of Samsung's assertions, it is likely that other instances of overlap will emerge.

The third and fourth clauses stipulate that Samsung will not assert any grounds of invalidity under, respectively, §§ 101 and 112 that it could have reasonably raised before the Board. (Paper 7 at 2). Notwithstanding this stipulation, if the Board institutes PGR on the '756 patent, it will introduce the risk of inconsistent decisions between the Board and the district court on issues of

patent-eligibility, written description support, and indefiniteness among the eleven asserted patents. All eleven patents share an identical specification and, in many cases, claim partially overlapping subject matter. Samsung has raised the same (or substantially similar) §§ 101 and 112 arguments against the eight patents not subject to PGR petitions in the district court, as it does in its Petition here.

For example, Samsung's Petition argues that the '756 patent's requirement that operation of the Virtual MAC Interface be done "in a manner transparent" to any layer above the processing interface lacks written description support. Petition at 80-81. In the district court, Samsung similarly challenges this requirement as it is used in all other asserted patents not subject to PGR. *See* EX2005 at 115 ('591 patent); 117 ('337 patent); 119 ('414 patent); 121 ('143 patent); 124 ('105 patent); 127 ('976 patent); 131 ('933 patent); 135 ('177 patent). As another example, Samsung argues that the claims of the '756 patent lack patentable subject matter because they "merely" recite "conventional, and well-known components in wireless communication technology" "doing generic things." Petition at 73-74. In the district court, Samsung makes the same claim against all the asserted patents. *See* EX2005 at 148 (referencing allegations against each asserted patent). As a final example, Samsung here argues that the '756 patent's use of the term "partially simultaneously" is indefinite. Petition at 87-88. In the district court, Samsung similarly challenges this phrase as it is used in other asserted patents not

subject to PGR. *See* EX2005 at 122 (’143 patent); 126 (’105 patent); 129 (’976 patent); 133-134 (’933 patent); 136-137 (’177 patent).

Samsung did not raise these very similar (if not identical) §§ 101 and 112 arguments in the pending requests for IPR against the remaining eight asserted patents, because the Board does not have authority to consider them. Accordingly, notwithstanding the *Sotera* stipulation, and regardless of the Board’s institution decision, these issues will be tried to the district court. Having two separate tribunals consider the same or very similar issues not only duplicates the effort but also creates the potential for inconsistent treatment and inconsistent results.

Ultimately, Samsung’s *Sotera* stipulation does not ensure that the PGR would be a true alternative to resolution in the district court trial. Accordingly, its limitations favor discretionary denial. *See Ericsson*, IPR2024-01455, Paper 15 at 2 (denying institution despite *Sotera* stipulation); *Arm Ltd. v. Daedalus Prime LLC*, IPR2025-00207, Paper 10 at 2 (PTAB May 16, 2025) (same).

E. The Petition Inappropriately Depends on Extensive and Conclusory Expert Testimony.

The analytic portion of Samsung’s petition borrows heavily, often verbatim, from the 203 paragraph declaration of its expert, Dr. Kevin Almeroth. EX1002. The extent of this copying is illustrated by Table 1 accompanying this brief and is exemplified by typographic errors in Dr. Almeroth’s declaration being copied over

into the petition itself. *See* EX2006.[5]

Dr. Almeroth's declaration includes much more than helpful context and instead attempts to fill in gaps in the asserted references and replace generalities with new specific details. The nature and scope of this declaration runs afoul of this Board's guidance regarding expert testimony and weighs in favor of discretionary denial.

Expert testimony is not a substitute for the clear disclosures of patents and printed publications. *See, e.g.,* Consolidated Trial Practice Guide, PTAB, at 34-36 (Nov. 2019). The Board's Interim FAQs about the discretionary denial process expressly stated that "extensive reliance on expert testimony . . . may suggest that the questions are better resolved by an Article III court."[6] The Board has noted that

[5] Table 1 compares the text of the sections in the Almeroth Declaration regarding Overview and Motivation to Combine, and the mapping of limitations of Claim 1 to corresponding sections of the petition.

[6] *FAQs for Interim Processes for PTAB Workload Management*, USPTO.gov, https://www.uspto.gov/patents/ptab/faqs/interim-processes-workload-management (last visited September 7, 2025) (superseded by *Interim Director Discretionary Process*, USPTO.gov, https://www.uspto.gov/patents/ptab/interim-director-discretionary-process).

"failure to provide focused expert testimony may weigh against institution." *Id*. Consequently, institution should be denied where a petition improperly relies on expert testimony to fill gaps in cited references. *Xerox Corp. v. Bytemark, Inc*., IPR2022-00624, Paper 9 at 15-16 (PTAB Aug. 24, 2022).

Dr. Almeroth's opinions contravene this guidance from this Board, particularly as they pertain to the base reference, WO 2013/126859 ("Chincholi"). Dr. Almeroth's opinions fill in gaps in the prior art, introduce additional references not asserted in the grounds into the obviousness analysis, and include conclusory statements with no evidentiary support. XiFi provides examples in the subsections below. These extensive opinions offered by Dr. Almeroth can be tested under cross-examination at trial in the district court before the Board is scheduled to issue a final written decision in this matter.

1. Dr. Almeroth Fills in Gaps in the Chincholi Reference.

It is a cardinal principle that the grounds for a petition should speak for themselves. Yet, Chincholi—the primary reference around which Samsung builds its obviousness claim—is missing several key claim elements. Dr. Almeroth attempts to fill in these gaps, largely under the guise of explaining what a person of ordinary skill in the art ("POSITA") "would have recognized" from Chincholi's disclosure.

The most notable example of this gap-filling relates to the '756 patent's

recitation of a "Virtual MAC Interface." Although Dr. Almeroth identifies Chincholi's OMMA ("Opportunistic Multiple Media Access Control Aggregation") as allegedly corresponding to the "Virtual MAC Interface," Chincholi does not disclose the OMMA as being virtual; indeed, the word "virtual" does not appear at all in Chincholi. Dr. Almeroth attempts to fill in this missing element by opining that a "POSITA would have recognized that [the function of the OMMA] 'virtualizes' a MAC interface . . .." EX1002 at ¶98. Without the *ipse dixit* opinion of Dr. Almeroth injecting the concept of "virtualization" into Chincholi, the obviousness analysis is missing a critical element.

2. Dr. Almeroth Introduces Additional References Not Specified in the Grounds.

Generally, Samsung should not be allowed to rely—including indirectly through expert testimony—on references not asserted as grounds for the Petition. *See Meta Platforms, Inc. et. al. v. Eight kHz, LLC*, IPR2023-01023, Paper 10, at 31 (PTAB January 9, 2024) ("We further note that several of Petitioner's assertions are supported only by VR Book, which is not relied upon as the basis for this challenge, or Dr. Begault's deposition testimony, which does not qualify as prior art in this proceeding."). Yet Dr. Almeroth relies on references not asserted in the grounds. He appears to so under the umbrella of what a POSITA would supposedly understand as motivation for improving the basic Chincholi architecture.

For example, Dr. Almeroth tacitly admits that Chincholi's OMMA does not

disclose the multiple resource monitoring interfaces as recited in dependent claim 10. EX1002 at ¶121-122. Dr. Almeroth ultimately looks to U.S. Pat. App. 2009/0141691 ("Jain") to supply this missing element because Jain discloses accommodating communication channels with wireless devices using different generations of standards. *Id*. Dr. Almeroth opines that a POSITA would use these teachings of Jain to expand Chincholi. *Id*.

Dr. Almeroth refers to Jain as a mere background reference, ostensibly to avoid running afoul of decisions like *Meta Platforms*, but he relies upon the teachings of Jain to supply the idea for the claimed element. Regardless of the proper characterization of Jain, its role in Dr. Almeroth's opinions demonstrates the heavy degree to which Samsung depends upon expert testimony to piece together its obviousness challenge.

3. Dr. Almeroth Makes Conclusory Statements with No Evidentiary Support.

Chincholi's architecture, particularly between the OMMA and the RATs, is very detailed and specific. *See, e.g.*, EX1005 at Figs. 5, 6. Yet Dr. Almeroth provides little discussion as to how a POSITA would implement the elements missing from Chincholi from supplemental reference Clegg into that architecture. Rather, he resorts to a conclusory statement about the exercise being "easily implemented." *See, e.g.*, EX1002 at ¶78 (characterizing Clegg as merely providing additional detail regarding a complementary field without further detail).

This conclusory avoidance of evidentiary support does not provide helpful context for understanding the actual disclosure of references that form the grounds for the Petition. *See In re Magnum Oil Tools Int'l, Ltd.,* 829 F. 3d 1364, 1380 (Fed. Cir. 2016) (explaining that a "petitioner cannot employ mere conclusory statements" but must instead "articulate specific reasoning, based on evidence of record.").

IV. CONCLUSION

For the foregoing reasons, the Director should decline to institute post-grant review of the '756 patent.

Dated: October 1, 2025

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CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing Patent Owner's Memorandum in Support of Discretionary Denial was served on October 1, 2025, by electronic mail to Petitioners' counsel at the following addresses indicated in Petitioners' Mandatory Notices:

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