

Petitioner's Opposition To Patent Owner's
Request For Discretionary Denial Of Institution
U.S. Patent No. 11,770,756

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD.,

Petitioner,

v.

TELCOM VENTURES LLC.,

Patent Owner.

Case No. IPR2025-00977

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

**PETITIONER'S OPPOSITION TO PATENT OWNER'S REQUEST FOR
DISCRETIONARY DENIAL OF INSTITUTION**

TABLE OF CONTENTS

	<u>Page</u>
I. INTRODUCTION	1
II. SETTLED EXPECTATIONS STRONGLY WEIGH AGAINST DENIAL.....	3
III. THE EXAMINER ERRED IN ALLOWING THE ’756 PATENT.....	8
IV. PETITIONER’S BROAD STIPULATION MITIGATES ANY <i>FINTIV</i> CONCERNS	12
1. Factor 4: Petitioner’s Broad Stipulation Significantly Weighs Against Denial	13
2. Factor 1: The District Court’s Likelihood To Grant A Stay If The IPR Is Instituted Is Neutral	15
3. Factor 2: The Proximity of the District Court Trial And The Board’s Final Written Decision Is Neutral.....	17
4. Factor 3: The Parties’ Limited Investment In The District Court Litigation Weighs Against Discretionary Denial	19
5. Factor 5: The Same Parties In The District Court Litigation Does Not Outweigh the Factors Against Discretionary Denial	21
6. The Merits Of The Petition Are Strong	21
(a) Jain Discloses Or Renders Obvious The Claimed “device” and “device-based sensor.”	21
(b) Jain Discloses Or Renders Obvious “responsive to the value that is determined by the device for the parameter that is sensed satisfying a threshold criterion, enabling by the device a number of functions of the device and disabling by the device a function of the device.”	28
(c) Dua Discloses Or Renders Obvious “responsive to the value that is determined by the device for the parameter that is sensed satisfying a threshold criterion, enabling by the device a number of functions of the device.”	33

Petitioner’s Opposition To Patent Owner’s
Request For Discretionary Denial Of Institution
U.S. Patent No. 11,770,756

V.	OTHER FACTORS WEIGH AGAINST DENIAL	38
A.	The Board is an Especially Suitable Forum to Efficiently Resolve Multiple Matters	38
B.	Petitioner Relies On Expert Testimony Only To Provide Background Information	39
C.	Patent Owner’s Other Considerations Do Not Favor Denial.....	40
VI.	CONCLUSION.....	41

Petitioner’s Opposition To Patent Owner’s
Request For Discretionary Denial Of Institution
U.S. Patent No. 11,770,756

TABLE OF EXHIBITS

Exhibit	Description
1001-1047	<i>Previously presented.</i>
1048	“KYOCERA Wireless Demonstrates Emerging Wireless Technologies at CTIA Wireless 2008”, Kyocera (Apr. 1, 2008), https://americas.kyocera.com/press-releases/press-releases_201503201967.htm
1049	“Mastercard, Nokia again team for NFC test payments”, RCRWireless (Nov. 3, 2006), https://www.rcrwireless.com/20061103/archived-articles/mastercard-nokia-again-team-for-nfc-payment-tests
1050	“MasterCard and 7-Eleven Launch NFC Trial”, RFIDJournal (Nov. 7, 2006), https://www.rfidjournal.com/news/mastercard-and-7-eleven-launch-nfc-trial/80201/
1051	Petitioner’s District Court Invalidity Contentions
1052	Judge Rodney Gilstrap’s June 1, 2026 Trial Schedule
1053	Docket Navigator, Judge Rodney Gilstrap’s Time-to-Trial Statistics For Cases Filed Between January 1, 2022 and December 31, 2022
1054	Docket Navigator, Judge Rodney Gilstrap’s Time-to-Trial Statistics For Cases Filed After January 1, 2023
1055	Dkt. No. 55, <i>Telcom Ventures LLC v. Samsung Electronics, Co.</i> , Case No. 2:24-cv-00691-JRG
1056	Dkt. No. 57-2, <i>Telcom Ventures LLC v. Samsung Electronics, Co.</i> , Case No. 2:24-cv-00691-JRG
1057	United States District Courts – National Judicial Caseload Profile for the Eastern District of Texas as of June 2025, https://www.uscourts.gov/data-news/reports/statistical-reports/federal-court-management-statistics/federal-court-management-statistics-june-2025

I. INTRODUCTION

The Director should deny Patent Owner's Request for Discretionary Denial (Paper 7) ("DD Request") and refer the Petition to the panel. A lack of settled expectations—a factor on which the Director has placed significant emphasis—strongly favors referral, as the '756 patent was issued less than two years before the Petition was filed. Indeed, Patent Owner has asserted eight related patents against Petitioner, five of which were issued in 2020 or later. Patent Owner's lawsuit against Petitioner is the first time Patent Owner has asserted any patents from this family, which have never before been licensed, commercialized, or the subject of any demand letter.

In addition, the examiner erred in allowing the '756 patent. During prosecution of related U.S. Pat. No. 10,674,432 ("'432 patent"), the examiner (who was subsequently also responsible for examining the '756 patent), accepted applicant's argument that specific paragraphs in Dua (which is the basis for Ground 2 in this IPR) do not "teach or suggest 'enabling a mode to communicate ... responsive to at least one physiological parameter.'" EX1009 at 253, 275-276. But, in portions of Dua that were overlooked by the examiner, Dua does disclose enabling a mode to communicate responsive to various parameters, as required by both the '432 and '756 patent claims. Moreover, during prosecution of the '756 patent, on July 6, 2023, applicant submitted what it described as "non substantive"

Petitioner's Opposition To Patent Owner's
Request For Discretionary Denial Of Institution
U.S. Patent No. 11,770,756

(emphasis in original) and “stylistic” amendments. EX1011 at 164. The amendments were substantive and broadening, but the prosecution history does not disclose any corresponding consideration of those amendments by the examiner. The Director should allow the Board to review and correct these and other errors identified below. Moreover, the errors (some similar, some different) made during prosecution of the other members of this family that are the subject of Samsung petitions—errors that are identified in those petitions and in Samsung's responses to Patent Owner's requests for discretionary denial—reinforce the need to deny Patent Owner's request and to institute review of this patent and the challenged related patents.

Petitioner has also filed a broad prior art stipulation, promising not to assert in the litigation any grounds that could have been raised in this IPR, as well as any combination of system art and the art asserted in this IPR. Along with the minimal amount of investment by the parties in the litigation, this should mitigate any concerns about the trial date, as the overlap between the litigation and the IPR is minimal.

II. SETTLED EXPECTATIONS STRONGLY WEIGH AGAINST DENIAL

The '756 patent is part of a family of 11 patents,¹ 8 of which are asserted against and challenged by Petitioner. Each patent shares the same specification and is a continuation of the '411 patent. Petitioner has since filed IPR petitions challenging those 8 patents. These challenged patents were issued as follows:

- the '793 on July 2, 2024 (challenged in IPR2025-00978),
- the '172 on March 19, 2024 (challenged in IPR2025-00957),
- the '743 on March 5, 2024 (challenged in IPR2025-00976),
- the '756 on September 26, 2023 (challenged in IPR2025-00977 (*i.e.*, here)),
- the '432 on June 2, 2020 (challenged in IPR2025-00974),
- the '199 on February 26, 2019 (challenged in IPR2025-00972),
- the '708 on November 28, 2017 (challenged in IPR2025-00975), and
- the '411 on October 4, 2016 (challenged in IPR2025-00973).

Five of these patents were recently issued, including the '756 patent. Thus, they lack settled expectations. *See Cambridge Industries USA, Inc. v. Applied Optoelectronics, Inc.*, IPR2025-00433, Paper 11 at 2 (Director June 27, 2025)

¹ One of these patents, U.S. Pat. No. 12,402,066, issued less than a month ago.

Petitioner's Opposition To Patent Owner's
Request For Discretionary Denial Of Institution
U.S. Patent No. 11,770,756

("[M]ost of the challenged patents have not been in force for a significant period of time (issued in 2020, 2019, and 2019), and, accordingly, Patent Owner has not developed strong settled expectations that favor discretionary denial as to at least those patents.").

Lack of settled expectations is further underscored by Patent Owner's lack of contention that the '756 patent has ever been "commercialized, asserted, marked, licensed, or otherwise applied in [Petitioner's] particular technology space." *Shenzen Tuozhu Technology Co., Ltd. v. Stratasys, Inc.*, IPR2025-00438, Paper 10 (Director July 17, 2025). Furthermore, the asserted patents were never asserted in any lawsuit until this one and then, a few weeks later, a similar lawsuit filed against Apple in a different district court. Nor does Patent Owner contend it has ever sent a demand letter to anyone—certainly, none was sent to Petitioner prior to the filing of this lawsuit in 2024. It is therefore abundantly clear that only recently (2024) has Patent Owner elected to do anything with its patents.

Since then, however, through its lawsuits against Petitioner (which implicates both Samsung Pay and Google Pay) and Apple (which implicates Apple Pay), Patent Owner has asserted infringement by all of the leading mobile payment platforms. Resolving Patent Owner's allegations against all these application in a single set of IPRs (these) is an efficient use of Board resources.

Petitioner's Opposition To Patent Owner's
Request For Discretionary Denial Of Institution
U.S. Patent No. 11,770,756

Moreover, the mobile payments technology space is not a new one. The challenged claims of the '756 patent are, in Patent Owner's own words, "directed to financial transactions and wallet applications" and "use of a proximity criterion for completing financial transactions." DD Request, 5-6. The claims also use an authentication parameter, such as a password or a biometric sensor. EX1001, Abstract, cl. 1. The '756 patent itself acknowledges the existence of wireless mobile devices, specifically that "adaptivity and mobility aspects of wireless communications" were "important in people's lives." EX1001, 1:34-35. It also acknowledges that mobile devices can act as wallets. *Id.*, 1:34-47. It further acknowledges the existence of communications protocols such as NFC, RFID, WiFi, and cellular communications. *Id.*, 7:17-27.

Accordingly, by 2008, there were numerous systems in public use that allowed for financial transactions based on proximity. For example, in October 2007, Kyocera Wireless announced the completion of a three-month trial in Jackson, Mississippi and Memphis, Tennessee, in which Cellular South customers were provided with NFC-enabled Kyocera phones equipped with fingerprint sensors / biometric authentication and ViVOtech electronic wallet software. Customers downloaded credit cards into their phones via an over-the-air ("OTA") process, after which they could wirelessly pay for items at point-of-sale terminals at retailers utilizing NFC. EX1023. Kyocera similarly exhibited and publicly displayed the

Petitioner's Opposition To Patent Owner's
Request For Discretionary Denial Of Institution
U.S. Patent No. 11,770,756

technology at the CTIA Wireless 2008 trade show in Las Vegas, NV. EX1048. These Kyocera devices included an integrated fingerprint reader. EX1023; EX1048.

Similarly, in November 2006, MasterCard, Nokia, and 7-Eleven conducted a trial in Dallas in which participants received a Nokia 3220 phone that was provisioned with MasterCard's PayPass service, allowing users to make purchases at 7-Eleven stores and other retailers. EX1049. These devices used NFC to detect proximity, allowing the device to act like "an RFID-enabled payment card." EX1050. In addition, these phones used password protection to "prevent financial loss if lost or stolen." EX1049.

These technologies and dozens of others, including RFID-enabled payment devices developed in the 1970s, are extensively discussed in Petitioner's invalidity contentions. EX1051, 26-88.

This technology space has existed for over half a century, but only last year did Patent Owner declare it had patent rights over the field and accuse the three largest digital wallet platforms in the world. In such a mature market, neither Patent Owner nor any market participant could have had settled expectations of validity with respect to any of the asserted patents.

Patent Owner's only assertion of settled expectations is its "invest[ment] of time and resources into this family of patents" via their prosecution—notably, Patent Owner does not assert any resources spent commercializing, licensing, or litigating

Petitioner's Opposition To Patent Owner's
Request For Discretionary Denial Of Institution
U.S. Patent No. 11,770,756

these patents. DD Request, 19, 36-37. But five of the asserted patents (including the '756 patent) were issued after 2020, and a sixth (the '199 patent) was just barely six-years old when Petitioner challenged it. This is far too short of time to have established any settled expectations.

Nor can Patent Owner claim that the earlier patents created any settled expectations as to the later patents. Indeed, the opposite is true. The Director has held on several occasions that where a family of patents constitute older and newer patents, all of them should be referred to the panel if it is an “efficient use of Board resources.” *Embody, Inc. v. LifeNet Health*, IPR2025-00248, Paper 13 at 3 (Director June 26, 2025) (referring challenges to a 3-year old and 7-year old patent to the Board); *Advanced Micro Devices, Inc. et al. v. Concurrent Ventures, LLC et al.*, IPR2025-00478, Paper 10 (Director July 31, 2025) (referring challenges to a 4-year old and 10-year old patent). None of Patent Owner's cited decisions say otherwise, as they each only involved patents older than 6 years. DD Request, 36-38.

Here, referring all of the IPR petitions to the Board would be an “efficient use of Board resources.” *Embody*, IPR2025-0248, Paper 13 at 3. Given the significant overlap between the asserted patents, there is also significant overlap between each of the petitions. Each petition asserts the same prior art using the same grounds and the same arguments—specifically, each petition asserts two grounds: single-reference obviousness in view of Jain and, alternatively, single-reference

Petitioner's Opposition To Patent Owner's
Request For Discretionary Denial Of Institution
U.S. Patent No. 11,770,756

obviousness in view of Dua. Moreover, Patent Owner's DD Requests in the eight proceedings make substantially the same arguments against Jain and/or Dua. *See* IPR2025-00976, Paper 9; IPR2025-00975, Paper 7; IPR2025-00972, Paper 7; IPR2025-00973, Paper 7; IPR2025-00974, Paper 7; IPR2025-00957, Paper 8; IPR2025-00978, Paper 7. Thus, the Board's decision in one challenged patent would likely apply to all of them, and referring all of the IPR challenges to the Board would accordingly be a highly efficient use of Board resources. For these reasons, the '756 patent lacks settled expectations, which heavily weighs against denial.

III. THE EXAMINER ERRED IN ALLOWING THE '756 PATENT

Referral to the Board is also warranted because the examiner committed multiple material errors in allowing the '756 patent. *Anthony Inc. v. ControlTec LLC*, IPR2025-00559, Paper 12 at 2 (Director July 16, 2025). Even if the Director finds that other factors may favor discretionary denial, "it is an appropriate use of Office resources to review the[se] potential error[s]." *Taiwan Semiconductor Manufacturing Co. v. Marlin Semiconductor Ltd.*, IPR2025-00847 *et al*, Paper 11 (Director Sept. 3, 2025) (referring IPR2025-00847 to the Board even though the ITC hearing on the challenged patent is scheduled 9 months before the projected final written decision due date). This remains true even if the Director finds the examiner's errors are applicable to only a subset of patents challenged by Petitioner, since instituting IPRs on the other related, overlapping patents will be an "efficient

Petitioner's Opposition To Patent Owner's
Request For Discretionary Denial Of Institution
U.S. Patent No. 11,770,756

use of Board resources.” *Embody*, IPR2025-00248, Paper 13 at 3. In each of the other seven proceedings in which Samsung challenges a patent related to this patent, Section III of Samsung’s response to Patent Owner’s Request for Discretionary Denial identifies examiner errors specific to that patent. Some are similar to those identified here, while others are particular to the challenged patent. Consistent with *Embody*, these errors in the prosecution of related patents weigh in favor of instituting IPRs for all challenged patents.

First, the examiner overlooked critical teachings in Dua and allowed the ’756 patent even though Dua discloses or at least renders obvious all claims of the ’756 patent. *See* Pet., Ground 2. Specifically, the examiner responsible for examining and allowing the ’756 patent previously also examined the related ’432 patent. *Compare* EX1014 at 350 *with* EX1009 at 269. During prosecution of the ’432 patent, the pending claims included same and similar limitations to the ’756 patent issued claims, and the examiner rejected the pending claims over Dua in combination with a secondary reference, Creamer. EX1009 at 169-171. In response, applicant added the limitation:

responsive to at least one physiological parameter having been sensed by at least one sensor of the smartphone, enabling a mode to communicate by the smartphone information requesting an authorization

Petitioner's Opposition To Patent Owner's
Request For Discretionary Denial Of Institution
U.S. Patent No. 11,770,756

and argued that paragraphs [0026], [0089], and [0496] of Dua do not disclose that limitation. EX1009 at 242, 253. That was applicant's **only** basis for rebutting the examiner's rejection based on Dua. The examiner accepted those arguments and allowed the '432 patent specifically on that basis. EX1009 at 275-276.

The examiner then allowed the '756 patent claims, which similarly require:

responsive to the value that is determined by the device for the parameter that is sensed satisfying a threshold criterion, enabling by the device a number of functions of the device and disabling by the device a function of the device; wherein the parameter that is sensed ... comprises a velocity, an acceleration, a time-of-day, a humidity, a temperature, a height, a level of brightness, a level of darkness, a blood pressure, a heart rate, a blood content, a physiological state and/or a psychological state

over the same Dua reference. Indeed, Patent Owner is now pointing to the examiner's allowance of the '432 patent claims to argue the '756 patent is also patentable over Dua. DD Request, 32.

But the examiner erred in finding that Dua did not disclose enabling a mode to communicate responsive to various parameters during prosecution of the '432 patent and then again in finding that Dua does not disclose or render obvious the '756 patent claims. Dua clearly discloses this feature under multiple different theories. *See also* Pet., 42-51, 52-57. And Patent Owner's arguments to the contrary are based on incorrectly conflating different types of authentication disclosed in Dua and mischaracterizing the capabilities of Dua's device prior to such authorizing. *See*

Petitioner's Opposition To Patent Owner's
Request For Discretionary Denial Of Institution
U.S. Patent No. 11,770,756

infra, Section IV.6.c. The reality is that the examiner responsible for the '432 and '756 patents erred in overlooking key disclosure in Dua. Allowing this IPR petition to proceed to the merits stage will give the PTAB an opportunity to correct those errors.

Second, in a “supplemental amendment” during prosecution of the '756 patent, applicant submitted what it described as “non substantive” (emphasis in original) and “stylistic” amendments. EX1011 at 164. Among these amendments was a broadening of the claimed sensed parameter from one “that is associated with the device” to one that is “associated with the device, an environment of the device and/or a user of the device.” Notwithstanding applicant’s mischaracterization of the amendment as non-substantive, the examiner erred by accepting this characterization without further searching or examination, as evidenced in part by an issue classification that was prepared the same day (EX1011 at 166), by the notice of allowance reciting the pre-amendment claim language (EX1011 at 207), and by the examiner simply re-dating that original notice of allowance (EX1011 at 200) to be responsive to the later-filed amendment, without any reference to the substance of the amendments (EX1011 at 216).

Third, to the extent Patent Owner contends that “enabling... functions” while “disabling... a function” was the limitation that the examiner allowed over the prior art (see EX1011 pp. 135-136, that limitation is clearly disclosed in both Jain and

Petitioner's Opposition To Patent Owner's
Request For Discretionary Denial Of Institution
U.S. Patent No. 11,770,756

Dua as discussed below and in the Petition. Section IV.6.c; Pet., 14-18, 42-51. The examiner erred by overlooking the teachings of Dua, since Dua was cited (though never discussed) by the examiner. *Anthony Inc. v. ControlTec, LLC*, IPR2025-00559, Paper 12 at 2 (Director July 16, 2025) (“Petitioner persuasively explains that the patent examiner erred by overlooking the teachings of Carter. ... [I]t is an appropriate use of Office resources to review the potential error.”). Furthermore, to the extent it is argued that the narrower limitations in the ’756 patent were the basis of allowance (*i.e.*, its use for financial transactions and the use of a short-range signal), the examiner would have erred by overlooking the disclosures in Jain and Dua, which Patent Owner does not dispute meet those limitations. *Tesla, Inc. v. Charge Fusion Techs., LLC*, IPR2025-00153, Paper 11 at 3 (Director June 12, 2025) (“Petitioner relies on Letendre to teach a ‘slide,’ and Patent Owner does not dispute that Letendre teaches a ‘slider.’”).

IV. PETITIONER'S BROAD STIPULATION MITIGATES ANY *FINTIV* CONCERNS

Notwithstanding Patent Owner's erroneous analysis of the *Fintiv* factors, they are all substantially outweighed by the broad stipulation Petitioner has filed in this case, which goes beyond addressing the Director's concerns with *Sotera* stipulations. Pet., 71; *Motorola Sols. v. Stellar, LLC*, IPR2024-01205, Paper 19 at 3-4 (Director Mar. 28, 2025). Petitioner's stipulation includes a *Sotera* stipulation, but adds any

combination of system art and IPR art as well as any combination using patents or printed publications as a primary reference (which would include combinations with system art and other art that could not have reasonably been included in the petition). Pet., 71. With this broad stipulation, there is no overlap at all between this proceeding and the litigation.

1. Factor 4: Petitioner's Broad Stipulation Significantly Weighs Against Denial

Petitioner's stipulation outweighs every other *Fintiv* factor given its breadth. Indeed, Petitioner's research indicates that its stipulation is one of the broadest prior art stipulations that an IPR petitioner has ever provided.

Petitioner stipulates that, if this petition is instituted, it will 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., 71.

Not only does this stipulation include the standard *Sotera* stipulation, but it also covers any combination of system art and the IPR art (Jain and Dua), closing the *Sotera* stipulation loophole that the Director identified in *Motorola. Motorola Sols.*, IPR2024-01205, Paper 19 at 4 ("Petitioner's invalidity arguments in the

Petitioner's Opposition To Patent Owner's
Request For Discretionary Denial Of Institution
U.S. Patent No. 11,770,756

district court are more expansive and include combinations of the prior art asserted in these proceedings with unpublished system prior art, which Petitioner's stipulation is not likely to moot.”).

Importantly, this stipulation also goes beyond the Director's concerns and further covers *any* combination of a patent or printed publication as a primary reference—including when combined with system art or art that could not have reasonably been raised in the Petition. This greatly expands the number of grounds that Petitioner would not be able to assert in the litigation, and nearly removes all patent or printed publication art from the scope of Petitioner's invalidity contentions.

Petitioner's stipulation is a significant and material expansion of the typical *Sotera* stipulation that is intended to preclude any possibility of an overlap between this proceeding and the litigation. *Shenzhen Tuozhu Tech. Co., Ltd. v. Stratasy, Inc.*, IPR2025-00321, Paper 10 at 13 (P.T.A.B. June 18, 2025) (“This ... stipulation mitigates any concerns of duplicative efforts between the district court and the Board, as well as concerns of any potentially conflicting decisions.”).

Accordingly, this factor heavily weighs against denial, especially because the remaining factors are either neutral or only modestly in favor of denial.

**2. Factor 1: The District Court's Likelihood To Grant A Stay If
The IPR Is Instituted Is Neutral**

Patent Owner spills significant ink speculating about whether the District Court will grant a stay. As the Board has held time and again, when the Court has not indicated one way or another about a stay, the Board will not speculate and will give this factor neutral weight. *Apple, Inc. v. Fintiv, Inc.*, IPR2020-00019, Paper 15 at 12 (P.T.A.B. May 13, 2020) (“We decline to infer, based on actions taken in different cases with different facts, how the District Court would rule should a stay be requested by the parties in the parallel case here.”).

Even Patent Owner admits that the District Court will entertain and likely grant a stay if the Board grants institution on all eight IPR petitions. DD Request, 10-11; *see also Cobblestone Wireless, LLC v. Cisco Systems, Inc.*, No. 2:23-cv-00454-JRG-RSP, 2024 WL 5047854 (E.D. Tex. Dec. 9, 2024) (granting stay following institution of IPR against asserted patent); *Emerging Automotive LLC v. Kia Corp. et al.*, No. 2:23-cv-00437-JRG, Dkt. 301 (E.D. Tex. Jun. 30, 2025) (granting stay following institution of IPRs and *ex parte* reexamination against all asserted patents). As Patent Owner acknowledges, the claims of the eight patents have significant overlap. DD Request, 5-6 (“[E]ach of the applications has been directed to the same technology area ... each of the Telcom Ventures Patents is directed to a wallet function on a mobile wireless device such as a smartphone ...

Petitioner's Opposition To Patent Owner's
Request For Discretionary Denial Of Institution
U.S. Patent No. 11,770,756

each of the Telcom Ventures Patents relates to the use of a proximity criterion for completing financial transactions.”). Indeed, as discussed above, each petition asserts the same art and grounds, and there are significant efficiencies in referring all eight petitions to the Board. Thus, it is likely the petitions rise or fall together, rendering moot any concerns that the District Court will only grant a stay if all IPR petitions are instituted.

As for Patent Owner's argument that Petitioner will fail to meet the requirements for a stay, the Board should decline to speculate what the District Court will do. In any case, Patent Owner's arguments are not consistent with the Court's typical practice—indeed, the Court recently stayed a case on the eve of trial when petitions against some of the patents were instituted. *Stellar LLC v. Motorola Solutions, Inc. et al.*, No. 4:23-cv-750-SDJ, Dkt. 156 (Feb. 24, 2025) (staying all deadlines two weeks before trial after four of eight IPRs were instituted, pending decisions on the remaining four IPRs); *Emerging Automotive LLC v. Kia Corp. et al.*, No. 2:23-cv-00437-JRG, Dkt. 301 (E.D. Tex. Jun. 30, 2025) (granting stay 3 weeks before trial following institution of IPRs and *ex parte* reexamination against all asserted patents).

3. Factor 2: The Proximity of the District Court Trial And The Board's Final Written Decision Is Neutral

This factor is neutral or at best slightly in favor of denial. Although the District Court has scheduled a trial for June 1, 2026, such a date is unlikely because it is not consistent with median time-to-trial statistics for the Eastern District of Texas. The official U.S. Courts statistics show that the most recent (and therefore most relevant) median time-to-trial for the district court is 25.1 months. EX1057. For a complaint filed on August 21, 2024, that would place trial at around later September to early October 2026, approximately two months before Board's latest statutory deadline of December 11, 2026. Moreover, Judge Gilstrap has scheduled *10 trials* for June 1, 2026, making it significantly likely that the trial date will be moved. EX1052. In at least one case, the asserted patent's corresponding IPR petition has been denied and therefore there is little chance of a stay. *See Samsung Elec. Co. Ltd. v. OS-New Horizon Personal Comput. Sols. Ltd.*, IPR2025-00613, Paper 10 (Director July 17, 2025). And several of these cases involve numerous defendants, decreasing the likelihood of settlement. This small difference cannot outweigh Petitioner's broad stipulation.

Undoubtedly, Patent Owner is aware of the U.S. Courts' time-to-trial statistics and deliberately chose not to use them. *See, e.g., Nokia of America Corp. et al. v. Ianarch Techs. Ltd.*, IPR2024-00899, Paper 3 at 67-68 (May 30, 2024) (Patent

Petitioner's Opposition To Patent Owner's
Request For Discretionary Denial Of Institution
U.S. Patent No. 11,770,756

Owner's lead counsel citing to the official time-to-trial statistics). Instead, Patent Owner relies on third-party statistics. DD Request, 15 (citing EX2004). As an initial matter, Patent Owner fails to heed Chief APJ Boalick's instruction to use "median time-to-trial statistics for *civil actions in the district court.*" March 24, 2025 Guidance on USPTO's Rescission of Vidal Memo. Patent Owner instead uses statistics for patent cases of a single judge within the district. EX2004. These statistics are also flawed because they begin from January 1, 2020, and fail to account for the significant rise in cases for the Eastern District of Texas over the past few years. Patent Owner's claim that starting with cases filed after January 1, 2020 is a "conservative estimate because it includes many cases delayed by the Covid-19 pandemic" is just false. DD Request, 15. For example, using the same Docket Navigator statistics as Patent Owner, the median time-to-trial for patent cases before Judge Gilstrap filed after January 1, 2022 is about 24 months—as are cases filed after January 1, 2023—higher than the 21.7 months Patent Owner uses. EX1053; EX1054.

Whether the Director uses the 24-month (four month difference between trial and FWD) or 26-month (2 month difference between trial and FWD) time-to-trial statistics, the timing of trial and the Final Written Decision would be consistent with the *Shenzhen* case, where the Director referred the IPR petitions to the Board when trial preceded the Final Written Decision by 4 months, most of the patents lacked

settled expectations, and Petitioner had filed a broad stipulation. *Shenzhen*, IPR2025-00321, Paper 10 at 13. The cases cited by Patent Owner are inapposite, as none of them dealt with the same combination of lack of settled expectations and a broad stipulation.

Patent Owner also accuses Petitioner of “creat[ing] this situation” by filing the petition nine months after the lawsuit was filed. DD Request, 17. To the contrary, nine months to search for prior art and prepare eight IPR petitions is evidence of diligence—especially where, as here, the prior art is extensive. *Tianma Microelectronics Co. Ltd. v. Japan Display Inc.*, IPR2021-01057, Paper 15 at 9-11 (P.T.A.B. Jan. 6, 2022) (finding Petitioner acted with diligence in filing Petition nine months after complaint and six months after infringement contentions). Moreover, the Director's March 24, 2025 rescission of the Vidal Memo and March 26, 2025 issuance of the Workload Memo crystallized the importance of filing petitions as early as possible—and, taking a cue from the Director, Petitioner diligently filed all eight of its petitions within two months of those memos.

4. Factor 3: The Parties' Limited Investment In The District Court Litigation Weighs Against Discretionary Denial

The factor weighs against discretionary denial. Assuming the Board's institution decision is dated December 10, 2025, the District Court case will still be in the relatively early stages with minor investment by the court and the parties.

Petitioner's Opposition To Patent Owner's
Request For Discretionary Denial Of Institution
U.S. Patent No. 11,770,756

The District Court has not issued any substantive orders related to the patents-in-suit. Nor will it until after the Board's institution decision. There will be no claim construction hearing or order because there are no disputed terms for construction, and dispositive motions will not be filed until February 9, 2026. EX1055 at 4; *see Apple Inc. v. Fintiv, Inc.*, IPR2020-00019, Paper 11 at 10 (P.T.A.B. Mar. 20, 2020) (“If, at the time of the institution decision, the district court has not issued orders related to the patent at issue in the petition, this fact weighs against exercising discretion to deny institution.”).

While the parties are in the midst of fact discovery, it will not close until after the institution decision date. EX1055 at 4. Expert discovery will not close until after the institution decision date. EX1055 at 4. Patent Owner will not need to respond to Petitioner's invalidity contentions in expert reports until after the institution decision date, meaning that, if these IPRs are instituted, Patent Owner will not need to address any prior art basis that fall within the scope of Petitioner's broad stipulation. EX1055 at 4. This schedule alone weighs against discretionary denial. Moreover, discovery by Patent Owner has so far been minimal. Patent Owner has issued zero subpoenas, scheduled zero depositions, and produced only 225 documents, nearly all of which are public or patent documents (only eight have any confidentiality designation). Further, ongoing discovery has focused on issues unrelated to the grounds presented in the Petition. For example, Petitioner's subpoenas have targeted tracking down

invalidating prior art systems and product trials from nearly twenty years ago, *e.g.* Motorola, Nokia, Kyocera, and ViVOtech. EX1056. In sum, neither party has made substantial investment in the District Court and the investment that has been made is non-duplicative and unrelated to the petitions.

5. Factor 5: The Same Parties In The District Court Litigation Does Not Outweigh the Factors Against Discretionary Denial

The Petitioner here is the same party as the defendant in the district court case. Although this factor may weigh slightly in favor of discretionary denial, it does not outweigh the other factors discussed above.

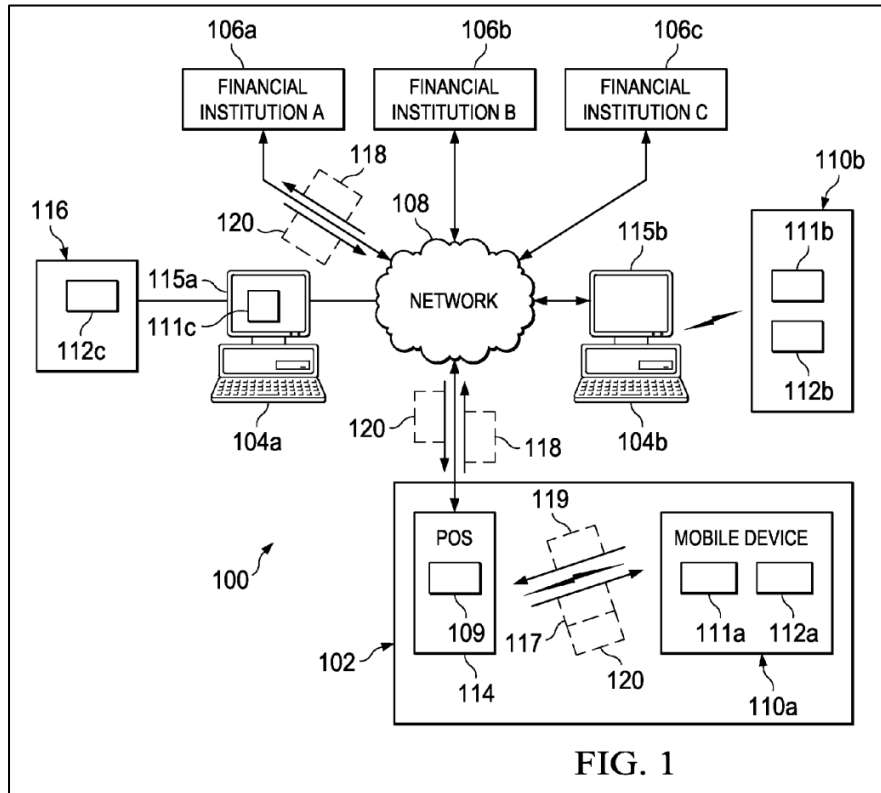
6. The Merits Of The Petition Are Strong

The merits of Samsung's Petition are strong. Patent Owner advances its best examples of alleged weaknesses in Samsung's Petition, but those examples show Patent Owner's failure to understand the underlying references—Jain and Dua.

(a) Jain Discloses Or Renders Obvious The Claimed "device" and "device-based sensor."

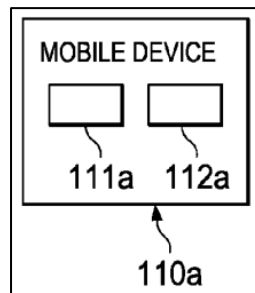
Highlighting the weakness of Patent Owner's arguments on the merits, Patent Owner begins with and expends significant time attempting to argue that Jain does not disclose the claimed *device* (which *comprises a smartphone*) because Patent Owner reads Jain as disclosing only a transaction card that is distinct and separate from a mobile phone. DD Request, 25-28. Yet Jain expressly discloses a "mobile device 110" with a transaction card 112 attached thereto or incorporated therein as

the “*device*” or “*wireless device*” to “wirelessly execut[e] transactions” with retail point-of-sale terminal 114. EX1017, ¶¶[0005], [0018], [0021], [0029], FIG 1:



Patent Owner argues that the Petition mapped “‘mobile device’ [110] and a separate and distinct ‘transaction card’” onto the claimed *device*. DD Request, 25. Patent Owner adds that the Petition “rel[ies] on ... [a] ‘mobile device’” for some limitations and a separate “‘transaction card’ ... [for] other[.]” limitations. DD Request, 25-27. Neither is true. The Petition refers to “‘mobile device 110,’ which can include a ‘transaction card 112’ **attached** thereto or **incorporated** therein.” Pet., 9. Transaction card 112 is not separate and distinct. A smartphone with a card in it or attached to it (*e.g.*, microSD card, SIM card, memory cards, computer chips, etc.)

is still a smartphone. That is exactly what is shown in Jain's figures, where the mobile device 110's transaction card 112 is just another component, same as the mobile device's device-based sensor for reading fingerprints (the disclosure of which Patent Owner does not dispute (DD Request, 25-26)) or mobile device 110's GUI 111 provided via a "touch screen."



For example, Figures 7 and 8 of Jain are about a transaction card (interchangeably called an "intelligent card" in this portion of Jain) "inserted into" (*i.e.*, integrated with) "a host device" (Jain's mobile device 110). See Jain [0072]-[0073] et seq. *See also* Jain [0076] ("The host device 804 ... includes a slot for insertion of the intelligent card 806.").

And just as the functionality of other components of a smartphone are attributable to the smartphone (*e.g.*, input/output capability provided by the smartphone's touchscreen, cellular connectivity by the smartphone's radio components, processing by the smartphone's CPU, sensing by the smartphone's sensors, etc.), functionality of the smartphone's transaction card is functionality of the smartphone. Indeed, in these embodiments the transaction card is non-functional

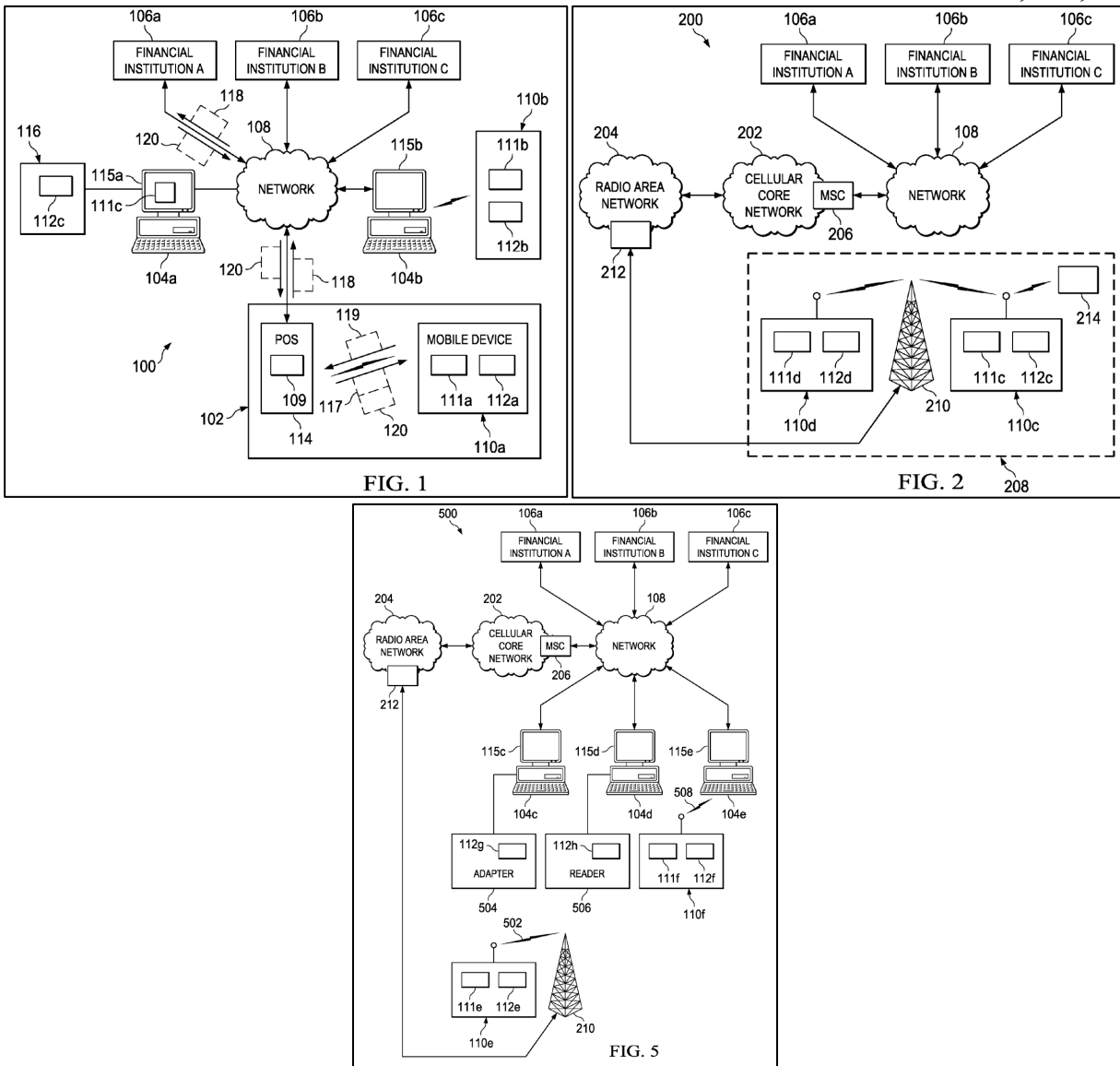
Petitioner's Opposition To Patent Owner's
Request For Discretionary Denial Of Institution
U.S. Patent No. 11,770,756

without being coupled to the smartphone because it relies on the smartphone for network connectivity. *See* Jain ¶[0077].

Patent Owner provides no citation where Petitioner relies on some limitations being performed by the mobile device and other limitations being performed by a separate transaction card. DD Request, 25-27. There are none. The Petition only refers to “‘mobile device 110’ which can include a ‘transaction card 112’ attached thereto or incorporated therein.” Pet., 9. Both mobile device 110 and transaction card 112 are described in the Petition as electrically coupled and operating together as a single unit. *See, e.g.*, Pet., 9-11.

Patent Owner incorrectly asserts that Jain does not support integrating the transaction card into the mobile device. DD Request, 27-28. But Jain expressly and repeatedly depicts “transaction card 112” integrated with “mobile device 110.” EX1017, FIGs. 1-2, 5:

Petitioner's Opposition To Patent Owner's
Request For Discretionary Denial Of Institution
U.S. Patent No. 11,770,756



Moreover, Jain describes transaction card 112 as a mobile device's SD card. EX1017, ¶¶[0004], [0018], [0025], [0032], [0034], [0051], Claims 6, 21, FIG. 8A.

Trying to support mobile device 110 and transaction card 112 as being separate, Patent Owner misrepresents language from Jain to argue that “mobile device 110 does not require additional hardware, software, and/or firmware’ because ... transaction card [112] itself has the required functionalities” for “wirelessly

execut[ing] transactions with the POS device 114.” DD Request, 26. In reality, the cited portions of Jain are discussing precisely the integration that Patent Owner insists is not disclosed. Mobile device 110 does not require **additional** hardware, software, and/or firmware because integrating mobile device 110 with transaction card 111 provides mobile device 110 with transaction card's 111 capabilities. *See* EX1017, ¶¶[0023] (“[M]obile device 110 does not require **additional** hardware, software, and/or firmware to wirelessly execut[e] a transaction with ... POS 114 such as an NFC transaction.”), [0029] (“[T]ransaction card 112 may operate [in] active-card-emulation mode to **convert ... mobile device 110 to a contactless payment device.**”), [0030] (“In active-reader mode, ... transaction card 112 may **convert ... mobile device 110 to a contactless reader device capable of receiving data when in range of ... POS 114.**”); *see also* EX1017, ¶¶[0020] (“[O]ffline store 102 may wirelessly execute financial transactions with ... mobile device 110.”), [0052] (allowing mobile device 110 to change the “mode of operation (e.g., sending mode, listening mode)” of the antenna on transaction card 112). If mobile device 110 were not incorporated with transaction card 111, mobile device 110 would need additional hardware, software, and/or firmware.

Patent Owner also asserts that “Jain specifically requires a distinct transaction card that is ‘independent’ of the mobile device,” and that the “transaction card alone ... is essential to executing transactions.” DD Request, 26-27. But as discussed

above, Jain does expressly and repeatedly disclose and depict transaction card 112 integrated with mobile device 110, and a device with an attached card is still nevertheless a device.

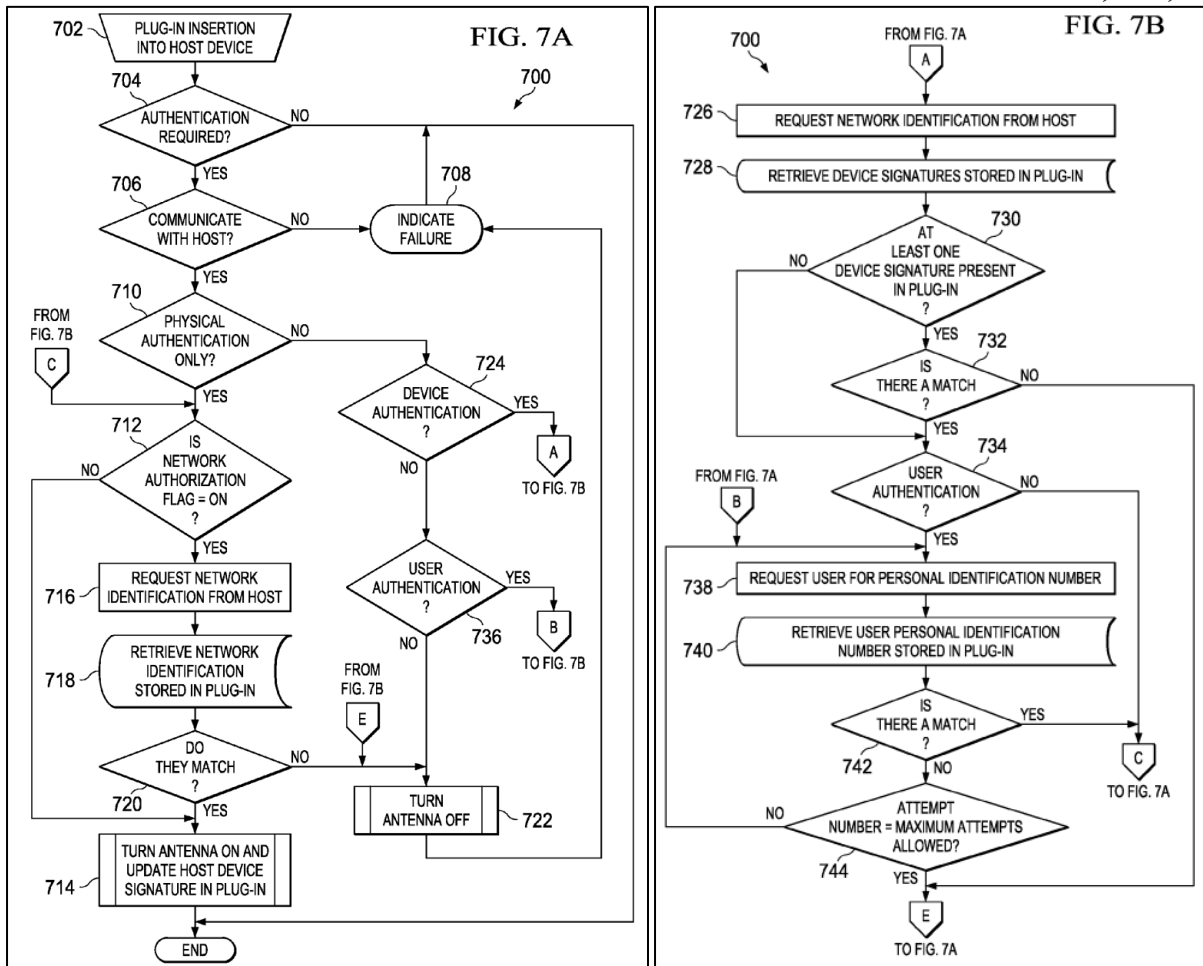
Even if Jain did not disclose a mobile device with an integrated transaction card, as Patent Owner contends, Jain at a minimum renders such an implementation obvious. Pet., 11-12. Patent Owner attempts to refute the obviousness of this simple modification by asserting that Jain does not support cost saved from not developing an independent transaction card, and instead exclusively supports cost saved from not modifying an existing mobile device. DD Request, 27-29. But Jain recognizes the complexity of developing an independent transaction card and interfacing it with a mobile device. *See* EX1017, ¶¶ [0023]-[0025], [0049]-[0061], [0076]-[0079]. A POSITA would have understood from this, and from Jain's disclosure that it is "directed to a system and method for interfacing transaction cards with mobile devices" (EX1017, Abstract), that integration of transaction card 112 with mobile device 110 reduces the costs of (1) developing transaction card 112 and (2) developing an interfacing and coordination scheme with mobile device 110. To the extent Jain discloses independently-operating transaction cards, multiple components or functionalities of such a card are duplicated in the host smartphone or could advantageously be used for additional purposes if present in a smartphone. *See, e.g.*, EX1017, ¶[0018] and Fig. 3. To wit, Jain already describes transaction card

112 as leveraging components and resources of mobile device 110. *See, e.g.*, EX1017, Abstract, ¶¶[0005], [0023], [0046]-[0048], [0053]. A PHOSITA would have recognized that in at least some scenarios, Jain's disclosures can be advantageously implemented by tighter integration of the transaction card functionality with the host smartphone functionality, thereby facilitating further sharing of mobile device's 110 software and hardware components and avoiding the associated costs.

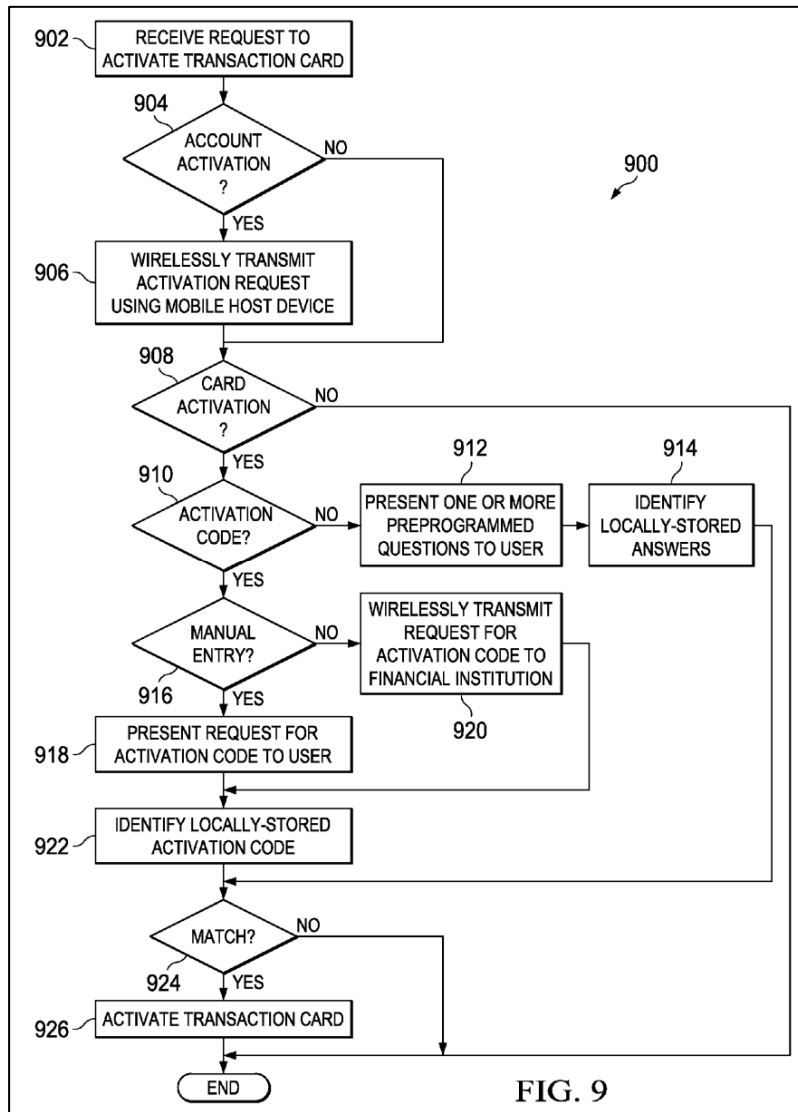
- (b) Jain Discloses Or Renders Obvious “responsive to the value that is determined by the device for the parameter that is sensed satisfying a threshold criterion, enabling by the device a number of functions of the device and disabling by the device a function of the device.”**

The Petition maps Jain's disclosure of the successfully completing authentication method 700—including step 714 updating host device signature on transaction card 113—with “*enabling by the device a number of functions of the device.*” Pet., 14-16; *see also* EX1017, ¶¶[0072]-[0073], FIGs. 7A-B:

Petitioner's Opposition To Patent Owner's
Request For Discretionary Denial Of Institution
U.S. Patent No. 11,770,756



Specifically, Jain teaches that completing authentication method 700 “enabl[es]” transaction card 112 to use Jain’s activation method 900, where mobile device 110’s cellular radio technology (*mode to communicate*) requests activation to financial institution 106. *E.g.*, Pet., 16; *see also* EX1017, ¶[0081], FIG. 9:



The Petition maps the claimed *disabling by the device a function of the device* under two different theories. Pet., 16-18. Under the first theory, one of the enabled functions is the function of communicating with a financial institution to perform activation method 900. Pet., 16. While that functionality (communicating to perform activation) is enabled, other functionality (including but not limited to the ability to transact and) is disabled. Pet., 16-17. Under the second theory, which applies the

Petitioner's Opposition To Patent Owner's
Request For Discretionary Denial Of Institution
U.S. Patent No. 11,770,756

logic of Patent Owner's infringement contentions, one of the enabled functions is cellular communication after a user has been authenticated (Pet., 17-18) and the functions that existed to enable that functionality are disabled (Pet., 18).

Patent Owner's rebuttal is that "method 700 has no bearing on method 900," that "activating the antenna in method 900... is not 'responsive to the value that is determined by the device for the parameter that is sensed satisfying a threshold criterion'," and that the "Petition[] cites no disclosure even suggesting that method 900 ... follow[s] method 700 or while transaction card's antenna is enabled." DD Request, 31.

Patent Owner is wrong.

Jain expressly states that the "intelligent card may execute authentication procedures [i.e., authentication method 700] *prior to* activation [i.e., activation method 900]." Pet., 16-17 (quoting EX1017, ¶[0072]). Moreover, authentication method 700 includes user authentication, which Jain discloses may involve satisfying a threshold criteria of sufficient fingerprint matching. Pet. 14-15.

More generally, authentication method 700 enables activation method 900. Method 700 performs authentication and "update[s] [the] host device signature." EX1017, ¶[0072], FIG. 7A. Host device signature is "identification data" that identifies mobile device 110 to transaction card 112, (EX1017, ¶[0053]) and enables transaction card 112 to send commands to mobile device 110 (See EX1017,

¶¶[0034], [0065]-[0066], [0081], Table 1 (“When removed from the host device ... [and] plugged into another device, the device signature fails and the device behaves like a mass memory device only.”)). This includes allowing the transaction card 112 to leverage the cellular radio technology of the mobile device by “transmit[ing] data for transmission through a cellular network connected to the host device” and receiving data of that cellular network. EX1017, ¶[0077]. Authentication and an updated host device signature thus “automatically bootstrap[s] [the] [transaction] card in response to at least insertion into a [mobile] device.” EX1017, ¶[0072], FIG. 7A. Conversely, without an updated, matching host signature, “host device is ejected, bootstrap is aborted and the card 400 is returned to the mode it was before being inserted into the device.” EX1017, ¶[0065].

Thereafter, method 900 is an “activation process,” where mobile device 110 “activat[es] the transaction card and/or financial account.” EX1017, ¶[0026]. This activation process includes steps 906 and 920. In step 906, “transaction card 112 ... wireless[ly] transmit[s] an activation request to the financial institution 106 using the cellular radio technology of the mobile ... device 110.” EX1017, ¶[0081]. And in step 920, “transaction card [112] wirelessly transmits a request for [an] activation code using cellular radio technology of ... [mobile] device” 110 to the financial institution. EX1017, ¶[0081]. Receiving a matching activation code authorizes mobile device 110 to execute financial transactions. Pet., 17-21; *see* EX1017,

¶¶[0026], [0081]. Accordingly, method 700's authentication/bootstrapping allows the transaction card 112 to use the mobile device's cellular radio technology and thus is required for method 900's activation.

- (c) **Dua Discloses Or Renders Obvious “responsive to the value that is determined by the device for the parameter that is sensed satisfying a threshold criterion, enabling by the device a number of functions of the device.”**

The Petition explained how Dua discloses this limitation under two theories—**Card-Issuing Theory** and **External-Storage-Authentication Theory**.

For both theories, Dua discloses user authentication by PINs or fingerprints, and this authentication corresponds to *the value that is determined by the device for the parameter that is sensed satisfying a threshold criterion*. Pet., 42-45, 48-49.

This authentication is followed by *enabling by the device a number of functions of the device*, where said enabling is *responsive to* the satisfying. The functionality that is enabled includes: the wallet application (which is opened), access to wallet data (which is decrypted), and communication over a communication session using session initiation protocol (“SIP”) (which is created with either (1) a credit card issuer's wireless credential manager (“WCM”) to request issuance of a credential (the **Card-Issuing Theory**, Pet., 45-46) or (2) external storage to request retrieval of a credential (the **External-Storage-Authentication Theory**, Pet. 49-50)). Pet., 42-48. The authentication or read-key matching,

followed by the SIP-created communication session to request credential issuance or retrieval, constitutes “*determining that the at least one parameter that is sensed satisfies a criterion,*” “*enabling a mode to communicate ... information requesting an authorization to establish said capability*” to perform a financial transaction. Pet., 42-48.

Patent Owner does not contend that Dua does not render obvious the claimed *disabling by the device a function of the device*, but does take issue with the rest of this limitation. Patent Owner's primary argument, citing the prosecution of the '432 patent (not the '756 patent but a related patent), is that “Examiner agreed, Dua does not teach or suggest ‘enabling a mode to communicate ... information requesting an authorization’ that is ‘responsive to at least one physiological parameter.’” DD Request, 32-33 (citing EX1009 at 253, 275-76). But the examiner made a material error in evaluating Dua. The examiner overlooked Dua's teachings of (1) fingerprint authentication (*i.e.*, “physiological parameter”) (*e.g.*, EX1018, ¶¶[0354]-[0355], [0366]-[0367]) and (2), following and conditional upon fingerprint authentication (*i.e.*, “responsive to at least one physiological parameter”), creation of a communication session via SIP for requesting credential issuance or retrieval (*i.e.*, “enabling a mode to communicate ... information requesting an authorization”). Pet., 42-48. Far from supporting discretionary denial, this error by the examiner is why the Director should allow this IPR to proceed to the panel, so that the panel may

institute this IPR and correct this error from prosecution of the related '432 patent.

See supra, Section III.

(i) Card-Issuing Theory

Under the **Card-Issuing Theory**, Dua discloses user authentication via a PIN or fingerprint (*the value that is determined by the device for the parameter that is sensed satisfying a threshold criterion*) in order to open the wallet application, decrypt the wallet data, and create a communication session with an issuer's WCM to request credential issuance (*responsive to [that satisfying]... enabling by the device a number of functions of the device*). Pet., 42-48.

Patent Owner alleges that Dua does not disclose “authentication tak[ing] place prior to establishing SIP communication” session. Patent Owner argues that Dua (1) discloses the “issuer ... authenticat[ing] ... in real-time” after establishing a SIP communication session for issuing a credential, (DD Request, 33 (citing EX1018, ¶[0180])) and (2) “never requires a PIN to start the SIP process when issuing a credential” (DD Request, 33-34 (citing EX1018, ¶[0129])).

Patent Owner's argument incorrectly conflates two different authentications disclosed by Dua: first authenticating the user with the local wallet application **before** establishing the SIP-created communication session (relied on in the Petition for the *satisfying* limitation) and second authenticating the user with the remote issuer **after** establishing the SIP-created communication session (**not** relied on in the

Petition for the *satisfying* limitation). Specifically, on one hand, Dua discloses “authentica[ing] the user to the [wallet] application,” such as for opening the wallet application, is done “with a special wallet PIN code which is **set by the wireless device owner during setup of the application.**” EX1018, ¶[0366]; Pet., 43 (citing ¶[0366]). On the other hand, Dua separately discloses that the “issuer[] ... authentica[ing] the ... user’s identity in real-time” for credential issuance is with an **issuer-provided** “special code or PIN that was mailed to the user in advance of the issuance.” EX1018, ¶[0180]. Moreover, Dua expressly discloses activities that require both issuer-provided PINs and wallet PINs. EX1018, ¶¶[0401]-[0402] (“require the wallet PIN with every transaction but also prompt for an issuer PIN”). But those are two different authentications, and the wallet-authentication relied on in the Petition for the *satisfying* limitation is performed **before** establishing the SIP-created communication session.

To reiterate, Dua discloses employing two forms of authentication for credential issuance—user authentication before and issuer authentication after the creation of a communication session by SIP. The wallet application must be unlocked with a wallet PIN, (EX1018, ¶¶[0366], [0429]) and an unlocked wallet application is necessary to create a communication session with the issuer’s WCM and perform authentication with the issuer (EX1018, ¶¶[0159]-[0160], [0180], [0366], [0429]).

Requiring user authentication prior to establishing a session and transferring an issued credential is also confirmed by other disclosures in Dua. Pet., 43-44. Credential issuance entails the wallet application (1) receiving and displaying an initial set of sensitive data “so that [the user] can decide whether to accept connectivity ... for the purpose of receiving the ... credential” (EX1018, ¶[0159]) and (2) making a connection with, transmitting sensitive data to, and receiving sensitive data from an unknown source. See EX1018, ¶¶[0132], [0159]-[0160], [0180], FIGs. 3-4. But “PIN-entry is required before the wallet application can be ‘opened,’” and “data in the wallet application is encrypted and protected with a special wallet PIN code.” Pet., 42-43 (citing EX1018, ¶¶[0366], [0429]). Also, “Dua requires user authentication for making significant changes in the wallet application, such as ‘access[ing] stored credentials and chang[ing] any application settings or preferences,’” and “[a]dding a new credit card is such a change.” Pet., 43-44 (citing EX1018, ¶[0366]).

Patent Owner's misunderstanding of Dua and the Petition plague Patent Owner's entire argument.

(ii) External-Storage-Authentication Theory

Under the **External-Storage-Authentication Theory**, Dua again discloses user authentication via a PIN or fingerprint (*the value that is determined by the device for the parameter that is sensed satisfying a threshold criterion*) in order to

open the wallet application, decrypt the wallet data, and establish a connection with external storage containing credentials (*responsive to [that satisfying]... enabling by the device a number of functions of the device*). Pet., 48-51.

Again, Patent Owner alleges that the recited functions are not enabled “responsive to Petitioner’s proffered parameters of a PIN to open the wallet.” DD. Request, 35. But again, Patent Owner ignores or misapprehends Dua’s multiple disclosures (referenced above) of PIN or fingerprint authentication being necessary to open the wallet, decrypt secure storage, and to use the wallet to establish SIP connectivity. Again, although Dua discloses that PINs can be transmitted via SIP messages (e.g., EX1018, ¶[0215]), it discloses that the PIN (or biometric such as fingerprint) associated with the wallet application is “set by the wireless device owner during the setup of the application” and not obtained via SIP (EX1018, ¶[0366]).

In sum, Patent Owner’s arguments are founded on a misunderstanding of the distinction between the two PINs of Dua.

V. OTHER FACTORS WEIGH AGAINST DENIAL

A. The Board is an Especially Suitable Forum to Efficiently Resolve Multiple Matters

As mentioned above, Patent Owner has asserted the 8 challenged patents against both Samsung and Apple—and accuses all through major mobile payment

platforms: Samsung Pay, Google Pay, and Apple Pay. Accordingly, institution of these proceedings would be an especially efficient use of Board resources, as it may resolve questions of invalidity for both proceedings. Indeed, if all Petitions are instituted, the Courts are likely to stay the two proceedings. The Apple litigation is currently before the Northern District of California where a trial date has not even been set—and that court routinely stays cases before institution, especially when there is no trial date and minimal (if any) discovery. *Dialect, LLC v. Google, LLC*, Case No. 24-CV-04388-JSC, 2024 WL 4314206, at *4 (N.D. Cal. Sept. 26, 2024); *Apple Inc. v. AliveCor, Inc.*, No. 22-CV-07608-HSG, 2023 WL 9187388, at *4 (N.D. Cal. Dec. 29, 2023).

Moreover, between the two cases, the numerous prior art asserted by Petitioner and Apple, and the three accused product ecosystems, the eight patents here present “[a] large number and vast scope of the patents” which the Board is better positioned to review. *Tesla, Inc. v. Intellectual Ventures II LLC*, IPR2025-00217, Paper 9 at 3 (Director June 13, 2025).

B. Petitioner Relies On Expert Testimony Only To Provide Background Information

Patent Owner fails to identify any portion of the expert testimony that suggests Petitioner is using its expert to fill gaps in the prior art. Patent Owner references the Petition's citation of the expert declaration for statements such as “[a] POSITA

would understand..." and "[a] POSITA would be well aware of..." but makes no attempt to identify a particular gap in the prior art. DD Request, 39-40. Patent Owner fails because Petitioner relies on Dr. Almeroth only to explain the background knowledge of a person of ordinary skill in the art and the motivations to combine and modify, supported by citations to evidence as required. *See, e.g.* EX1002 ¶¶104, 123-124; *See* 37 C.F.R. § 42.65(a); *Xerox Corp. v. Bytemark, Inc.*, IPR2022-00624, Paper 9 (Aug. 24, 2022) (precedential). Further, Dr. Almeroth's declaration is comprehensive in addressing each limitation of each claim, but it still provides a focused analysis of the prior art's disclosure of those claim limitations, weighing against discretionary denial.

C. Patent Owner's Other Considerations Do Not Favor Denial

Patent Owner argues the breadth and scale of Petitioner's invalidity arguments against the patents-in-suit somehow "frustrate the intended efficiencies of the AIA." DD Request, 41. But, as explained above regarding *Fintiv* factor four, Patent Owner fails to recognize that, if the IPRs are instituted, none of Petitioner's invalidity arguments in the District Court litigation will in fact be duplicative of those raised in the IPRs. Moreover, IPRs only address 102 and 103 challenges based on patents and printed publications; Patent Owner's concerns regarding the District Court's handling of subject-matter eligibility, written description, enablement, definiteness,

Petitioner's Opposition To Patent Owner's
Request For Discretionary Denial Of Institution
U.S. Patent No. 11,770,756

and prior art systems are irrelevant. DD Request, 41. Petitioner's broad stipulation prevents any duplication of effort between the IPR proceedings and the district court.

VI. CONCLUSION

Patent Owner has identified no legitimate basis for the Director to deny institution based on any discretionary factors. Institution should be granted.

Petitioner's Opposition To Patent Owner's
Request For Discretionary Denial Of Institution
U.S. Patent No. 11,770,756

DATED: September 18, 2025

Respectfully submitted,

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Petitioner's Opposition To Patent Owner's
Request For Discretionary Denial Of Institution
U.S. Patent No. 11,770,756

CERTIFICATE OF COMPLIANCE

Pursuant to 37 C.F.R. § 42.24(a) and (d), the undersigned hereby certify that the foregoing Petitioner's Opposition to Patent Owner's Request for Discretionary Denial of Institution complies with the type-volume limitation of 37 C.F.R. § 42.24(a)(1)(i) and (b)(1)(i) permitting a petition of up to 14,000 words because, exclusive of the exempted portions, it contains 8,270 words as counted by the word processing program used to prepare the paper.

Date: September 18, 2025

Respectfully submitted,

By: /s/ James Glass

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