

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD., and
SAMSUNG ELECTRONICS AMERICA, INC.,
Petitioners,

v.

XIFI NETWORKS R&D, INC.,
Patent Owner.

Case IPR2025-01203 (Patent No. 11,849,337)
Case IPR2025-01204 (Patent No. 11,818,591)
Case IPR2025-01205 (Patent No. 12,003,976)
Case IPR2025-01206 (Patent No. 11,950,105)
Case IPR2025-01207 (Patent No. 12,015,933)
Case IPR2025-01208 (Patent No. 11,974,143)
Case IPR2025-01209 (Patent No. 11,856,414)
Case IPR2025-01270 (Patent No. 12,114,177)
Case PGR2025-00067 (Patent No. 12,190,198)
Case PGR2025-00068 (Patent No. 12,169,756)
Case PGR2025-00069 (Patent No. 12,250,564)

**PATENT OWNER'S REQUEST FOR DIRECTOR REVIEW
PURSUANT TO 37 C.F.R. § 42.75**

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Exhibit No.	Description
EX2001	Complaint, <i>XiFi Networks R&D, Inc. v. Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc.</i> , No. 2:24-cv-01057-JRG, Dkt. 1 (E.D. Tex. Dec. 17, 2024).
EX2002	First Amended Docket Control Order, <i>XiFi Networks R&D, Inc. v. Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc.</i> , No. 2:24-cv-01057-JRG, Dkt. 28 (E.D. Tex. Apr. 14, 2025).
EX2003	Plaintiff’s First Amended Complaint, <i>XiFi Networks R&D, Inc. v. Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc.</i> , No. 2:24-cv-01057-JRG, Dkt. 13 (E.D. Tex. Mar. 11, 2025).
EX2004	Defendants’ Answer and Affirmative Defenses to Plaintiff’s First Amended Complaint, <i>XiFi Networks R&D, Inc. v. Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc.</i> , No. 2:24-cv-01057-JRG, Dkt. 31 (E.D. Tex. Jun. 9, 2025).
EX2005	Defendants’ P.R 3.3 and 3.4 Invalidity Contentions (Jun. 18, 2025).
EX2006	Table 1 Comparing Select Sections of Almeroth Declaration to Corresponding Sections of Petition (EX1002).
EX2007	Table 2 comparing common typographic errors(s) between petition and the Almeroth Declaration (EX1002)* ¹
EX2008	Declaration of Dr. Robert Akl, D.Sc. ²
EX2009	American Heritage Dictionary (5th Ed., 2012).
EX2010	Andrew S. Tanenbaum, <i>Computer Networks</i> (5th Ed., 2011).
EX2011	U.S. Patent No. 8,078,208

¹ Exhibits marked by an asterisk are not present in all proceedings.

² The substance of Dr. Akl’s declaration varies by proceeding.

Exhibit No.	Description
EX2012	U.S. Patent No. 9,560,656
EX2013	Curriculum Vitae of Dr. Robert Akl, D.Sc.
EX2014	Excerpts from the prosecution history of U.S. Patent No. 11,950,105*
EX2015	Excerpts from the prosecution history of U.S. Patent No. 12,169,756*
EX2016	Excerpts from the prosecution history of U.S. Patent No. 12,250,564*
EX2017	[RESERVED]
EX2018	[RESERVED]
EX2019	[RESERVED]
EX2020	Amended Joint Claim Construction Statement, <i>XiFi Networks R&D, Inc. v. Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc.</i> , No. 2:24-cv-01057-JRG, Dkt. 62 (E.D. Tex. Feb 27, 2026).
EX2021	Declaration of Dr. Mark Mahon in Support of Claim Construction, <i>XiFi Networks R&D, Inc. v. Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc.</i> , No. 2:24-cv-01057-JRG
EX2022	[RESERVED]
EX2023	[RESERVED]
EX2024	[RESERVED]
EX2025	[RESERVED]
EX2026	[RESERVED]
EX2027	[RESERVED]
EX2028	[RESERVED]

Exhibit No.	Description
EX2029	[RESERVED]
EX2030	Transcript of the Deposition of Dr. Mark Mahon, <i>XiFi Networks R&D, Inc. v. Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc.</i> , No. 2:24-cv-01057-JRG
EX2031	Samsung's Proposed Claim Constructions for the Terms and Phrases Identified for Construction Per Local Patent Rule 4-2, <i>XiFi Networks R&D, Inc. v. Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc.</i> , No. 2:24-cv-01057-JRG (E.D. Tex. Jan. 14, 2026).

Pursuant to 37 C.F.R. § 42.75, Patent Owner XiFi Networks R&D, Inc. (“XiFi”) submits this Request for Director Review of the institution decisions in the above-named *Inter Partes* Review (“IPR”) and Post Grant Review (“PGR”) proceedings, based on the recently-issued precedential decision, *Revvo Techs., Inc. v. Cerebrum Sensor Techs, Inc.*, IPR2025-00632, Paper 20 (November 3, 2025) (precedential) (“*Revvo I*”). That decision holds that “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.” *Id.* at 5.

In this case, Petitioners Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc. (collectively, “Petitioners”) have taken different—and narrower—claim construction positions in the district court, positions that, if taken before the Board, would negate their arguments for the invalidity of the challenged claims. There can be no sufficient explanation for these inconsistent positions, which arose in recent weeks, after the time for Director Review expired, and as the law applying *Revvo I* developed. Therefore, Patent Owner believes it has good cause to move for Director Review out of time, and requests that the Director allow related evidence to be introduced, reconsider the institution decisions, vacate institution, and/or terminate these proceedings.

I. THERE IS GOOD CAUSE FOR AN OUT-OF-TIME REQUEST

Petitioners filed the eleven relevant Petitions in July 2025, challenging eleven related patents that share a specification and relevant claim terms, stating in each that “[n]o express constructions are required to find the [relevant patent’s] claim terms invalid” and its expert applied the “plain and ordinary meaning of all claim terms as understood by a POSITA.”³ Patent Owner timely filed Preliminary Responses,⁴ but all proceedings were instituted on December 23, 2025.⁵ According

³ IPR2025-01203, Paper 3 at 9, EX1002, ¶56 ; IPR2025-01204, Paper 3 at 9, EX1002, ¶56; IPR2025-01205 Paper 3 at 9, EX1002, ¶56; IPR2025-01206 Paper 3 at 9, EX1002, ¶56; IPR2025-01207 Paper 3 at 9, EX1002, ¶56; IPR2025-01208 Paper 3 at 12, EX1002, ¶56; IPR2025-01209, Paper 3 at 11, EX1002, ¶56; IPR2025-01270, Paper 1 at 9, EX1002, ¶56; PGR2025-00067, Paper 3 at 10, EX1002, ¶64; PGR2025-00068, Paper 3 at 10, EX1002, ¶65; PGR2025-00069, Paper 3 at 12-13, EX1002, ¶65.

⁴ IPR2025-01203, Paper 9; IPR2025-01204, Paper 9; IPR2025-01205, Paper 9; IPR2025-01206, Paper 9; IPR2025-01207, Paper 9; IPR2025-01208, Paper 9; IPR2025-01209, Paper 9; IPR2025-01270, Paper 10; PGR2025-00067, Paper 11; PGR2025-00068, Paper 10; PGR2025-00069, Paper 10.

⁵ IPR2025-01203, Paper 12; IPR2025-01204, Paper 12; IPR2025-01205, Paper 12;

to the operation of the rules, any request for Director Review would have been due January 6, 2026. *See* 37 C.F.R. § 42.75(c)(1); 37 C.F.R. § 42.71(d)(1).

The parties here are also parties in a related district court proceeding, *XiFi Networks R&D, Inc. v. Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc.*, No. 2:24-cv-01057-JRG (E.D. Tex.), where the parties took initial claim construction positions on January 14, 2026, and submitted a joint claim construction statement to the Court with positions on February 4, 2026, later amended on February 27, 2026. *See* EX2031 (Samsung's Proposed Claim Constructions); EX2020 (Am. Joint Claim Construction Statement). Petitioners' claim construction expert in the district court was deposed on February 26, 2026, clarifying the application of Petitioners' district court claim construction positions as compared to the claim construction positions here. EX2030 (Mahon Dep. Tr.).⁶

Meanwhile, the effects of the *Revvo I* decision were playing out

IPR2025-01206, Paper 12; IPR2025-01207, Paper 12; IPR2025-01208, Paper 13; IPR2025-01209, Paper 12; IPR2025-01270, Paper 12; PGR2025-00067, Paper 13; PGR2025-00068, Paper 13; PGR2025-00069, Paper 12.

⁶ Patent Owner requests the Director's authorization to introduce several exhibits in order to substantiate the district court claim construction positions only. In any event, they will be entered into evidence with the PORs on March 17, 2026.

simultaneously. For example, in *Revvo I* in November 2025, the Director authorized further briefing to examine the inconsistency in position. *Revvo I*, IPR2025-00632, Paper 20 at 5-6 (November 3, 2025). Then, in late January and February 2026, in further decisions, the Director made clear several additional premises. First, the Director clarified that it would not be a sufficient explanation that a district court might later reject a narrow construction; inconsistency could only be explained if a district court had already rejected a narrow construction. *Revvo Techs., Inc. v. Cerebrum Sensor Techs, Inc.*, IPR2025-00632, Paper 36 at 4 (Jan. 26, 2026) (“*Revvo II*”). Second, the Director clarified through several decisions that institution could be vacated and proceedings terminated based on the rule from *Revvo I*. See, e.g., *id.* at 4-5; *Generac Power Sys., Inc. v. Champion Power Equip., Inc.*, 2026 WL 313512 (Feb. 3, 2026); *Revvo Techs., Inc. v. Tire Stickers LLC*, IPR2025-00631, Paper 34 (Feb. 3, 2026) (“*Revvo III*”); *Infineon Techs. Am. Corp. v. MOSAID Techs., Inc.*, IPR2025-01172, Paper 27 (Feb. 19, 2026); *Carbyne, Inc. v. Trittech Software Sys.*, IPR2025-00959, Paper 20 (Feb. 19, 2026). Third, the Director clarified that applying plain and ordinary meaning before the Board while advancing specific constructions before the district court (as here) constituted an inconsistency under *Revvo I* meriting denial of the relevant petitions. *Infineon*, IPR2025-01172, Paper 27 at 2-4; *Carbyne*, IPR2025-00959, Paper 20 at 2-3.

Given that Petitioners’ inconsistent claim construction positions arose after

the deadline for Director Review, that the law on the relevant issue was developing in the very weeks that the parties were taking district court positions, and that Patent Owner moved expeditiously to bring this request within approximately two weeks of the latest district court claim construction events, Patent Owner requests that the Director find there is good cause to bring a request for Director Review out of time. *See Revvo III*, IPR2025-00631, Paper 34 (Feb. 3, 2026) (finding good cause to extend time for director review three months after institution decision where patent owner could not have raised arguments under *Revvo* and *Tesla* prior to the expiration of time to seek review); *see also Sinclair Pharma Ltd. v. Hydrafacial LLC*, IPR2025-00145, Paper 40 (Dec. 22, 2025) (granting sua sponte director review and vacating six-month-old institution decision due to changed circumstances in a parallel proceeding); *Arm Ltd. v. Daedalus Prime LLC*, IPR2025-00207, Paper 14 (Aug. 6, 2025) (granting director review and vacating denial of institution from nearly three months prior due to changed circumstances in a parallel litigation).

II. PETITIONERS TAKE DISPOSITIVELY INCONSISTENT CLAIM CONSTRUCTION POSITIONS

In their Petitions, Petitioners argued that “[n]o express constructions are required to find the [relevant patent’s] claim terms invalid” and its expert applied the “plain and ordinary meaning of all claim terms as understood by a POSITA.” *See supra*, n.3. However, since the Petitions were filed, Petitioners have propounded narrower constructions in the co-pending district court action—constructions that

are directly contrary to the positions taken in the Petitions, that would negate arguments that the asserted references cover the challenged claims, and which therefore merit terminating the Petitions. EX2020.

“It is axiomatic that claims are construed the same way for both invalidity and infringement.” *Amgen Inc. v. Hoechst Marion Roussel, Inc.*, 314 F.3d 1313, 1330 (Fed. Cir. 2003). Indeed, the PTAB’s “rules discourage petitioners from seeking broader constructions at the Board to support a patentability challenge while seeking narrower constructions in litigation to avoid infringement liability.” *Revvo I*, IPR2025-00632, Paper 20 at 4 (November 3, 2025) (precedential) (citing *Changes to Claim Construction Standard for Interpretating Claims in Trial Proceedings Before the Patent Trial and Appeal Board*, 83 Fed. Reg. 51340 51,349 at 51,350 (Oct. 11, 2018)). While a petitioner may be excused from offering inconsistent positions based on sufficient explanation as to “why the different positions are warranted” (*id.* at 5), there can be no sufficient explanation here, where Petitioners maintain narrower positions with regard to at least four claim construction terms in the district court that directly contradict their positions taken here—including in several agreed constructions. *See Revvo II*, IPR2025-00632, Paper 36 at 4 (Jan. 26, 2026) (Director Squires explaining that “in the generally rare instances where diverging constructions are advanced before two different tribunals, a party may proffer a different, broader construction before the Board when the district court

already has rejected petitioner’s narrower construction.” (emphasis in original)).

A. “virtual MAC interface”

Before the Board, Petitioners offer plain and ordinary meaning for the claim term “virtual MAC interface.” *See supra*, n.3. But in the district court, they agreed to the explicit construction that “a software- or logical-based interface that is separately addressable from the recited actual MAC interfaces and that obscures the recited actual MAC interfaces from higher protocol stack layers.” EX2020 at 2.⁷

Importantly, the agreed construction mandates that the virtual MAC interface “obscures the recited actual MAC interfaces from higher protocol stack layers.” *Id.* Here, however, Petitioners’ argument relies on disclosure that does not do so—citing a structure from their primary asserted reference, International Application WO 2013/126859 (“Chincholi”) (EX1005) called the OMMA. *See* IPR2025-01209,⁸ Pet.

⁷ Petitioners may claim that Patent Owner is seeking to prejudice them for coming to agreement on claim constructions in the district court, but Petitioners’ original construction contained the relevant language that contradicts their position here—“obscures actual MAC interfaces from higher layers.” *See* EX2031 at 10. It is irrelevant that the parties were able to reach agreement on a slightly different construction, since Petitioners’ original proposal creates the same inconsistency.

⁸ This citation is representative of the arguments made in all eleven proceedings.

at 28-30; EX1002, ¶102 (identifying OMMA as component of Chincholi that “functions as a virtual MAC interface”). But a POSITA would recognize that the OMMA merely aggregates packets and passes them along, using a “device address,” thereby exposing the actual MAC addresses of Chincholi’s radio access technology interfaces—the opposite of obscuring them. EX1005, [0120], [0137]-[0143], [0192], [0205] [0383]; EX2017 (Akl), ¶¶78-80.⁹ Therefore, under the construction agreed to by the Petitioners in the district court, the asserted prior art does not disclose a virtual MAC interface, and their district court construction necessarily narrower than the prior position of plain and ordinary meaning.

B. “in a manner transparent...”

In the district court, Petitioners also agreed to a narrowing construction for “in a manner transparent to any layer of the wireless networking device above the processing interface” as “in a manner where any protocol stack layer of the wireless networking device above the processing interface is unaware of the operation of the processing interface.” EX2020 at 2-3. This narrowing construction is not only inconsistent with the plain and ordinary meaning analysis supplied in the Petition, it

⁹ Dr. Akl’s declaration will be filed as Exhibit 2017 in the various proceedings along with Patent Owner Responses on Tuesday, March 17, 2026. The PORs and Akl declaration will explain the substantive inconsistencies in greater detail.

also weakens Petitioners’ arguments here. Petitioners rely on Chincholi’s “transparent” mode to disclose the “in a manner transparent...” limitation. IPR2025-01209,¹⁰ Pet. at 33-34; EX1002, ¶111. That mode is disclosed in a single sentence and reflects that “the OMMA layer may be transparent in that it distributes and/or combines packets from different RATs and forward the packets to the IP layer” without the inclusion of an additional header. EX1005, [0126], [0192]. But a POSITA would understand that declining to add additional headers does not render the communication transparent (i.e., such that the higher layers are unaware of the lower layers’ operation). EX2017 (Ak1), ¶¶80, 95. Thus, Petitioners’ narrow district court construction is contrary to its plain and ordinary meaning arguments here.¹¹

C. “information regarding bandwidth availabilities...”

Petitioners here advocate for the plain and ordinary meaning of the claim term “information regarding the bandwidth availabilities....” *Supra*, n.3. While the parties

¹⁰ This citation is representative of the arguments made in all eleven proceedings.

¹¹ Petitioners’ original proposed construction for this term also contains the relevant substance that impacts their invalidity arguments here (higher layers are “unaware of” the operation below): “in a manner where any layer of the wireless networking device above the processing interface is unaware of and is implemented without regard to the operation of processing interface” EX2031 at 11.

offer competing constructions in the district court, both parties propose constructions that indicate that the relevant bandwidth availabilities are “*current* bandwidth availabilities.”¹² EX2020 at 5; *see also* EX2021 (Mahon Decl.), ¶73 (“The parties appear to agree that this term requires that the information fed back or provided is information regarding the ‘current’ bandwidth availabilities of the wireless transceivers.”). This agreed construction is much narrower than plain and ordinary meaning, as demonstrated by the fact that it rules out Petitioners’ identified evidence—offered when Petitioners advanced a plain and ordinary meaning claim construction position. The disclosure Petitioners rely on, related to Chincholi’s feedback based routing mode (*see* IPR2025-01209,¹³ Pet. at 30-31; EX1002, ¶106) only discloses the ability to feed back historical statistics and metrics, rather than the “current” bandwidth availabilities that the challenged claims here require. EX1005 at [0141] (“feedback metrics” reflect “average state of the system”); [0161] & Table 2 (describing “average” metrics); EX2017 (Akl), ¶91. Because historical statistics do not constitute “current” bandwidth availabilities, a POSITA would

¹² While Petitioners’ proposed construction evolved during negotiations, it always contained the concept of the “currency.” *See* EX2031 at 17 (original proposed construction was “amount of bandwidth that is currently available”).

¹³ This citation is representative of the arguments made in all eleven proceedings.

understand that historical feedback statistics do not provide the information regarding bandwidth availability recited by the claim. EX2017 (Akl), ¶91. Again, Petitioners take a narrow position in the district court to avoid infringement, while taking a broad position here to capture the disclosure of their asserted references.

D. “wireless networking device”

In their Petitions, Petitioners give “wireless networking device” plain and ordinary meaning. *Supra*, n.3. So does Patent Owner—both here and in the district court. But in the district court, Petitioners offer a much narrower construction: “a device that relays or provides network access to another device.”¹⁴ EX2020 at 4. In support of that position, Petitioners’ expert opined that “‘client’ devices in the infrastructure mode ... would not qualify as a ‘wireless networking device’ as they are merely end-users and do not relay or provide network access to another device.” EX2021 (Mahon Decl.), ¶68; *id.*, ¶66 (“infrastructure mode involv[es] clients communicating with the network through one or more wireless access points.”).

However, in proceedings before the Board, Petitioners’ expert (applying plain and ordinary meaning) opined that primary reference Chincholi disclosed a “wireless networking device” via a client device operating in infrastructure mode—exactly the opposite of what Petitioners argue in the district court:

Chincholi discloses that the WTRUs of its wireless communication

¹⁴ This was also Petitioners’ original proposal. *See* EX2031 at 7.

networks may comprise any one of a “user equipment (UE), a mobile station, a fixed or mobile subscriber unit, a pager, a cellular telephone, a personal digital assistant (PDA), a smartphone, a laptop, a netbook, a personal computer, a wireless sensor, consumer electronics, and the like.” Thus, a POSITA would have recognized that Chincholi discloses that the wireless networking device of claim 1 comprises a handheld computing device.

IPR2025-01209, EX1002, ¶143 (quoting EX1005 (Chincholi), [0074]).

The cited portion of Chincholi describes Figure 1A, which Petitioners’ district court claim construction expert testified shows “transmission going between devices” that include on the one hand access points and on the other hand devices such as smartphones or laptops. EX2030 (Mahon. Dep.) at 108:2-114:19. Such an arrangement—where a phone is communicating with an access point—is quintessentially infrastructure mode. *See* EX2017 (Akl), ¶51 (opining that Fig. 1A discloses communication in infrastructure mode). Thus, Petitioners’ expert here testified that the devices of Chincholi’s paragraph 0074 were “wireless networking devices” (under plain and ordinary meaning), where such devices would not be “wireless networking devices” under Petitioners’ narrow district court construction. In short, Petitioners are presently advancing a narrow claim construction in the district court, seeking to avoid broad application of Patent Owner’s claims to their products (e.g., smartphones and tablets) while advancing a broad construction here in order to read their primary prior art reference on the claims.

Were Petitioners' district court constructions applied here (as they should be), the Petitions fail to show the asserted references cover the challenged claims.

III. PETITIONERS' INCONSISTENT POSITIONS MERIT VACATING INSTITUTION AND TERMINATING PROCEEDINGS PURSUANT TO RECENT DECISIONS BY THE DIRECTOR

Because the Petitioners take inconsistent claim construction positions in the district court proceedings and in the Petitions here, without sufficient explanation, Patent Owner requests that institution be vacated and terminated, and that the Petitions be denied. The Director has taken such action in similar matters recently.

For example, in *Infineon*, patent owner requested director review after institution where petitioner had argued in IPR proceedings that the claims could be given plain and ordinary meaning, but requested explicit construction of a claim term in the district court. IPR2025-01172, Paper 27 at 2-3. There, the Director determined that petitioner had failed to adequately explain its inconsistent positions in arguing that "its district court positions are irrelevant here because they do not affect the Petition and Petitioner's asserted prior art references teach each of the disputed claim terms." *Id.* at 3. Rather, the Director found that the inconsistent positions "detract[ed] from the Office's goal of 'providing greater predictability and certainty in the patent system.'" *Id.* at 3-4 (citing *Revvo I*, Paper 20 at 4-5). Further, the Director determined that the appropriate course was to vacate institution and deny the petition. The Director also vacated and denied the petition in *Carbyne*, where the

petitioner also proposed plain and ordinary meaning in the PTAB, but argued in the district court that the same terms should be construed as means-plus-function terms that were indefinite for lack of disclosed structure. IPR2025-00959, Paper 20 at 3-4. Here, the same facts apply—Petitioners have argued plain and ordinary meaning in IPRs and PGRs, while proposing alternative constructions in the district court. Given the same facts giving rise to the inconsistent claim construction positions, the same result should also apply, and the Petitions should be denied.

Nor will Petitioners be able to provide an adequate explanation. The Director has recently made clear that only where a district court has *already* rejected a narrow construction may a petitioner advance a broad construction in the PTAB. *Revvo II*, Paper 36 at 4. Here, the constructions are pending—and many are likely to be entered, given the parties’ agreement. In any event, a “wait and see” approach is not appropriate. *Id.*; *Infineon*, Paper 27 at 4 (same). In all, it is plain that Petitioners are attempting to employ broad constructions for invalidity and narrow constructions for infringement. Because of this gamesmanship, Patent Owner requests that the Director grant its request, vacate institution, and terminate the Petitions.

IV. CONCLUSION

For the foregoing reasons, Patent Owner requests that the Director find good cause for Director Review out of time, allow related post-institution evidence, vacate institution of Petitioners’ Petitions, and deny the Petitions, terminating proceedings.

Dated: March 12, 2026

Respectfully Submitted,

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CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing Patent Owner's Request for Director Review was served on March 12, 2026, by electronic mail to Petitioners' counsel at the following addresses indicated in Petitioners' Mandatory Notices:

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Dated: March 12, 2026

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