

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.

WILUS INSTITUTE OF STANDARDS  
AND TECHNOLOGY INC.,  
Patent Owner.

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

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**PATENT OWNER'S SUPPLEMENTAL BRIEF<sup>1</sup>**

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<sup>1</sup> Authorized by Board email dated November 13, 2025.

**PATENT OWNER'S EXHIBIT LIST**

<b>Exhibit</b>	<b>Description</b>
2001	Order, <i>Wilus Institute of Standards and Technology Inc. v. HP Inc.</i> , Case No. 2:24-cv-00752-JRG-RSP, Dkt. No. 146 (E.D. Tex., August 14, 2025) (“Docket Control Order”)
2002	Intentionally Omitted
2003	Excerpts of Defendants’ P.R. 3-3 and 3-4 Invalidity Contentions and Subject Matter Eligibility Contentions in the consolidated case, <i>Wilus Institute of Standards and Technology Inc. v. HP Inc.</i> , Case No. 2:24-cv-00752-JRG-RSP (E.D. Tex.), dated February 13, 2025.
2004	Docket Navigator Stay Statistics
2005	Excerpt from U.S. District Court – National Judicial Caseload Profile for the Eastern District of Texas, March 31, 2025, <a href="https://www.uscourts.gov/sites/default/files/document/fcms_na_distprofile0331.2025.pdf">https://www.uscourts.gov/sites/default/files/document/fcms_na_distprofile0331.2025.pdf</a>
2006	Judge Rodney Gilstrap’s median time to trial from August 25, 2024 until August 25, 2025, retrieved from <a href="http://www.docketnavigator.com">www.docketnavigator.com</a>
2007	D. Crouch, <i>Estoppel Gutted: A Pelican’s Guide to Patent Litigation</i> , Patently-O, <a href="https://patentlyo.com/patent/2025/05/estoppel-pelicans-litigation.html">https://patentlyo.com/patent/2025/05/estoppel-pelicans-litigation.html</a> (May 7, 2025)
2008	Declaration of Jin Sam Kwak
2009	List of Licensees to Wi-Fi 6 from Sisvel, <a href="https://www.sisvel.com/licensing-programmes/Wi-Fi/wifi-6/#tab-list-of-licensees">https://www.sisvel.com/licensing-programmes/Wi-Fi/wifi-6/#tab-list-of-licensees</a>
2010	Letter re “Notice of Wi-Fi 6 License offer” from Sisvel to Samsung Electronics Co., Ltd. with Attachments 1-2, April 8, 2022

Patent Owner's Supplemental Brief  
IPR2025-01069 (U.S. Patent No. 10,313,077)

2011	Examiner's Notice of References Cited in Samsung application number 15/933,770, dated November 11, 2018
2012	U.S. Patent No. 10,397,877
2013	Email from Petitioner's Counsel to Patent Owner's Counsel dated August 27, 2025 regarding Petitioner's Patent Rule 4-1 Disclosures in the District Court
2014	Excerpts of IEEE Std 802.11ax <sup>TM</sup> -2021
2015	Excerpts of HE PHY Padding and Packet Extension, IEEE Document 802.11-15/0810, dated July 10, 2015
2016	Excerpts of HE PHY Padding and Packet Extension, IEEE Document 802.11-15/0810, dated September 12, 2015
2017	Excerpts of TGax September 2015 Meeting Agenda, IEEE Document 802.11-15/0987r6, dated August 4, 2015.
2018	<i>Wilus Institute of Standards and Technology Inc. v. HP Inc.</i> , No. 2:24-cv-00752-JRG-RSP (consolidated lead case) (E.D. Tex.), Joint Claim Construction and Prehearing Statement
2019	<i>Wilus Institute of Standards and Technology Inc. v. HP Inc.</i> , No. 2:24-cv-00752-JRG-RSP (consolidated lead case) (E.D. Tex.), Wilus's Opening Claim Construction Brief
2020	November 11, 2025 email from Petitioner's litigation counsel to Patent Owner's litigation counsel withdrawing contentions of indefiniteness for the '077 patent

In district court litigation, Samsung contended that all claims of the '077 patent are indefinite. *See* Ex. 2018, at p. 3 (9/18/2025 claim construction statement providing Samsung's positions on indefiniteness for the '077 patent claims). Samsung continued to maintain these positions, and so on November 4, Wilus filed its claim construction brief in district court responding to those indefiniteness positions. *See* Ex. 2019 (Patent Owner's opening claim construction brief). This was no small matter—Patent Owner used seven of its allotted 30 pages to address Samsung's indefiniteness arguments against the '077 patent. *See id.* at 9-15.

After the PTAB issued and simultaneously designated the *Revvo* and *Tesla* decisions on November 3 and November 5 respectively, Patent Owner requested authorization to file this supplemental brief to address the impact of Samsung's inconsistent claim construction positions. *See Tesla, Inc. v. Intellectual Ventures II LLC*, Case No. IPR2025-00340, Paper 18 at 4 (P.T.A.B. Nov. 5, 2025) (informative); *Revvo Techs., Inc. v. Cerebrum Sensor Techs., Inc.*, Case No. IPR2025-00632, Paper 20 at 4–5 (P.T.A.B. Nov. 3, 2025) (precedential).

Perhaps recognizing that it risked soon being penalized for its inconsistent claim construction positions, Samsung reversed course. On November 11, Samsung “withdrew” its “contentions as to indefiniteness for the claim terms of the '077 patent.” Ex. 2020, at 1 (11/11/2025 email from Samsung's litigation counsel to Patent Owner's counsel). This was a transparent attempt by Samsung to defuse the impact

of its gamesmanship on the discretionary denial decision, after it already obtained material benefits in district court litigation in forcing Patent Owner to use nearly a third of its claim construction brief to address those withdrawn arguments.

Even now, Samsung has offered no explanation, in this *inter partes* review or in the district court litigation, why it adopted inconsistent claim construction positions between the two proceedings. When the Patent Office transitioned IPRs away from the Broadest Reasonable Interpretation claim construction and to the same *Phillips* standard applied in district court, one goal was to “reduce the potential for inconsistency in the interpretation of the same or similar claim terms” between PTAB and district court proceedings. 83 Fed. Reg. at 51,350 (2018). Samsung’s adoption of inconsistent claim construction arguments between its district court position and its Petition not only generated the risk with which the Patent Office was concerned, but also unfairly forced Patent Owner to litigate indefiniteness in district court before Samsung summarily “withdrew” those arguments, also without explanation.

Such unexplained, materially inconsistent claim-interpretation positions between district court and the Board are themselves a sufficient basis for discretionary denial. *See Tesla*, IPR2025-00340, Paper 18 at 4 (P.T.A.B. Nov. 5, 2025) (informative) (“Allowing a petitioner to advance a claim construction before the Board when that petitioner has made inconsistent indefiniteness arguments in district court fails

to further, but instead detracts from, the Office's goal of 'providing greater predictability and certainty in the patent system.'"); *Revvo*, IPR2025-00632, Paper 20 at 4–5 (“although a petitioner is not necessarily precluded from arguing different claim construction positions before a district court and the Board, the petitioner should explain sufficiently why the different positions are warranted.”).

Under the Director's recent decisions in *Revvo* and in *Tesla*, this is grounds for denial of institution. As the Director noted in *Tesla*, “[a]llowing a petitioner to advance a claim construction before the Board when that petitioner has made inconsistent indefiniteness arguments in district court fails to further, but instead detracts from, the Office's goal of 'providing greater predictability and certainty in the patent system.'” *Tesla*, IPR2025-00340, Paper 18 at 4. Thus, “when a petitioner advances different positions before the Board and a district court, that petitioner is *required* to explain why those different positions are warranted.” *Id.* at 3. Here, Petitioner fails to provide an explanation and could not plausibly do so. There was no judicial decision or other development that would justify advancing a different position in district court than the position it has taken at the PTAB. *See Revvo*, IPR2025-00632, Paper 20 at 5. The Petition should therefore be denied.

Patent Owner's Supplemental Brief  
IPR2025-01069 (U.S. Patent No. 10,313,077)

Dated: November 19, 2025

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**CERTIFICATE OF SERVICE**

I hereby certify that "Patent Owner's Supplemental Brief" was served on November 19, 2025 by email sent to:

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