

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

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

v.

FOUR BATONS WIRELESS, LLC,
Patent Owner.

Case IPR2025-00493
Patent 7,502,348

**PATENT OWNER'S BIFURCATED
DISCRETIONARY DENIAL BRIEFING PURSUANT
TO THE DIRECTOR'S MARCH 26, 2025 MEMORANDUM**

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EXHIBIT LIST

Exhibit	Description
EX2001	<i>Reserved</i>
EX2002	<i>Four Batons Wireless, LLC v. Samsung Electronics Co., Ltd. et al.</i> , Complaint for Patent Infringement, Case No. 2:24-cv-284, Dkt. No. 1 (E.D. Tex. Filed April 26, 2024)
EX2003	<i>Four Batons Wireless, LLC v. Samsung Electronics Co., Ltd. et al.</i> , Defendants Samsung Electronics Co., Ltd.’s and Samsung Electronics America, Inc.’s Motion To Stay Proceedings Pending <i>Inter Partes</i> Review, Case No. 2:24-cv-284, Dkt. No. 62 (E.D. Tex. Filed Feb. 7, 2025)
EX2004	<i>Four Batons Wireless, LLC v. Samsung Electronics Co., Ltd. et al.</i> , Plaintiff’s Opposition to Samsung’s Motion To Stay Proceedings Pending <i>Inter Partes</i> Review, Case No. 2:24-cv-284, Dkt. No. 63 (E.D. Tex. Filed Feb. 21, 2025)
EX2005	<i>Four Batons Wireless, LLC v. Samsung Electronics Co., Ltd. et al.</i> , First Amended Docket Control Order, Case No. 2:24-cv-284, Dkt. No. 69 (E.D. Tex. Filed April 30, 2025)
EX2006	United States District Courts — National Judicial Caseload Profile, available from https://www.uscourts.gov/sites/default/files/2025-02/fcms_na_distprofile1231.2024.pdf (accessed May 12, 2025)
EX2007	<i>Four Batons Wireless, LLC v. Samsung Electronics Co., Ltd. et al.</i> , Plaintiff’s Infringement Contentions, Case No. 2:24-cv-284 (E.D. Tex. served July 25, 2024)
EX2008	<i>Four Batons Wireless, LLC v. Samsung Electronics Co., Ltd. et al.</i> , Defendants’ Invalidity Contentions, Case No. 2:24-cv-284 (E.D. Tex. served Nov. 18, 2024)
EX2009	<i>Four Batons Wireless, LLC v. Samsung Electronics Co., Ltd. et al.</i> , Samsung’s Preliminary Claim Constructions And Extrinsic Evidence Pursuant To Patent Local Rule 4-2, Case No. 2:24-cv-284 (E.D. Tex. served May 5, 2025)
EX2010	<i>Four Batons Wireless, LLC v. Samsung Electronics Co., Ltd. et al.</i> , Plaintiff Four Batons Wireless, LLC’s Initial Proposed Constructions, Case No. 2:24-cv-284 (E.D. Tex. served May 5, 2025)
EX2011	Correspondence between Samsung and Four Batons

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I. Introduction

Patent Owner Four Batons Wireless, LLC (“Four Batons” or “Patent Owner”) respectfully requests that the Board discretionarily deny Samsung Electronics Co., Ltd. and Samsung Electronics, America, Inc.’s (collectively, “Samsung” or “Petitioner”) Petition to institute *inter partes* review of U.S. Patent No. 7,502,348 (“the ’348 Patent”). In support of discretionary denial, Patent Owner submits this bifurcated briefing—limited in scope to discretionary denial issues¹—pursuant to the Director’s March 26, 2025 Memorandum.² As discussed below, both the *Fintiv* factors and additional considerations bearing on the Director’s discretion strongly support denying the Petition.

¹ Patent Owner will submit its Preliminary Response addressing how the Petition fails to present a reasonable likelihood of invalidating any claims by the deadline set out in the March 21, 2025 Notice of Filing Date Accorded (Paper 6).

² <https://www.uspto.gov/sites/default/files/documents/InterimProcesses-PTABWorkloadMgmt-20250326.pdf>, accessed on May 8, 2025 [hereinafter “Memorandum”].

II. Argument

A. The *Fintiv* Factors Support Discretionary Denial

The USPTO should exercise its discretion to deny the Petition under *Fintiv* because the same issues will be resolved in the parallel District Court proceeding long before the USPTO would issue a final written decision in this proceeding. Four Batons sued Samsung for infringement of the '348 Patent³ on April 26, 2024 in *Four Batons Wireless, LLC v. Samsung Electronics Co., Ltd., et al.*, Case No. 2:24-cv-00284 (E.D. Tex.) (the “District Court Proceeding”). EX2002 (Complaint). Trial in the District Court Proceeding is currently scheduled to start on February 9, 2026. EX2005 (Am. Docket Control Order) at 1. Yet the projected Final Written Decision deadline in this IPR is not until much later on September 23, 2026. *See* Paper 6 (Notice of Filing Date); 35 U.S.C. §314(b); 35 U.S.C. §316(a)(11).

The Director has discretion to deny institution under 35 U.S.C. § 314(a). *Cuozzo Speed Techs., LLC v. Lee*, 136 S. Ct. 2131, 2140 (2016). The USPTO should exercise such discretion here and deny the Petition because the same invalidity

³ In the Parallel District Court Proceeding, Patent Owner has asserted three other patents in addition to the '348 Patent: U.S. Patent No. 8,239,671 (“the '671 Patent”); U.S. Patent No. 8,073,436 (“the '436 Patent”); and U.S. Patent No. 8,798,006 (“the '006 Patent”). EX2002 (Complaint) at 5.

arguments will be addressed, and resolved, in the co-pending district court proceedings more than seven months before the Board would likely issue a final written decision in this proceeding.

The USPTO considers the presence and status of parallel district court litigation in determining whether to deny institution. *See NHK Spring Co. Ltd. v. Intri-Plex Techs. Inc.*, IPR2018-00752, Paper 8 at 20 (P.T.A.B. Sept. 12, 2018) (precedential); *Apple Inc. v. Fintiv, Inc.*, IPR2020-00019, Paper 15 at 17 (P.T.A.B. May 13, 2020) (informative) [hereinafter “*Fintiv*”]; *see also Gen. Plastic Indus. Co., Ltd. v. Canon Kabushiki Kaisha*, IPR2016-01357, Paper 19 at 16-17 (P.T.A.B. Sept. 6, 2017) (“[W]e recognize that an objective of the AIA is to provide an effective and efficient alternative to district court litigation”). *Fintiv* “sets forth factors that balance considerations of system efficiency, fairness, and patent quality when a patent owner raises an argument for discretionary denial due to the advanced state of a parallel proceeding.” *Fintiv*, Paper 15 at 7-8.

The factors are:

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.

Id. “[T]he Board examines these factors, which relate to whether efficiency, fairness, and the merits support the exercise of authority to deny institution. In evaluating the factors, the Board takes a holistic view of whether efficiency and integrity of the system are best served by denying or instituting review.” *Id.* (internal citations omitted). As detailed below, these factors strongly favor discretionary denial under §314(a).

1. Factor 1: whether the court granted a stay or evidence exists that one may be granted if a proceeding is instituted

On February 7, 2025, Samsung moved to stay the District Court Proceeding due to its pending IPRs. EX2003 (Motion to Stay). Four Batons opposed the stay, noting that the Eastern District of Texas has held that it “will not, barring exceptional circumstances, grant a stay of proceedings for the mere filing of an IPR.” EX2004 (Opposition to Stay) at 1 (quoting *Tessera Advanced Techs., Inc. v. Samsung Elecs. Co., Ltd.*, No. 2:17-CV-000671-JRG, 2018 WL 3472700, at *4 (E.D. Tex. July 19, 2018)). Indeed, in the Eastern District of Texas, denying stay motions filed before an institution ruling “is not just the majority rule; it is the universal practice.” *Id.* (emphasis added). As of the filing of this brief, the District Court has not yet ruled

on Samsung's stay motion. Notwithstanding, due to the "universal practice" in the District Court Proceeding, it is virtually certain that the district court will deny it. Thus, strong evidence exists that Samsung's stay motion will be denied.

In its response, Samsung may argue that, even if its current stay motion is denied, it will file another stay motion post-institution. But the Board does "not attempt to predict how the District Court may rule [] should a renewed request for a stay be made." *Samsung Elecs. Co. Ltd. v. Truesight Comms. LLC*, IPR2024-01477, Paper 12 at 10-11 (P.T.A.B. April 21, 2025). Thus, even if Samsung were to file a renewed, post-institution stay motion, that would not weigh against discretionary denial.

In sum, there is strong evidence that Samsung's stay motion will be denied, which favors discretionary denial. At minimum, this first factor is neutral, as Petitioner concedes. *See Sand Revolution II, LLC v. Continental Intermodal Group-Trucking LLC*, IPR2019-01393, Paper 24 at 7 (P.T.A.B. June 16, 2020) (informative); Pet. at 58 ("Factor 1 is neutral").

2. Factor 2: proximity of the court's trial date to the Board's projected statutory deadline for a final written decision

Trial in the District Court Proceeding is scheduled for February 9, 2026. EX2005 (Am. Docket Control Order) at 1. Patent Owner is filing this discretionary denial briefing on May 21, 2025, and will file its Preliminary Response by the

deadline of June 23, 2025.⁴ If the Board reaches its institution decision within three months of receiving the preliminary response, 35 U.S.C. §314(b), and issues a final written decision within one year of institution, 35 U.S.C. §316(a)(11), a final written decision would likely not issue until near the end of September 2026—more than seven months after the scheduled trial in the District Court Proceeding. Thus, given the much earlier trial date in the District Court Proceeding, there is no efficiency to be gained by trying a duplicative IPR proceeding in parallel. This factor weighs in favor of denial. *See Nokia of Am. Corp. et al. v. Pegasus Wireless Innovation LLC*, IPR2025-00036, Paper 14 at 9-11 (P.T.A.B. April 25, 2025) (“Due to the actual trial date of the parallel district court proceeding having been set to occur more than seven months before an expected final written decision in this proceeding...[this] weigh[s] in favor of exercising discretion to deny institution.”) (emphasis added); *ARM Ltd. et al. v. Daedalus Prime LLC*, IPR2025-00207, Paper 10 at 2 (P.T.A.B. May 16, 2025) (discretionarily denying institution because “it is unlikely that a final written decision [] will issue before district court trial”); *Ericsson Inc. et al. v. Procomm*

⁴ The Notice of Filing Date Accorded set a preliminary response deadline three months from the March 21, 2025 mailing date of the notice (*i.e.*, June 21, 2025). *See* Paper 6 at 1. June 21, 2025 is a Saturday, therefore 35 U.S.C. § 21(b) extends the filing deadline to the next succeeding business day of June 23, 2025.

Int'l PTE LTD, IPR2024-01455, Paper 15 at 2 (P.T.A.B. May 16, 2025) (discretionarily denying institution when “the related district court trial is set to conclude substantially before a final written decision will issue in this proceeding”).

Petitioner argues the scheduled February 9, 2026 district court trial is “speculative.” Pet. at 59. But the most recent median time to trial statistics for the Eastern District of Texas show 23 months from filing to trial. EX2006 (US Court Statistics) at 35. Since the District Court Proceeding complaint was filed on April 26, 2024, the Eastern District trial statistics suggest a March 2026 trial. *Id.*; EX2002 (Complaint). The close proximity between the scheduled February 2026 trial date and the statistically-projected March 2026 trial shows there is nothing “speculative” here.

Petitioner also cites six pre-Memorandum cases to suggest that a district court trial occurring many months before an IPR final written decision “weighs only minimally in favor of denial.” Pet. at 66-67. But more recent cases show that a trial date scheduled about six months before the expected final written decision—like the present case—“strongly favors discretionary denial of the Petition.” *Lenovo Inc. et al. v. Universal Connectivity Tech., Inc.*, IPR2024-01481, Paper 19 at 10-11 (P.T.A.B. April 17, 2025) (emphasis added); *see also Solus Adv. Matls. Co. Ltd. v. SK Nexilis Co., Ltd.*, IPR2024-01460, Paper 14 at 15-16 (“A trial date that is roughly

six months earlier than the statutory deadline, on the facts of this case, strongly favors discretionary denial.”) (emphasis added).

Indeed, the Board has repeatedly exercised its discretion to deny Petitioner’s other IPRs under similar facts, where the district court trial was to occur six or seven months before the IPR final written decision. *E.g.*, *Samsung Elecs. Am. Inc. v. Collision Comm’n. Inc.*, IPR2025-00011, Paper 12 at 20-21 (P.T.A.B. April 28, 2025) (“[B]ecause the trial date in district court is currently scheduled approximately seven months before a final written decision would be due in this proceeding[,] Factor 2 favors discretionary denial.”) (emphasis added); *Samsung Elecs. Co. Ltd. v. Truesight Comms. LLC*, IPR2024-01477, Paper 12 at 11 (P.T.A.B. April 21, 2025) (“Because the currently scheduled District Court trial is set to begin six months before our deadline to reach a final decision, this factor favors discretionary denial in this case.”) (emphasis added).

Regardless of how this factor is analyzed, it strongly supports discretionary denial.

3. Factor 3: investment in the parallel proceeding by the court and the parties

The USPTO “consider[s] the amount and type of work already completed in the parallel litigation by the court and the parties at the time of the institution decision.” *Apple Inc. v. Fintiv, Inc.*, IPR2020-00019, Paper 11 at 9 (P.T.A.B. March 20, 2020) (precedential) (emphasis added). In this case, the District Court and the

parties have already invested significant resources in the parallel proceeding. For example, the parties served infringement contentions on July 25, 2024 and invalidity contentions on November 18, 2024. EX2007 (Infringement Contentions) at 19; EX2008 (Invalidity Contentions) at 120. The parties also exchanged preliminary claim constructions on May 5, 2025. EX2009 (Samsung P.R. 4-2); EX2010 (Four Batons P.R. 4-2). And the parties have produced and reviewed voluminous source code.

Further, by the time of the projected institution decision in late September 2025, the parties and the district court will have invested far more time and resources in the parallel District Court Proceeding. For example, the parties will have briefed and the district court will have conducted a *Markman* hearing on August 11, 2025. EX2005 (Am. Docket Control Order) at 4. Further, all fact discovery will have been completed by the September 12, 2025 deadline. *Id.* And opening expert reports will be due on September 24, 2025. *Id.*

Under similar circumstances (involving the same Petitioner), the Board recently declined to institute IPR. *Samsung Elecs. Am. Inc. v. Collision Comm'n Inc.*, IPR2025-00011, Paper 12 at 21-22 (P.T.A.B. April 28, 2025 (finding *Fintiv* factor 3 favors the exercise of discretionary denial because the parties had already exchanged infringement and invalidity contentions, engaged in fact discovery, exchanged proposed claim terms and preliminary claim constructions, attended a claim

construction hearing, and the fact discovery deadline would have passed before the statutory deadline for issuing an institution decision); *see also Samsung Elecs. Co. Ltd. v. Truesight Commns. LLC*, IPR2025-00123, Paper 12 at 7-8 (P.T.A.B. April 22, 2025).

Petitioner wrongly “[a]ssume[s] that a Decision on Institution is issued by July 2025” and then uses that faulty assumption to argue that much work in the district court will remain outstanding. Pet. at 60. But an institution decision is unlikely to come by July 2025. Instead, the Board is not projected to issue its institution decision until late September 2025. Paper 6 at 1 (preliminary response deadline is June 23, 2025); 35 U.S.C. §314(b) (institution decision deadline is three months after preliminary response). Accordingly, Petitioner falsely measures a projected institution date off the Petitioner’s filing date rather than the Notice of Filing Date Accorded on March 21, 2025. And this matters because, during the intervening months, the parties and court will conduct the *Markman* hearing and complete fact discovery. EX2005 (Am. Docket Control Order).

Given the significant investment in the parallel District Court Proceeding, this factor favors denial.

4. Factor 4: overlap between issues raised in the petition and in the parallel proceeding

There is near total overlap between the Petition and the parallel District Court Proceeding. The Petition challenges ’348 Patent Claims 1-8, 10, 11, and 13-21. Pet.

at 1-2. In the District Court Proceeding, Petitioner is challenging '348 Patent Claims 1-6 and 13-17—a difference of only a few claims. EX2008 (Invalidity Contentions) at 1. Similarly, Petitioner's primary reference (upon which it overwhelmingly relies for every ground) and two of its secondary references are also asserted in the District Court Proceeding. *Compare* Pet. at 2 (identifying Hsu, Hutchison, Shoaib, and Ivanov) *with* EX2008 (Invalidity Contentions) at 56, 108 (identifying Hsu, Hutchison, and Shoaib). This extensive overlap in both claims and grounds supports discretionary denial.

Petitioner asserts that this factor weighs against denial because it challenges more claims of the patent in the IPR than are asserted in the litigation. Pet. at 61. Petitioner's argument is flawed—challenging more claims than are asserted in the litigation does nothing to simplify or provide an alternative to the litigation or eliminate the duplication of effort. To the contrary, if the Petition is instituted, the claims at issue in the District Court Proceeding will be addressed in both proceedings on largely the same art.

Petitioner's only support comes from a nonprecedential PTAB opinion. Pet. at 61 (citing *Precision Planting LLC v. Maschio Gaspardo S.p.A.*, IPR2024-00008, Paper 12 at 18 (P.T.A.B. Mar. 26, 2024)). However, a nonprecedential PTAB opinion is not binding on the Director, and the approach taken in *Precision Planting*

(addressing claims which are not asserted or otherwise in dispute between the parties) would not provide for an efficient use of the PTAB's finite resources.

In its responsive briefing, Petitioner may argue that this factor supports discretionary denial because it recently stipulated that, if the Board institutes its IPR petition, “then Samsung will not pursue in the [parallel District Court Proceeding] (i) any grounds that were raised or reasonably could have been raised in the IPR, and (ii) combinations of the prior art asserted in this IPR with unpublished system prior art.” EX1023 at 1. But Samsung reserved the right to allege invalidity in the District Court Proceeding based on unpublished system prior art—either by itself or in combination with other prior art not asserted in the IPR. *Id.* This demonstrates Samsung's intent to try validity based on prior art to both forums in parallel. The Board has previously noted the deficiencies in such stipulations: “a *Sotera* stipulation that does not moot all invalidity issues before the district court, such as invalidity assertions based on combinations of art with ‘unpublished systems prior art,’ is less effective and will not necessarily outweigh other *Fintiv* factors that favor discretionary denial.” *Solus Adv. Matls. Co. Ltd. v. SK Nexilis Co., Ltd.*, IPR2024-01460, Paper 14 at 18-19 (P.T.A.B. April 22, 2025); *see also Google LLC et al. v. Cerence Operating Co.*, IPR2024-01464, Paper 15 at 11-13 (P.T.A.B. April 23, 2025) (criticizing Samsung's stipulation because it did not provide a “true alternative” to district court litigation”). Further, the Federal Circuit's recent

Ingenico opinion narrowly interprets the IPR estoppel statute (and thus may permit Samsung to take two bites at the validity apple), which favors discretionary denial. *Ingenico Inc. v. Ioengine, LLC*, No. 2023-1367, 2025 U.S. App. LEXIS 10956, at *19 (Fed. Cir. May 7, 2025).

In light of the extensive overlap with the parallel proceeding, this factor favors denial.

5. Factor 5: whether the petitioner and the defendant in the parallel proceeding are the same party

Petitioner Samsung and Patent Owner Four Batons are both parties to the District Court Proceeding. *See* Pet. at 61 (conceding that “Petitioners and PO are also parties to the parallel litigation.”). When the parties are the same—like in this case—this factor supports denying institution. *Sotera Wireless, Inc. v. Masimo Corp.*, IPR2020-01019, Paper 12 at 19 (P.T.A.B. Dec. 1, 2020) (precedential).

6. Factor 6: other circumstances that impact the Board’s exercise of discretion, including the merits.

The Board should exercise its discretion to deny the Petition because Samsung did not act diligently in filing its Petition. Four Batons asserted the ’348 Patent against Samsung in the parallel District Court Proceeding on April 26, 2024. EX2002 (Complaint) at 44. Yet Samsung waited nine months (until January 30, 2025) to file its Petition. Pet. at 63. Further, Samsung has been on notice of the patents since at least November 11, 2021—more than three years before the Petition.

EX2011 (Four Batons-Samsung Correspondence). This lack of diligence favors denying the IPR. *C.f. Nokia of Am. Corp. et al. v. Pegasus Wireless Innovation LLC*, IPR2025-00036, Paper 14 at 11-13 (P.T.A.B. April 25, 2025) (criticizing Petitioner for not filing the Petition “expeditiously”).

And with respect to the merits of the Petition, “[a]lthough [the Board] may consider the merits for this factor, a full analysis of the merits is not necessary; rather, the parties may point out particular strengths or weaknesses to aid [the Board] in deciding whether the merits tip the balance one way or another.” *Google LLC et al. v. Cerence Operating Co.*, IPR2024-01464, Paper 15 at 14-15 (P.T.A.B. April 23, 2025). The merits will not outweigh the other *Fintiv* factors when there are “credible weaknesses in Petitioner’s contentions.” *Id.*; *Catalyst Orthoscience Inc. v. Shoulder Innovations, Inc.*, PGR2025-00001, Paper 8 at 16-18 (P.T.A.B. April 24, 2025).

In this case, the merits of the Petition are weak. Petitioner has no anticipatory prior art, and instead is forced to argue obviousness based on four references. Pet. at 2. However, as discussed in Patent Owner’s forthcoming Preliminary Response, none of the proposed grounds of unpatentability teach or render obvious any of the challenged claims. For example, Petitioner repeatedly (and improperly) relies on implicit claim constructions and hindsight-based modifications to its references for its challenges to both independent claims of the ’348 Patent. In the absence of compelling prior art, it instead relies largely on its expert and his conclusory opinions

on what a POSITA “would have understood” from the references rather than what the references actually teach. *See generally* Pet. (referring to a what a POSITA purportedly “would have understood” more than 50 times). And Petitioner’s reliance on secondary references for its backup theories cannot overcome the deficiencies in its invalidity theories.

On balance, the *Fintiv* factors and additional considerations discussed below strongly favor discretionary denial.

B. Additional Considerations Also Support Discretionary Denial

In addition to the *Fintiv* factor analysis discussed above, there are additional considerations that support discretionary denial.

First, Petitioner’s extensive reliance on an expert declaration supports discretionary denial.⁵ In the absence of compelling prior art, Petitioner has relied heavily on its expert declaration (EX1002), citing to it approximately 150 times over

⁵ *See* March 26, 2025 Interim Processes for PTAB Workload Management at 2, available at <https://www.uspto.gov/sites/default/files/documents/InterimProcesses-PTABWorkloadMgmt-20250326.pdf> (accessed on May 9, 2025); *Xerox Corp. et al. v. Bytemark, Inc.*, IPR2022-00624, Paper 9 at 15 (granting little weight to an expert declaration which “merely repeats, *verbatim*, the conclusory assertion for which it is offered to support”) (precedential).

the course of the Petition. *See generally* Pet. (citing “Kotzin”). Yet its declarant added little (if any) value to its analysis, frequently relying on conclusory statements and repeating/rewording the contents of the legal brief. *See* EX1002. Such conclusory analysis is not helpful to the trier of fact, and Petitioner’s heavy reliance on it is another reason that the Petition should be discretionarily denied.

Second, the settled expectations of the parties, as reflected by the length of time the claims have been in force, is an additional consideration that favors discretionary denial.⁶ The ’348 Patent issued on March 10, 2009 and has been in force ever since. EX1001 (’348 Patent) at Cover. And Petitioner learned of the ’348 Patent and its infringement by at least November 11, 2021 when Patent Owner sent Petitioner several letters. EX2002 (Complaint) ¶¶24, 90-91; EX2011 (Four Batons-Samsung Correspondence). This supports discretionary denial.

Third, Samsung’s inconsistent claim construction positions between the District Court and this IPR further support discretionary denial. Samsung’s IPR Petition asserts that “no express constructions of the claims are necessary.” Pet. at 7. On the other hand, in the District Court Samsung asserts that multiple claim terms

⁶ *See* March 26, 2025 Interim Processes for PTAB Workload Management at 2, available at <https://www.uspto.gov/sites/default/files/documents/InterimProcesses-PTABWorkloadMgmt-20250326.pdf> (accessed on May 9, 2025).

of the '348 Patent either require construction or are indefinite (despite it mapping purported prior art to those unconstrued and “indefinite” limitations in its IPR Petition). EX2009 at 10-11. Samsung provided no explanation for its conflicting positions, and those conflicting positions further support discretionary denial. *See Cambridge Mobile Telematics, Inc. v. Sfara, Inc.*, IPR2024-00952, Paper 12 at 6-9 (December 13, 2024) (noting that “[a]t a minimum” Petitioner should have explained its conflicting positions) (informative).

III. Conclusion

Patent Owner respectfully requests that the USPTO refuse to institute *inter partes* review for the reasons stated herein.

Dated: May 21, 2025

Respectfully submitted,

By: /Michael F. Heim /
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CERTIFICATE OF SERVICE

The undersigned certifies that pursuant to 37 C.F.R. § 42.6(e), a copy of the foregoing was served via email to lead and backup counsel of record for Petitioner as follows:

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CERTIFICATE OF COMPLIANCE

Pursuant to 37 C.F.R. § 42.24(d), the undersigned hereby certifies that this brief complies with the type-volume limitation of 37 C.F.R. § 42.24 because this brief contains 3,675 words.

Dated: May 21, 2025

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