

**UNITED STATES PATENT AND TRADEMARK OFFICE**

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**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

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

v.

MOBILE DATA TECHNOLOGIES LLC,  
Patent Owner

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IPR2025-00540  
U.S. Patent No. 8,793,336

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**PETITIONERS' NOTICE RANKING PETITIONS FOR *INTER PARTES*  
REVIEW OF U.S. PATENT NO. 8,793,336**

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

## I. INTRODUCTION

Samsung Electronics Co. Ltd. and Samsung Electronics America, Inc. (“Petitioners”) petition for *inter partes* review of claims 1-3, 6-16, 19-21, and 23-27 of U.S. Patent 8,793,336 (“the ’336 patent”; EX-1001).

Petitioners Samsung Electronics Co. Ltd. and Samsung Electronics America, Inc. (“Petitioners”) are simultaneously filing two Petitions: IPR2025-00539 (claims 1, 6-11, 13-18, and 20-27) and IPR2025-00540 (claims 1-3, 6-16, 19-21, 23-27), collectively challenging the patentability of claims 1-3, 6-18, and 19-27 in the ’336 patent.

At present, good cause exists to institute both Petitions based on the claim construction positions raised by Patent Owner (“PO”) in a concurrent IPR proceeding instituted against the ’336 patent (*Meta Platforms Inc. v. Mobile Data Techs. LLC*, IPR2024-00246 (“Meta-MDT-IPR”). Such constructions, which in at least two instances, take positions contrary to PO’s litigation construction in *Mobile Data Techs. LLC v. Meta Platforms Inc.*, 3:24-cv-00896-WHA (N.D. Cal.) (transferred from No. 7:22-cv-00244-AGA-DTG (E.D. Tex.)) (“MDT-Meta-Litigation”), require the consideration of the mutually exclusive grounds presented in the two Petitions. Petitioners respectfully ask the Board to institute both Petitions. Pursuant to the Trial Practice Guide, Petitioners (1) rank the IPR2025-00539 Petition higher than the IPR2025-00540 Petition; (2) provide a succinct explanation of the

differences between the Petitions; and (3) explain why the issues addressed by the differences are material and why the Board should exercise its discretion to institute additional petitions.

The Meta-MDT-IPR hearing is scheduled for March 11, 2025 (IPR2024-00246, paper 38, 2) with a Final Written Decision expected on or around June 11, 2025 (IPR2024-00246, paper 12). The grounds set forth in petition IPR2025-00539 are substantially similar to those currently being considered in the Meta-MDT-IPR. Because a Final Written Decision in the Meta-MDT-IPR is expected prior to a decision on institution, Petitioners here acknowledge that the Board may exercise its discretion to deny petition IPR2025-00539 on *Advanced Bionics* grounds if a Final Written Decision issues.

## **II. RANKING OF PETITIONS**

The Board should consider the merits of the Petitions in the following order:

1. IPR2025-00539 (“-00539 Petition”); and
2. IPR2025-00540 (“-00540 Petition”).

Petitioners provide this ranking to, in part, minimize the burden on the Board and PO if no Final Written Decision issues in the Meta-MDT-IPR. The grounds and challenged claims in the -00539 Petition are the same as those in the Meta-MDT-IPR.

**III. THE BOARD SHOULD EXERCISE ITS DISCRETION TO INSTITUTE BOTH PETITIONS, SUBJECT TO A FINAL WRITTEN DECISION IN THE META-MDT-IPR**

At present, the Board should institute both petitions if no final written decision issues in the Meta-MDT-IPR based on PO's shifting position on the constructions of "*mobile device*" and "*mobile information channel.*" The April 2024 Proposed Rulemaking on "Rules of Practice for Briefing Discretionary Denial Issues, and Rules for 325(d) Considerations, Instituting Parallel and Serial Petitions, and Termination Due to Settlement Agreement" (NPRM) recognized that "alternative claim constructions that require different prior art references on mutually exclusive grounds" is relevant to the determination of good cause to institute multiple petitions. (NPRM, 28706.) Such a circumstance exists in the present case.

The -00539 Petition and -00540 Petition present mutually exclusive grounds. The -00539 Petition applies the same prior art combinations applied in the instituted IPR filed by Meta Platforms ("Meta") in the Meta-MDT-IPR, which Petitioners refer to as the Neibauer grounds. The -00540 Petition presents a different set of grounds based on the Symbian platform references, Randall-Forsyth, and the Nintendo Gameboy® references, Pelkey-Eck. The grounds are summarized in the table below. The Neibauer grounds and the Randall-Forsyth/Pelkey-Eck grounds present different disclosures related to at least the recited "*mobile device*" term.

<b>IPR2025-00539</b>			
<b>Ground</b>	<b>Basis</b>	<b>References</b>	<b>Claims</b>
1	§ 103	Neibauer (-00539, EX-1003), Miller (-00539, EX-1004), and Cheng (-00539, EX-1005)	1,6-11, 13-18, 20-21, 23-27
2	§ 103	Neibauer (-00539, EX-1003), Miller (-00539, EX-1004), Cheng (-00539, EX-1005), and Ausems (-00539, EX-1006)	7
3	§ 103	Neibauer (-00539, EX-1003), Miller (-00539, EX-1004), Cheng (-00539, EX-1005), and Fransioli (-00539, EX-1007)	21-22
4	§ 103	Neibauer (-00539, EX-1003), Miller (-00539, EX-1004), Cheng (-00539, EX-1005), and Harvey (-00539, EX-1010)	1,6-11, 13-18, 20-21, 23-27
5	§ 103	Neibauer (-00539, EX-1003), Miller (-00539, EX-1004), Cheng (-00539, EX-1005), Ausems (-00539, EX-1006), and Harvey (EX-1010)	7
6	§ 103	Neibauer (-00539, EX-1003), Miller (-00539, EX-1004), Cheng (-00539, EX-1005), Fransioli (-00539, EX-1007), and Harvey (-00539, EX-1010)	21-22

<b>IPR2025-00540</b>			
<b>Ground</b>	<b>Basis</b>	<b>References</b>	<b>Claims</b>
1	§ 103	Randall (EX-1005) and Forsyth (EX-1006)	1-3, 6-16, 19-21, 23-27
2	§ 103	Pelkey (EX-1007) and Eck (EX-1008)	1, 6-11, 13-16, 20-21, 23-25

In the MDT-Meta-Litigation, PO alleged the term “*mobile device*” was simply “a piece of handheld equipment.” (EX-1009, 3.) However, in the Meta-MDT-IPR, PO alleges the term should be construed as “a portable device with limited display space and limited navigational capabilities that connects to a mobile site and/or mobile channel via a wireless network” (EX-1010, 21-22) and argues that, under this

construction, the Meta Neibauer grounds fail to render the challenged claims unpatentable (*see* EX-1010, 27).

In the MDT-Meta-Litigation, PO alleged the term “*mobile information channel*” should be given its “plain and ordinary meaning” or, alternatively, “a medium for transferring information that allows mobile device users to author content.” (EX-1009, 1-2.) However, in the Meta-MDT-IPR, PO alleges the term should be construed as “a component of a mobile site configured to permit a wide variety of mobile devices to send and receive content over a wireless network” (EX-1010, 19), and, argues that, under this construction, the Meta Neibauer grounds fail to render the challenged claims unpatentable (*see* EX-1010, 21).

Petitioners’ Randall-Forsyth and Pelkey-Eck grounds are directed to wireless devices meeting PO’s narrow constructions. While Petitioners disagree with PO’s narrow constructions, and with PO’s position that the challenged claims are not unpatentable under the proposed constructions based on the Neibauer grounds, no final decision has been made regarding claim construction, necessitating parallel petitions.

The burden on the Board and PO in instituting both Petitions would be minimal because, as noted above, the Neibauer grounds presented in the -00539 Petition are part of an instituted trial involving Meta and PO. The common references and arguments minimizes the burden on the Board and PO.

Date: February 7, 2025

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

The undersigned certifies that a true copy of the Petitioners' Notice Ranking Petitions for *Inter Partes* Review of U.S. Patent No. 8,793,336 has been served on the Patent Owner via Federal Express Next Business Day Delivery on the below date, at the correspondence address of record as listed on the Patent Center:

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