

**IN THE 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.,

Petitioner,

v.

TELCOM VENTURES LLC.,

Patent Owner.

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Case No. IPR2025-00977

U.S. Patent No. 11,770,756

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**PETITIONER'S REQUEST FOR REHEARING OF DIRECTOR'S  
DECISION DENYING INSTITUTION OF *INTER PARTES* REVIEW**

Samsung Electronics Co., Ltd. ("Petitioner") respectfully requests rehearing of the Director's Decision Denying Institution of *Inter Partes* Review (Paper 11, "Decision"). In its decision, the Director considered the projected Final Written Decision date of December 17, 2026 in view of the scheduled trial date of June 1, 2026 and time-to-trial statistics suggesting a trial of October 2026. Decision, 2. The Director therefore concluded that denial was warranted as "it is unlikely that a final written decision in this proceeding will issue before district court trial occurs resulting in significant duplication of effort, additional expense for the parties, and a risk of inconsistent decisions." *Id.*

A request for rehearing must "identify all matters the party believes the Board misapprehended or overlooked." 37 C.F.R. § 42.71(d).

With respect, Petitioner submits that a request for rehearing be granted because the Director overlooked Petitioner's broad stipulation. March 24, 2025 USPTO Memorandum ("[A] timely-filed *Sotera* stipulation ... is highly relevant, but will not be dispositive by itself. Instead, the Board will consider such a stipulation as part of its holistic analysis under *Fintiv*."). In particular, and as detailed in Petitioner's Opposition to Patent Owner's Request for Discretionary Denial (Paper 10, "DD Opp."), Petitioner's broad stipulation removes any "duplication of effort, additional expense for the parties, and a risk of inconsistent decisions." DD Opp., 13-15; Decision, 2. Petitioner stipulated that, if the

proceeding were instituted, Petitioner would not assert invalidity grounds in the litigation that include:

1. "any ground raised or that could have reasonably been raised in the petition,"
2. "any ground that relies on a patent or printed publication as its primary reference;" or
3. "any ground that includes Jain or Dua in an obviousness combination."

Pet. 66; DD Opp. 13-14.

This stipulation removes from the litigation any possibility of overlap or inconsistent positions. It removes from the litigation any ground of invalidity that uses a patent or printed publication or combinations thereof—leaving only Section 102 or 103 grounds that require system art. Moreover, it also removes any system art combined with Jain or Dua, the references relied on in the Petition. Accordingly, not only does the stipulation remove from the litigation any issues that would be decided by the Board, it also removes nearly all of the prior art that Petitioner has asserted in the litigation. As a result, the parties would have significantly less expense proceeding with the IPR with only two references (Jain and Dua) instead of litigating in the District Court the hundreds of grounds covered by the stipulation.

Petitioner also respectfully submits that the Director overlooked that the Board did not issue a Notice of Filing Date Accorded (Paper 6, issued June 17, 2025) until 25 days after Petitioner filed its Petition (filed May 23, 2025), an unusual delay

that the Board resolved for other proceedings in the subsequent weeks. *See* Memorandum on Notice of Filing Date Accorded for AIA Petitions (July 18, 2025) (“Moving forward, any inter partes review (IPR) ... petition received by the Board will have a Notice of Filing Date Accorded issued no later than 14 days from the petition filing date, absent good cause that impacts the ability of the PTAB to notice the case, such as Federal holidays, weather emergencies, or other circumstances that lead to an unusual filing volume on a given day.”); *see, e.g.*, IPR2025-01563 (issuing Notice 7 days after filing of petition). Under the Board’s current practice, the projected due date of the Final Written Decision would have been about a month earlier, significantly reducing the amount of time between the likely trial date and the Final Written Decision—a difference of one month under the time-to-trial statistics and five months under the current schedule. Decision, 2.

The Board has previously held that a small difference between the trial date and the Final Written Decision does not outweigh a lack of settled expectations. *See, e.g., Zhuhai CosMX Battery Co., Ltd. v. Ningde Ampere Technology Ltd.*, IPR2025-00432 (referring Petition to the panel because of lack of settled expectations despite trial date being two months before projected Final Written Decision). Here, as discussed in Petitioner’s Opposition, there is a lack of settled expectations for the challenged family of patents (including the ’756 patent, which was issued on

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September 26, 2023), which should outweigh any concerns under *Fintiv*. DD Opp.,  
2-7.

For these reasons, these overlooked factors warrant rehearing of the Director's  
decision.

DATED: November 10, 2025

Respectfully submitted,

By                   /James M.Glass/                    
James M. Glass (Reg. No. 46,729)  
*Attorney for Petitioner*

