

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.

HANNIBAL IP LLC,

Patent Owner.

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Case No. IPR2025-01187  
U.S. Patent No. 11,057,896

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

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## I. INTRODUCTION

The Director should reject Patent Owner Hannibal IP LLC's request for discretionary denial (Paper 10, "DD Req."), consider the Petition on the merits, and institute this IPR. First, during prosecution, the Office materially erred by failing to consider and apply *Intel* and *ZTE*, the two 5G proposals explicitly disclosing the alleged improvement the '896 Patent later claimed. Hannibal's arguments that *Intel* and *ZTE* are substantially the same as the one reference cited during prosecution are plainly incorrect. At best, Hannibal's arguments here only serve to highlight the pertinency of *Intel* and *ZTE*, and the material error made during prosecution.

Second, the '896 Patent issued just over four years ago, and, since its recent issuance, the parties have been engaged in license discussions. Samsung had an expectation of nonenforcement based on those ongoing communications; yet, Hannibal filed suit, causing Samsung to petition for IPR. The three other patents subject to copending IPR petitions issued between two and three years ago. The Director routinely declines to deny institution for such young patents, and here, there is the additional factor of ongoing licensing discussions.

Third, the *Fintiv* factors similarly weigh against denial. The district court canceled the status conference to consider Samsung's stay motion, there are no case deadlines, and the parties are not proceeding, if at all, until after the court rules on the motion and resets a scheduling conference. No trial date is set and the median

time-to-trial statistics place trial months after the last possible final written decision (“FWD”) date. The Director regularly declines to apply discretionary denial in such instances. Moreover, Hannibal’s argument that *Intel* and *ZTE* were not published is baseless, particularly given the Petition’s extensive evidence, including a declaration of a current 3GPP member and nearly 550 pages of supporting exhibits. The strong and express teachings of this art favor institution.

Because the ’896 Patent is young and subject to on-going licensing discussions, because there is no potential for an earlier district court decision, and because the Board is best suited to address the complex 5G standards technology as well as the earlier error during prosecution, the instant Petition should be considered on the merits and instituted.

## **II. INSTITUTION WOULD CORRECT MATERIAL ERROR AND IS AN APPROPRIATE USE OF THE OFFICE’S RESOURCES**

Trying to paint the Petition as “weak,” Hannibal urges that *Intel* and *ZTE* are “substantially the same” as 3GPP TSG RAN WG1 Meeting #94b R1-1810366 (“*Vivo366*”; Ex. 1015), a reference cited during prosecution. DD Req., 11-16. But as detailed below, unlike this prosecution reference, *Intel* and *ZTE* (which were adopted by the 5G Standard) teach the very feature alleged as inventive. Hannibal does not even dispute that the Office completely missed these teachings. Instead, Hannibal argues that *Intel* and *ZTE* are each somehow “merely cumulative” of

*Vivo366. Id.*, 15-16. This is demonstrably false.

All three independent claims of the '896 Patent explicitly require a CORESET having the “lowest CORESET Identity (ID)” amongst only the “**monitored** CORESETs.” Ex. 1001, 19:19-22 (claim 1), 20:27-32 (claim 10), 20:43-46 (claim 11) (emphasis added). This comports with the emphasis placed on this feature by the '896 Patent itself. Specifically, the '896 Patent asserts that the then-existing 5G Standard caused problems with “unfavorable beam switching” because the CORESET with the lowest CORESET ID could be “a non-monitored CORESET.” *Id.*, 1:32-40, 8:3-7, 13:19-23. The '896 Patent thus discloses, and also claims, that the CORESET with the lowest ID is amongst only the “**monitored**” CORESETs. *Id.*, 19:19-22 (claim 1), 20:27-32 (claim 10), 20:43-46 (claim 11). Again, every independent claim expressly requires this. *Id.*

*Intel* and *ZTE* disclose this precise solution—*Vivo366* does not. In fact, *Intel* and *ZTE* were both proposed amendments to the then-existing 5G Standard.<sup>1</sup>

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<sup>1</sup> In the '896 Patent's corresponding provisional application, the applicant admitted that the patent's disclosure concerns an alleged improvement to the then-existing 5G Standard. Ex. 1030, 3, 6. Because *Intel* and *ZTE* were proposed improvements to this same standard, each is materially relevant to the '896 Patent's alleged invention.

See Paper 1 (“Pet.”), 20-23, 42-46. These proposals, unlike the one in *Vivo366*, disclosed the need to use the lowest CORESET ID from amongst only the “monitored” CORESETs. *Id.*; *Intel* (Ex. 1006), 1; *ZTE* (Ex. 1011), 12-13. While *Vivo366* (and the then-existing 5G Standard) did refer to identifying the “lowest CORESET-ID,” *Vivo366*, 3, nothing in *Vivo366* suggested limiting the lowest ID to only the “monitored” CORESETs. In other words, *Vivo366* allowed the CORESET with the lowest ID to be a non-monitored CORESET—contrary to the ’896 Patent’s claims and contrary to the patent’s own disclosure. See, e.g., Ex. 1001, 13:19-23 (stating that the “unfavourable beam switching” occurs when the CORESET with the lowest ID is “a non-monitored CORESET”).

*Intel* and *ZTE*, on the other hand, expressly disclose the very solution claimed by the ’896 Patent. Specifically, *Intel*’s “**Proposal 3**” explicitly discloses using a “**monitoring CORESET**” for the one with the lowest ID. *Intel*, 1, Proposal 3. *Intel* even discloses doing this as part of receiving a CSI-RS, as also claimed by

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Each ground of the Petition is thus based on *Intel* or *ZTE* in combination with either that same 5G Standard or *Guo* (disclosing a UE implementing that standard).

independent claims 1 and 11.<sup>2</sup>

Turning to *ZTE*, it too is materially different from *Vivo366* for essentially the same reasons. Like *Intel*, *ZTE* also explicitly discloses that the CORESET with the lowest ID is from amongst the CORESETs “monitored” by the UE. *ZTE*, 12-13. And as the Petition explains, *ZTE* explicitly discloses doing this with respect to receiving the PDCCH and PDSCH, as required by claim 10 of the ’896 Patent. ’896 Patent (Ex. 1001), 20:19-32; *see also* Ex. 1003, ¶¶181-182.

At bottom, both *Intel* and *ZTE* explicitly disclose that the CORESET with the lowest ID is from amongst only the “monitored” CORESETs. Nothing in *Vivo366* discloses or suggests this. And Hannibal never attempts to argue that it does. The *Intel* and *ZTE* references are thus materially different than any of the prior art cited during prosecution. The claims should never have been allowed, given the teachings of these references. And the Director should institute review to correct this error.

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<sup>2</sup> Hannibal’s Request for Discretionary Denial erroneously alleges that Samsung’s Petition relied on *Intel*’s “Proposal 4” to challenge claim [1c], and then compares that proposal to *Vivo366*. DD Req., 14. That is not the correct comparison. The Petition here does not ever rely on this “Proposal 4” to teach claims 1-9 and 11-19. *See, e.g.*, Pet., 19-43 (Ground 1), 49-61 (Ground 3). The correct inquiry is whether *Intel*’s “Proposal 3” is substantially the same as *Vivo366*’s teaching—and it is not.

### **III. SETTLED EXPECTATIONS SUPPORT A MERITS CONSIDERATION**

The “settled expectations” of the parties weigh strongly against denial because (1) all challenged patents are young, with the ’896 Patent issuing four years ago in 2021 and the other asserted patents issuing in 2022 and 2023; (2) Samsung did not expect enforcement and had no reason to challenge validity because the parties were engaged in licensing discussions until the eve of the service of the Complaint; and (3) Samsung filed this Petition expeditiously in just four months after being served and just over three years after learning of the ’896 Patent.

#### **A. The Ages of the ’896 Patent and Other Challenged Patents Weigh Against Discretionary Denial**

None of Hannibal’s arguments related to the parties’ expectations withstand scrutiny. To the contrary, all weigh against discretionary denial.

##### **1. The ’896 Patent and Other Challenged Patents Issued Only a Few Years Ago, Which Weighs Strongly Against Discretionary Denial**

The ’896 Patent issued July 6, 2021, only four-and-a-half years before the expected institution decision date. The Director has found that patents issued less than six years ago “have not been in force for a significant period of time ..., and, accordingly, Patent Owner has not developed strong settled expectations,” which weighs against denial. *See, e.g., Samsung Elecs. Co. v. Wilus Inst. of Standards & Tech. Inc.*, IPR2025-00935, Paper 12 at 2 (Sep. 26, 2025) (declining discretionary

denial when “the challenged patents have not been in force for a significant period of time (issued in 2021 and 2023), and, accordingly, Patent Owner has not developed strong settled expectations that favor discretionary denial as to these patents”); *Samsung Elecs. Co. v. Wilus Inst. of Standards & Tech. Inc.*, IPR2025-00933, Paper 11 at 3 (Oct. 10, 2025) (finding “Patent Owner has not developed strong settled expectations” where “most challenged patents issued between 2020 and 2023”); *Cambridge Indus. USA, Inc. v. Applied Optoelecs., Inc.*, IPR2025-00434, Paper 11 at 2-3 (Director June 26, 2025) (patent that issued in 2019 “ha[d] not developed strong settled expectations”); *Berkshire Hathaway Energy Co. v. Birchtech Corp.*, IPR2025-00274, Paper 23 at 2-3 (Director July 2, 2025) (same for patents that “issued in 2019 and 2020”).

The other challenged patents issued fewer than four years ago. The ’535 Patent issued March 8, 2022 (IPR2025-01188); the ’911 Patent issued June 21, 2022 (IPR2025-01189); and the ’661 Patent issued May 2, 2023 (IPR2025-01190). All thus fall within the period where a “Patent Owner has not developed strong settled expectations,” which weighs against discretionary denial. *Samsung*, IPR2025-00935, Paper 12 at 2; *Samsung*, IPR2025-00933, Paper 11 at 3; *Cambridge*, IPR2025-00434, Paper 11 at 2-3; *Berkshire Hathaway*, IPR2025-00274, Paper 23 at 2-3.

## 2. Hannibal's Alleged "Knowledge" Does Not Support Discretionary Denial

Hannibal alleges that "Samsung had knowledge [sic] the '896 Patent and its alleged infringement for more than three years [sic] filing this Petition" because it notified Samsung about this patent on June 8, 2022. DD Req., 16-17. Even taking Hannibal's knowledge assertion as true, this admits that Samsung filed its IPR petition (July 29, 2025) just over three years after learning of the '896 Patent, which is reasonable given the parties' ongoing licensing discussions.

Hannibal alleges that it had been left with "an expectation that Samsung would not file a Petition for an IPR directed to the '896 Patent." *Id.*, 17. This misrepresents the facts and is a dubious *ex post* application of the Director's decisions, not Hannibal's actual belief. Hannibal had every reason to believe that, if the parties could not reach a licensing agreement and litigation ensued, Samsung **would** challenge validity, given Samsung's history of challenging patents that are asserted **in litigation** against them. For that reason, Hannibal kept Samsung engaged in ongoing discussions until the eve of service of the Complaint in 2025.

Hannibal's suggestion that Samsung should have challenged the '896 Patent and other challenged patents in IPR earlier rings hollow. By Hannibal's own admission, Samsung and Hannibal were in continuing licensing discussions from

2022 until just before service of the Complaint.<sup>3</sup> And these were not typical licensing discussions; there was an expectation by Samsung that an amicable license would result since Hannibal represented that its patents are standards essential. Ex. 2002, 1-2. If true, Hannibal presumably understands that any entity that practices the relevant standards would owe it a FRAND license. Thus, Samsung expected that the licensing discussions that continued for years would eventually lead to a license.

The cases Hannibal cites (*iRhythm* and *Nvidia*) do not show otherwise. DD Req., 17. In *iRhythm*, the “persuasive” argument was that “one of the patents has been *in force since as early as 2012 and Petitioner was aware of it as early as 2013,*” *and* petitioner “cited the then-pending application that issued as the challenged patent in an Information Disclosure Statement *Petitioner filed* in its own patent application.” *iRhythm Techs., Inc. v. Welch Allyn, Inc.*, IPR2025-00363, Paper 10 at 3 (Director June 6, 2025) (emphases added). Thus, the *iRhythm* petitioner knew of and cited the challenged patent in its own IDS more than a decade before filing its petition. *Id.* That is not the case here. The ’896 Patent is just over four years old and

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<sup>3</sup> As Hannibal admits, after initially asserting the ’896 Patent, it continued to add other later-issued patents into its ongoing licensing discussion with Samsung, including the ’535 and ’911 Patents. IPR2025-01188 (’535 Patent), Paper 10 at 15-16; IPR2025-01189 (’911 Patent), Paper 10 at 14-15.

there is no assertion that Samsung knew about the '896 Patent or any of the patents or any of the challenged patents' families before Hannibal contacted it in mid 2022. *See* DD Req., 16.

In *Nvidia*, one challenged patent “ha[d] been in force for over 11 years” and the other “originally issued in 2015,” but “reissued in 2023.” *Nvidia Corp. v. Neural AI, LLC*, IPR2025-00606, Paper 18 at 2-3 (Director July 31, 2025). The Director found that the parties “had a commercial relationship and, in 2017, [the patent owner] sent Petitioner a presentation” that included both patents at issue. *Id.* Thus, the petitioner in *Nvidia* waited seven years to file petitions after receiving the alleged notice. That is very different from the situation here, where the '896 Patent and other challenged patents are much younger.

Hannibal has no settled expectations to support discretionary denial.

**B. Samsung’s Settled Expectations Outweigh Any Expectations of Hannibal**

Even if Hannibal could prove it has settled expectations—it does not—Samsung had no reason to anticipate assertion of any challenged patent prior to the lawsuit because the parties were engaged in discussions for years until just before service of the Complaint. DD Req., 16-17 & 4 n.2; *see Apple Inc. v. Allani*, IPR2025-00856, Paper 11 at 3 (Director Sep. 5, 2025); *cf. Globus Med., Inc. v. Spinelogik, Inc.*, IPR2025-00225, Paper 8 at 2 (Director June 12, 2025) (referring for merits

consideration when petitioner showed it did not expect enforcement); *Intel Corp. v. Proxense LLC*, IPR2025-00327, Paper 12 at 2-3 (Director June 26, 2025); *Home Depot U.S.A., Inc. v. H2 Intellect LLC*, IPR2025-00480, Paper 11 at 2-3 (Director Sep. 4, 2025). As such, Samsung’s expectations weigh against discretionary denial.

#### **IV. THE *FINTIV* FACTORS WEIGH AGAINST DISCRETIONARY DENIAL**

The Director should not deny the Petition under *Apple Inc. v. Fintiv, Inc.*, IPR2020-00019, Paper 11 (Mar. 20, 2020) (precedential) (“*Fintiv*”), because Factors 1, 2, 3, 4, and 6 weigh strongly against discretionary denial, and Factor 5 only slightly favors denial or is neutral.

##### **A. Factor 1: The Trial Court Canceled the Initial Case Management Conference to Consider Samsung’s Pre-Institution Motion to Stay and Is Likely to Grant Any Post-Institution Motion to Stay**

Factor 1 weighs strongly against discretionary denial.

On September 19, the district court canceled the initial case management conference until it could “rule[] on [Samsung’s] pending Motion to Stay [22].” Ex. 1042. This indicates that, not only is the district court considering granting a stay, but it is considering staying the case *pre*-institution. If the court is willing to consider a pre-institution stay, then the stay would almost certainly remain in effect post-institution. As of now, there is no case schedule in place. As a result, the parties agreed that prior proposed dates such as those for serving infringement and invalidity

contentions are not in effect. Ex. 1043.

Even if the court denies a pre-institution stay, its canceling of the case management conference is a likely indicator that it would revisit the issue post-institution. Leaving the possibility open for a post-institution stay, even if a pre-institution motion is denied, weighs against discretionary denial. *See Fintiv*, IPR2020-00019, Paper 11 at 6-7 (denial of pre-institution stay without prejudice “has usually weighed against exercising authority to deny institution under *NHK*”). When all patents are instituted, the assigned district court judge has stayed the entire case. *Stellar, LLC v. Motorola Sols., Inc.*, No. 4:23-CV-750-SDJ, Dkt. 170 (E.D. Tex. Apr. 21, 2025) (staying case when all asserted patents instituted in IPR by Board). And even when the Board has instituted some petitions, but other institution decisions remain pending, that same district court judge has stayed cases. *See id.*, No. 4:23-CV-750-SDJ, Dkt. 156 (E.D. Tex. Feb. 24, 2025) (granting stay when “the [Board] has instituted IPRs on four of those [eight] patents” and “will decide whether to institute IPRs on the remaining four patents” in later decisions). Thus, a stay is likely to be granted if the Board institutes petitions, even if just some.

**B. Factor 2: No Trial Date Is Set and the Median Time-to-Trial Is More Than Two Months After the Latest Possible FWD Date**

Factor 2 weighs strongly against discretionary denial. No trial date is set. With no trial date set, the Director looks at the median time-to-trial statistics. *See Google*

*LLC v. BrodTi Inc.*, IPR2025-00472, Paper 19 at 2 (June 25, 2025) (declining to discretionarily deny when no trial date scheduled and median time-to-trial suggested trial would occur after FWD); *Google LLC v. Withrow Networks Inc.*, IPR2025-00775, Paper 10 at 2 (Aug. 14, 2025) (same); *RØDE Microphones, LLC v. Freedman Elecs. Pty Ltd.*, IPR2025-00557, Paper 11 at 2 (Director July 17, 2025) (same).

Hannibal filed its Complaint on February 27, 2025. Ex. 1040; DD Req., 3-4. The median time-to-trial statistics show 25.1 months between filing and trial. Ex. 1044, 35. This would result in a trial date in early April 2027, at least two months *after* the latest possible final written decision date of February 8, 2027. *See* Paper 4, Notice of Filing Date (Aug. 6, 2025).

Moreover, the trial date may push back even further. As explained above, the court canceled the initial case management conference, which will be rescheduled, if at all, after ruling on the motion to stay. Ex. 1042; *see Omnitek Partners, LLC v. Raytheon Techs. Corp.*, No. 4:24-CV-143-SDJ, Dkt. 17 (E.D. Tex. July 3, 2024) (canceling case management conference, stating that separate schedule will be entered, if needed, after ruling on motion to dismiss); *Chien-Min Sung v. Samsung Elecs. Co.* No. 4:23-CV-752-SDJ, Dkt. 82 (E.D. Tex. July 26, 2024) (stating that new pretrial and trial dates will be reset, if needed, after ruling on motion to transfer). Thus, the pretrial conference date that Hannibal relies upon (DD Req., 18) may likely be superseded and delayed by any new schedule. *Omnitek*, No. 4:24-CV-143-SDJ,

Dkt. 17; *Sung*, No. 4:23-CV-752-SDJ, Dkt. 82.

**C. Factor 3: No Investment Has Occurred in the Parallel District Court Proceeding**

Factor 3 weighs strongly against discretionary denial.

There has been little investment in the district court proceeding. The court canceled the initial case management conference, and it has not been rescheduled. There is currently no active case schedule, and the parties have agreed that prior proposed dates (such as for contentions) are not in effect and a case schedule should issue if the court does not stay the litigation. Hannibal has not served infringement contentions. Ex. 1041. Samsung has not served invalidity contentions. Discovery has not started. And the proceeding is effectively paused pending resolution of Samsung's pre-institution motion to stay. If a case schedule later issues, it would need to allow for additional time for initial proposed dates, such as contentions, that have already passed. *See* Ex. 1043. The early stage and lack of investment by either party or the court weighs strongly against discretionary denial.

**D. Factor 4: There Is No Overlap Between Proceedings, and Samsung's Broad Stipulation Eliminates Any Potential Overlap**

Hannibal does not argue any overlap between proceedings. Nor can it. Invalidity contentions have not been served. And, Samsung's stipulations (broader than *Sotera*) will, upon institution, eliminate even speculative overlap between proceedings by excluding any ground that uses patents or printed publications as a

primary reference in any invalidity combination, any ground that uses any reference named in a ground of the Petition, and any ground where a patent or printed publication cited in the Petition is used as evidence of the operation or structure of a system art device. *See* Paper 9; *Tesla, Inc. v. Intell. Ventures II LLC*, IPR2025-00217, Paper 9 at 2 (Director June 13, 2025); *Samsung*, IPR2025-00933, Paper 11 at 3.

**E. Factor 5: The Parties Are the Same**

Recent decisions have indicated this is neutral or only slightly favors denial. *Innolux Corp. v. Phenix Longhorn*, IPR2025-00043, Paper 10 at 13 (May 15, 2025).

**F. Factor 6: The Petition's Strong Merits Favor Institution**

**1. Hannibal's Merits Arguments Fail in the Face of the Substantial Evidence Provided Establishing that *Intel* and *ZTE* Are Prior Art**

Because Hannibal cannot dispute the import of both *Intel* and *ZTE*, Hannibal resorts to arguing that these references are not prior art. DD Req., 5-11. But 3GPP documents, including *Intel* and *ZTE*, were regarded as widely accessible and recognized as prior art in the telecommunications industry:

TR 33.821 and TS 23.401,<sup>4</sup> **like all 3GPP documents**, were generated with intent to distribute them to interested members of the

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<sup>4</sup> Like 3GPP TR 33.821 (technical report) and TS 23.401 (technical specification), *Intel* and *ZTE* (both 3GPP TDocs) were made publicly available on the same FTP server residing at ftp.3gpp.org. Ex. 1029, ¶¶40, 43, 63-71, 109-117.

telecommunications industry. They were uploaded to 3GPP's FTP server without restriction or expectation of confidentiality, and were indefinitely maintained there. They have been available for downloading (copying) from the FTP server since being uploaded, and can be shared with others without restriction. Under such circumstances, the documents are publicly accessible.

*Samsung Elecs. Co. v. Huawei Techs. Co.*, IPR2017-01487, Paper 45 at 13-14 (FWD) (Dec. 10, 2018) (emphasis added). Here, Samsung's Petition, through Mr. Rodermund's declaration, has established that both *Intel* and *ZTE* were publicly accessible on 3GPP's FTP server and at the related 3GPP meetings. Pet., 16-17 (citing Ex. 1029, ¶¶20, 25, 63-71, 109-117). Hannibal's allegations are baseless.

First, Hannibal incorrectly alleges that Mr. Rodermund lacks personal knowledge of *Intel* and *ZTE*. DD Req., 6-8. As the Petition explains, Mr. Rodermund served as the Project Manager and Secretary at ETSI, the industry's well-known standards organization. Ex. 1029, ¶3. Through his role, he gained personal knowledge of 3GPP's practice of publicizing documents, like *Intel* and *ZTE*, on 3GPP's own server and at its meetings—and he detailed this in his declaration. For example, he detailed his firsthand knowledge of 3GPP's relevant procedures for publishing 5G proposals like that of *Intel* and *ZTE*. *Id.*, ¶¶36-62 (explaining 3GPP's use of "TSG[s]" and "WGs" to publish proposals; explaining 3GPP's "FTP server" that organizes proposals in corresponding "meeting folders"; and explaining 3GPP's

“structured numbering system” for each proposal disclosed at a meeting). Mr. Rodermund also detailed how proposals, like those of *Intel* and *ZTE*, were named, given a date stamp, and then uploaded to the FTP server. *Id.*, ¶¶42-47. And he explained the various ways that the public could access documents on 3GPP’s server. *Id.* And if all this were not enough, Mr. Rodermund provided evidence that *Intel* and *ZTE* were publicly available on 3GPP’s server. *Id.*, ¶¶58-60 (explaining these documents were available indefinitely, allowing the public to freely access and disseminate them).

Second, Hannibal incorrectly alleges that Mr. Rodermund’s 1998–2004 employment with ETSI did not overlap with the availability of *Intel* and *ZTE*. DD Req., 7-8. This argument misses the point about Mr. Rodermund’s qualifications—he continued to be a member and contributor of the 3GPP meetings through the ’896 Patent’s relevant filing date Ex. 1029, ¶¶9-18. He is thus competent to testify on 3GPP’s relevant practices for document keeping.

Third, Hannibal incorrectly alleges that Mr. Rodermund’s testimony is contradicted by 3GPP/ETSI’s disclaimer about the accuracy or reliability of the information on the 3GPP website. DD Req., 8. The website’s content supports Mr. Rodermund’s testimony. Ex. 1029, ¶¶41, 43, 48-51, 55, 58-60, 65-70, 111-116.

Fourth, Hannibal incorrectly alleges that the documents on 3GPP’s FTP server must have an “index or catalogue or other tools for customary and meaningful

research.” DD Req., 9-10. These are not requirements for public accessibility, though. Indeed, “neither cataloging nor indexing is a necessary condition for a reference to be publicly accessible.” *In re Lister*, 583 F.3d 1307, 1312 (Fed. Cir. 2009) (citing *In re Klopfenstein*, 380 F.3d 1345, 1348 (Fed. Cir. 2004)). Whether a reference is publicly accessible concerns whether a relevant person “can locate it.” *Samsung Elecs. Co. v. Infobridge Pte. Ltd.*, 929 F.3d 1363, 1369 (Fed. Cir. 2019) (citation omitted); *see also In re Enhanced Sec. Rsch., LLC*, 739 F.3d 1347, 1354 (Fed. Cir. 2014) (stating “even relatively obscure documents qualify as prior art so long as the public has a means of accessing them” and “[a]ccessibility goes to the issue of whether interested members of the relevant public could obtain the information if they wanted to” (alteration in original) (citations omitted)). A petitioner does not even need to establish that one “actually accessed or received a work” to show it was publicly accessible. *Samsung*, 929 F.3d at 1374.

Mr. Rodermund’s testimony shows that *Intel* and *ZTE* were publicly accessible. Ex. 1029, ¶¶20, 25, 63-71, 109-117. He testified that 3GPP meeting documents, such as *Intel* and *ZTE*, are stored in “dedicated meeting folders” on the 3GPP FTP server. *Id.*, ¶59. He also provided Internet Archive evidence and metadata information showing that *Intel* and *ZTE* were in fact uploaded to the respective meeting folders before the 3GPP WG1 #94 and #94b meetings. *Id.*, ¶¶65-68, 111-114. He further testified that both meetings were well attended by POSITAs—the

#94 meeting was attended by 499 individuals (out of 622 registered participants) and the #94b meeting was attended by 478 individuals (out of 634 registered participants). *Id.*, ¶¶69, 115. Additionally, he provided exhibits showing that *Intel* and *ZTE* were listed in the reports of these meetings as “available.” *Id.*, ¶¶70, 116.

Hannibal also alleges that Mr. Rodermund’s testimony here is similar to the *Nokia v. IPCo*m witness’s testimony, which the Board found insufficient to show a 3GPP meeting proposal was publicly accessible through the 3GPP FTP server. DD Req., 10-11. *Nokia*’s facts differed significantly. There, the Board found that the witness’s testimony about the naming convention of the TDocs stored on the FTP server was not enough to show that the public would have understood the contents of the documents based upon the file names. *Nokia of Am. Corp. v. IPCo*m, *GmbH & Co. KG*, IPR2021-00533, Paper 10 at 30 (Aug. 12, 2021). In contrast, Mr. Rodermund did not just explain the naming convention. Rather, he also testified about the public’s knowledge of the meeting folder hierarchy on the 3GPP FTP server and actual attendance of the respective meetings. Moreover, the 3GPP proposal discussed in *Nokia* was marked as “not presented” in the meeting report, suggesting it was not disseminated at the meeting. *Id.* at 28 n.10 (citation omitted). In contrast, Mr. Rodermund testified that *Intel* and *ZTE* were both tagged as “available” in the respective meeting reports, which indicates that they were available at the respective meetings. Ex. 1029, ¶¶70, 116. Mr. Rodermund’s

testimony is also corroborated by other evidence. For example, the Applicant and inventors of the '896 Patent admitted that they knew what was discussed and agreed in the #94b meeting. Ex. 1030, 3, 6. Samsung's technical expert, Dr. Bims, also testified that it was typical for POSITAs to consider and discuss the proposals submitted to these 3GPP meetings. Ex. 1003, ¶119. Thus, Mr. Rodermund's testimony is materially different from that at issue in *Nokia* and shows public accessibility for both *Intel* and *ZTE*.

## **2. The Board Is Best Suited to Handle the Complex Technology Here**

The challenged patents present uniquely complicated technology and facts that make the PTAB the best forum to decide their validity. The four patents contain three distinct patent families and relate to complex 5G standards technology, which Hannibal has asserted are standards essential and have broad industry implications that the Board is better equipped to handle. *Tesla, Inc. v. United States*, IPR2025-00341, Paper 12 at 2-3 (Director June 13, 2025) (“complex and diverse litigation proceeding[s]” favor institution because “the Board is better suited” to review such patents); *Tesla v. Intell. Ventures II*, IPR2025-00217, Paper 9 at 2-3 (same).

## **V. CONCLUSION**

Samsung respectfully requests that the Director decline to exercise discretion to deny institution and instead institute this Petition.

Date: November 6, 2025

Respectfully submitted,

/ Joshua L. Goldberg /  
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**CERTIFICATE OF SERVICE**

The undersigned certifies that a copy of the foregoing **Petitioners' Opposition to Patent Owner's Request for Discretionary Denial of Institution** was served on November 6, 2025, via email directed to counsel of record for the Patent Owner at the following:

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Patent Owner has consented to electronic service by email.

Dated: November 6, 2025

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