

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD.,
Petitioner

v.

WILUS INSTITUTE OF STANDARDS AND TECHNOLOGY INC.,
Patent Owner

Case IPR2025-01069
U.S. Patent No. 10,313,077

PETITIONER'S REPLY TO PATENT OWNER'S SUPPLEMENTAL BRIEF

EXHIBITS

SAMSUNG-1001	U.S. Patent No. 10,313,077 to Ko et al. (“the ’077 Patent”)
SAMSUNG-1002	Excerpts from the Prosecution History of the ’077 Patent
SAMSUNG-1003	Declaration and Curriculum Vitae of Zhi Ding, Ph.D.
SAMSUNG-1004	Complaint, <i>Wilus Institute of Standards and Technology Inc., v. Samsung Electronics Co., LTD., et al.</i> , 2-24-cv-00746 (EDTX) filed September 11, 2024
SAMSUNG-1005	Korean Application No. 10-2015-0092525, Certified English Translation and Original Korean Application (“the KR-525 Application”)
SAMSUNG-1006	U.S. Patent Application Publication No. 2016/0345202 to Bharadwaj et al. (“Bharadwaj”)
SAMSUNG-1007	U.S. Provisional Application No. 62/170,059 (“Bharadwaj-Prov059”)
SAMSUNG-1008	IEEE Std. 802.11-2012
SAMSUNG-1009	IEEE Std. 802.11ac-2013
SAMSUNG-1010	U.S. Patent Application Publication No. 2015/0139205 to Kenney et al. (“Kenney”)
SAMSUNG-1011	U.S. Patent Application Publication No. 2012/0054587 to Van Nee et al.
SAMSUNG-1012	U.S. Patent Application Publication No. 2016/0285596 to Park et al.
SAMSUNG-1013	U.S. Patent Application Publication No. 2015/0304077 to Cao et al.
SAMSUNG-1014	U.S. Patent Application Publication No. 2015/0139206 to Azizi et al.

SAMSUNG-1015	U.S. Patent Application Publication No. 2016/0127948 to Azizi et al. (“Azizi”)
SAMSUNG-1016	L-LENGTH Equation Update, IEEE submission document IEEE 802.11-15/1372 (Nov. 2015)
SAMSUNG-1017	U.S. Provisional Application No. 62/165,848 (“Bharadwaj-Prov848”)
SAMSUNG-1018	U.S. Patent Application Publication No. 2012/0177144 to Lee et al. (“Lee”)
SAMSUNG-1019	U.S. Patent Application Publication No. 2016/0286012 to Yu et al. (“Yu”)
SAMSUNG-1020	U.S. Provisional Application No. 62/145,428 (“Yu-Prov428”)
SAMSUNG-1021	U.S. Provisional Application No. 62/138,294 (“Yu-Prov294”)
SAMSUNG-1022	802.11ax Preamble Design and Auto-detection, IEEE submission document IEEE 802.11-15/0579 (May 10, 2015)
SAMSUNG-1023	Patent Trial and Appeal Board (PTAB) Boardside Chat: Interim Processes Relating to institution in AIA Proceedings (Apr. 17, 2025)
SAMSUNG-1024	Coke Morgan Stewart, Interim Processes for PTAB Workload Management (Mar. 26, 2025)
SAMSUNG-1025	Stipulation
SAMSUNG-1026-1100	RESERVED
SAMSUNG-1101	Memorandum from Coke Morgan Stewart, Acting Dir., USPTO, to All PTAB Judges (Mar. 26, 2025), https://www.uspto.gov/sites/default/files/documents/Interim-Processes-PTABWorkloadMgmt-20250326.pdf

- SAMSUNG-1102 *Taylor, Samsung Semiconductor USA, <https://semiconductor.samsung.com/us/sas/company/taylor/> (last visited May 24, 2025)*
- SAMSUNG-1103 *Samsung Electronics Unveils a US\$200bn Investment Plan in the U.S., Bus. Korea (July 25, 2022), <https://www.businesskorea.co.kr/news/articleView.html?idxno=97177>*
- SAMSUNG-1104 *Samsung Electronics to Receive up to \$6.4 Billion in Direct Funding under the CHIPS and Science Act, Samsung Semiconductor USA (Apr. 14, 2024), <https://semiconductor.samsung.com/us/sas/local-news/samsung-electronics-to-receive-up-to-6-4-billion-in-direct-funding-under-the-chips-and-science-act/>*
- SAMSUNG-1105 *President Trump Says Samsung Is Planning a Massive Investment in the US, Calls It an Aftermath of His Tariff Policy, wccftech (May 1, 2025), <https://wccftech.com/president-trump-says-samsung-is-planning-a-massive-investment-in-the-us/>*
- SAMSUNG-1106 *Order Granting Stay in *Maxeon Solar PTE. LTD. v. Hanwha Solutions Corp.*, No. 2:24-CV-00262-JRG (E.D. Tex. May 5, 2025) (Gilstrap, J.)*
- SAMSUNG-1107 *Order Granting Stay in *Cellspin Soft, Inc. v. Bytedance Ltd.*, No. 2:23-CV-00496-JRG-RSP (E.D. Tex. Jan. 26, 2025) (Payne, J.)*
- SAMSUNG-1108 *Motion Success for Stay Pending IPR (Post-Institution) (E.D. Tex.), DocketNavigator (last visited August 27, 2025)*
- SAMSUNG-1109 *LegalMetric, Individual Judge Report for Judge James Rodney Gilstrap Patent Cases December 2011 to January 2025*
- SAMSUNG-1110 *Complaint, *Wilus Inst. of Standards and Tech. Inc., v. Samsung Elecs. Co., Ltd., et al.*, No. 2-25-cv-00070 (E.D. Tex filed January 23, 2025)*

- SAMSUNG-1111 U.S. District Court for the Eastern District of Texas Calendar Events Set for 6/1/2026 for Judge Rodney Gilstrap
- SAMSUNG-1112 [Reserved]
- SAMSUNG-1113 Wi-Fi 6 Patent Brochure, Sisvel (Mar. 21, 2025), https://www.sisvel.com/xlin7ipl485u/1kNkzUZptdvqKbYiX1DSfi/f518e18ee158be974d3c83f7cd7173be/Wi-Fi_6_Pool_patent_brochure.pdf
- SAMSUNG-1114 U.S. Pat. App. Pub. No. US 2015/0264617 A1 (“Choudhury US Publication”)
- SAMSUNG-1115 Woojin Ahn et al., *Clarification on applying MU EDCA parameter set* (Nov. 9, 2016) IEEE 802.11-16/1425r1
- SAMSUNG-1116 Osama Aboul-Magd, *TGax November 2016 Meeting Agenda* (Sep. 30, 2016) IEEE 802.11-16/1310r5
- SAMSUNG-1117 Letter from Kyung-rae Cho, Manager, Wilus Inst. of Standards. & Tech., Inc., to PatCom Administrator, IEEE-SA Standards Bd. Pat. Comm. (Jan. 15, 2021)
- SAMSUNG-1118 Yasuhiko Inoue, *IEEE 802.11 TGax November 2016 San Antonio Meeting Minutes* (Nov. 29, 2016) IEEE 802.11-16/1466r1
- SAMSUNG-1119 Abhishek Patil et al., *Proposed Resolution for CID 193 (BSS Color Disable Indication)* (Nov. 9, 2016) IEEE 802.11-16/1413r8
- SAMSUNG-1120 IEEE-SA Standards Board Bylaws, IEEE-SA Bd. Govs. (Nov. 2019)
- SAMSUNG-1121 IEEE-SA Standards Board Operations Manual, IEEE-SA Standards Bd. (Nov. 2019)

- SAMSUNG-1122 U.S. District Court – Judicial Caseload Profile (E.D. Tex),
Admin. Off. U.S. Cts. (June 2025)
- SAMSUNG-1123 Osama Aboul-Magd, *TGax March 2017 Meeting Agenda*
(Jan. 27, 2017) IEEE 802.11-17/0199r6
- SAMSUNG-1124 Yasuhiko Inoue, *IEEE 802.11 TGax March 2017 Vancouver*
Meeting Minutes (Nov. 29, 2016) IEEE 802.11-17/0454r0
- SAMSUNG-1125 Email from Samsung’s Counsel Ralph Phillips to Wilus’s
Counsel Philip Wang re Narrowing Issues on Claim Con-
struction and Pages for Claim Construction Briefs (Nov. 13,
2025)
- SAMSUNG-1126 *Wilus Institute of Standards and Technology Inc. v. HP Inc.*,
No. 2:24-cv-00752-JRG-RSP (consolidated lead case) (E.D.
Tex.), Defendants’ Responsive Claim Construction Brief
(Nov. 18, 2025)

As shown below, Petitioner is **not** taking inconsistent claim construction positions in this IPR and the parallel district court case. Both proceedings apply the plain and ordinary meaning to all claims, and Petitioner does not assert indefiniteness for any claim term. Patent Owner's (PO's) attempt to leverage preliminary submissions in district court to attain non-institution of this IPR should be dismissed.

I. District Court Posture and PO's Incorrect Allegations of Inconsistency

The district court proceeding is still in early stages and claim construction is ongoing. Even the earliest claim construction deadlines in district court did not begin until months after the Petition was filed (June 5, 2025). EX2001, 6-7. Indeed, at the time of filing this Reply, claim construction briefing is not yet completed and the claim construction hearing in district court is still weeks away (Dec. 16, 2025). *Id.*

Despite the early posture of the district court case, PO's Preliminary Response (POPR) asks that the Board deny institution based solely on outdated positions in an email from August 27, 2025, in which Petitioner *preliminarily* identified six terms of the '077 Patent as potentially indefinite. POPR, 3-4 (citing EX2013). But PO does not mention that the parties were already in the process of narrowing disputed terms for construction in district court at the time. Indeed, just one day after the POPR, and well before the due date for PO's Opening Claim Construction Brief, the parties submitted a Joint Claim Construction Statement in which Petitioner no longer con-

tended that half of the original six terms identified in the August 27 email were indefinite. EX2018, 3. The parties have since continued to narrow the dispute to the point that Petitioner has confirmed to PO, by email and in briefing, that Petitioner no longer identifies *any* term of the '077 Patent as indefinite. SAMSUNG-1126, 1; EX2020. Indeed, Petitioner's claim construction brief does not argue indefiniteness for any term of the '077 Patent, and Petitioner further stipulates that it will not pursue in the district court case any position that any '077 Patent claim is indefinite.

II. The Petition's Claim Construction Posture

Consistent with Petitioner's position in district court, the Petition asserted that no constructions were necessary. Pet., 10 (“**Petitioner submits that no formal claim constructions are necessary** because “claim terms need only be construed to the extent necessary to resolve the controversy.”).

III. Patent Owner's Allegations of Inconsistency Lack Merit

The district court and PTAB records are clear. In both proceedings, Petitioner has taken the position that all claim terms of the '077 Patent should be given their plain and ordinary meaning—consistent with PO's position. SAMSUNG-1126. PO's allegations of inconsistency are based on preliminary disclosures from early in the claim construction process that do not reflect Petitioner's ultimate positions or how the parties' claim construction disputes have narrowed over time. EX2013. Even after Petitioner made its position clear to PO by email on November

11 and in its Responsive Claim Construction brief on November 18 that Petitioner is not pursuing *any* indefiniteness positions in district court for the '077 Patent, PO continues to pursue allegations that misrepresent Petitioner's position. EX2020; SAMSUNG-1126, 1. To the extent PO faults Petitioner for exploring preliminary indefiniteness positions, PO still has not established any inconsistency with these positions. Petitioner's early identification of potentially indefinite terms was made while Petitioner was still investigating the outer bounds of certain claim terms in the context of the infringement case. IPR2025-00340 (*Tesla*), Paper 18, 3-4.

PO's complaint that it was prejudiced by allotting seven pages of its Opening Claim Construction Brief in district court to addressing terms of the '077 Patent is also unfounded. PO was afforded an ample thirty pages to address claim construction in its Opening Brief. Petitioner has granted seven additional pages to PO for its Reply Brief. SAMSUNG-1125, 1. PO now has seventeen pages for its Reply Brief—*i.e.*, four pages more than Petitioner's Responsive Brief—to address just two disputed terms across the asserted patents. PO has not been prejudiced and cannot credibly contend otherwise.

In short, *Revvo* and *Tesla* are not relevant here because Petitioner's claim construction positions in both proceedings are consistent and do not include indefiniteness. PO's attempt to distract from the strong merits of this case should not be rewarded. *Revvo/Tesla* are immaterial and IPR should be instituted.

Respectfully submitted,

Dated November 25, 2025

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CERTIFICATE OF SERVICE

Pursuant to 37 CFR §§ 42.6(e)(4) and 42.205(b), the undersigned certifies that on November 25, 2025, a complete and entire copy of this Petitioner's Reply to Patent Owner's Supplemental Brief and Accompanying Exhibits were provided by email to the Patent Owner by serving the correspondence email address of record as follows:

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