

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

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

v.

SNAPAID, LTD.,
Patent Owner.

CASE NO. PGR2025-00083
U.S. PATENT NO. 12,250,452

PATENT OWNER'S SUR-REPLY

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 844 F.3d 1370 (Fed. Cir. 2017)2

Tesla, Inc. v. Intellectual Ventures II LLC,
 IPR2025-00340, Paper 18 (Squires Nov. 5, 2025).....3

Other Authorities

83 Fed. Reg. 51,342 (Oct. 11, 2018).....2

Patent Owner's Exhibit List

Exhibit No.	Description
2001	<i>SnapAid, Ltd. v. Samsung Electronics Co., Ltd. et al</i> , 2-25-cv-00378-RWS-RSP (E.D. Tex.), Complaint, ECF No. 1 (April 10, 2025)
2002	<i>SnapAid, Ltd. v. Samsung Electronics Co., Ltd. et al</i> , 2-25-cv-00378-RWS-RSP (E.D. Tex.), Docket Control Order, ECF No. 31 (September 25, 2025)
2003	USPTO Notice of Proposed Rulemaking, October 16, 2025, available at https://public-inspection.federalregister.gov/2025-19580.pdf?utm_campaign=subscriptioncenter&utm_content=&utm_medium=email&utm_name=&utm_source=govdelivery&utm_term=
2004	Side-by-Side Comparison of Claim 1 of the '452 Patent, Claim 1 of the '226 Patent, and Claim 1 of the '537 Patent
2005	U.S. Provisional Application No. 61/717,216, filed Oct. 23, 2012
2006	U.S. Provisional Application No. 61/759,643, filed Feb. 1, 2013
2007	Email dated September 3, 2015, from Doron Gonen, Director, Head of Technology Collaboration Group, Samsung
2008	Email thread dated September 30, 2015, from Maya Lipkin, Samsung (attaching executed NDA)
2009	Executed Dual Non-Disclosure Agreement between Samsung and SnapAid (attachment to Email thread dated September 30, 2015, from Maya Lipkin, Samsung)
2010	Email dated October 8, 2015, from Igor Gankin, Technology Collaboration Group, Samsung
2011	Email thread dated October 8, 2015, from Ishay Sivan, Founder & CEO, SnapAid (attaching SnapAid Android App User Manual)
2012	SnapAid Android App User Manual (attachment to Email thread dated October 8, 2015, from Ishay Sivan, Founder & CEO, SnapAid)

Exhibit No.	Description
2013	Machine Translation of Email thread dated October 7, 2015, from SK Kim, Director, CidT Co., Ltd to Samsung (attaching SnapAid Manufacture Presentation)
2014	SnapAid Manufacture Presentation Ver2.pdf (attached to Email thread dated October 7, 2015, from SK Kim, Director, CidT Co., Ltd to Samsung)
2015	Email thread dated November 18, 2015, from Ishay Sivan, Founder & CEO, SnapAid
2016	Email thread dated January 14, 2016, from Ishay Sivan, Founder & CEO, SnapAid
2017	Email thread dated October 28, 2015, from Igor Gankin, Technology Collaboration Group, Samsung
2018	Email thread dated September 14, 2017, from Ishay Sivan, Founder & CEO, SnapAid (attaching SnapAid Patent Portfolio)
2019	SnapAid Patent Portfolio.pdf (attached to Email thread dated September 14, 2017, from Ishay Sivan, Founder & CEO, SnapAid)
2020	U.S. Patent Publication No. 2017/0237900, Pub. Date: August 17, 2017
2021	Email dated September 17, 2017, from Igor Gankin, Technology Collaboration Group, Samsung
2022	Motion Success for Stay Pending IPR for Eastern District of Texas, Docket Navigator, current as of November 6, 2025
2023	Motion Success for Stay Pending PTAB for Eastern District of Texas, Lex Machina, current as of November 7, 2025.
2024	Eastern District of Texas Time to Milestones, Docket Navigator, current as of November 6, 2025
2025	Email from Samsung's Counsel providing <i>Sotera</i> stipulation relating to PGR2025-00083
2026	<i>SnapAid, Ltd. v. Samsung Electronics Co., Ltd. et al</i> , 2-25-cv-00378-RWS-RSP (E.D. Tex.), Samsung's Answer and Counterclaims, ECF No. 14 (August 4, 2025)

Exhibit No.	Description
2027	<i>Smartphones v. Cameras: Closing the gap on image quality</i> , DXOMARK, https://www.dxomark.com/smartphones-vs-cameras-closing-the-gap-on-image-quality/ (last visited Dec. 10, 2020).
2028	<i>Smartphones v. Cameras: Closing the gap on image quality</i> , DXOMARK, https://www.dxomark.com/smartphones-vs-cameras-closing-the-gap-on-image-quality/ (last visited Dec. 10, 2020).
2029	<i>DxOMark Mobile first quick glance: Smartphones beat 5-year-old DSCs</i> , DXOMARK (Oct. 9, 2012), https://web.archive.org/web/20121011194829/http://www.dxomark.com/index.php/News/DxOMark-news/Smartphones-beat-5-year-old-DSCs . (collected from WayBack Machine)
2030	Excerpts from file history of International Publication No. WO2014064690
2031	Excerpts from file history of U.S. Patent No. 9,338,348
2032	U.S. Patent No. 9,338,348
2033	Excerpts from file history of U.S. Patent No. 9,661,226
2034	European Patent Office – Supplemental Search Report for Application EP 13 84 9379 (03/06/2015)
2035	U.S. Patent No. 9,661,226
2036	Excerpts from file history of U.S. Patent No. 10,009,537
2037	U.S. Patent No. 10,009,537
2038	<i>SnapAid, Ltd. v. Samsung Electronics Co., Ltd. et al</i> , 2-25-cv-00378-RWS-RSP (E.D. Tex.), Samsung's Invalidation Contentions dated December 1, 2025.
2039	Glenn Guy, <i>What is Subject Matter in Photography</i> , Travel Photography Guru, https://www.travelphotographyguru.com/travel-blogs/define-subject-of-a-photograph (last visited Dec. 11, 2025).

Exhibit No.	Description
2040	Alina Liu, <i>What is the Subject of Photography and How to Choose</i> , Kate (Oct. 14, 2022), https://www.katebackdrop.com/blogs/photography-tutorials/photography-subject .
2041	Elizabeth Gray, <i>Understanding Depth of Field – A Beginner’s Guide</i> , Photography Life (Oct. 10, 2024), https://photographylife.com/what-is-depth-of-field .
2042	Certified File History of U.S. Patent No. 10,659,682
2043	Certified File History of U.S. Patent No. 10,944,901
2044	Certified File History of U.S. Patent No. 11,252,325
2045	Certified File History of U.S. Patent No. 11,671,702

I. Introduction

Petitioner's Reply fails to address the precise issue the Director authorized this briefing to resolve: *explaining* its alternative claim construction positions.

In the parallel district court litigation, Samsung asserts that specific '452 Patent claim phrases are indefinite. Here, however, Petitioner and its expert state that no construction is necessary and that a POSITA would find those same limitations disclosed in the prior art. The Director and Board have made clear that, while alternative positions can be permissible in some circumstances, a petitioner must provide a sufficient explanation for them. Petitioner had multiple opportunities to do so—in its Petition, in its opposition to Patent Owner's discretionary denial request, and in its Reply—but at no stage has it cured this defect.

Instead, the Reply offers five pages of procedural conjecture about why Samsung should be allowed to take alternative positions, without addressing the specific claim language at issue in any capacity. A proper response would have explained *why* the plain and ordinary meaning of the allegedly indefinite phrases should apply here. Petitioner does not attempt to do so, and its silence warrants denial of institution.

This omission is part of a broader pattern the Director has cautioned against: asserting multiple, conflicting validity challenges without reconciling them—wasting Board and party resources and undermining predictability between forums.

II. Petitioner has *Still* not Explained its Alternative Positions

The Director and Board have recognized the inherent tension between prior art-based challenges and indefiniteness positions, and have made clear that petitioners must address that tension directly:

Under 37 C.F.R. § 42.104(b)(3), *petitioners* must clearly articulate *in the petition* “[h]ow the challenged claim is to be construed.” If, according to Petitioner, many limitations in claim 1 (and other claims) are indefinite, then how does Petitioner propose that the Board construe such limitations to assess Petitioner’s invalidity challenges—*Petitioner is silent*.

American Airlines, Inc. v. Intellectual Ventures I LLC, IPR2025-01055, Paper 11 at 13 (PTAB Nov. 21, 2025). A claim must be understood before it can be challenged under §§ 103 or 112. *See Blackberry Corp. v. Mobilemedia Ideas LLC*, IPR2013-00036, Paper 65 at 7 (PTAB March 7, 2014) (“It is axiomatic that we first must know what is being claimed.”), *Sonix Tech. Co. v. Publ’s Int’l, Ltd.*, 844 F.3d 1370, 1378 (Fed. Cir. 2017).

Balancing this tension with the need for uniformity and predictability, procedures to promote consistent claim interpretation across forums have been adopted. *See e.g.*, 83 Fed. Reg. 51,342 (Oct. 11, 2018) (adopting federal court claim construction standard to promote “uniformity and predictability”). Consistent with this approach, multiple decisions confirm that while petitioners may take alternative

positions in different forums, they are **required** to explain why those positions are warranted. *Tesla, Inc. v. Intellectual Ventures II LLC*, IPR2025-00340, Paper 18 at 3 (Squires Nov. 5, 2025) (informative), *Revvo Techs., Inc. v. Cerebrum Sensor Techs. Inc.*, IPR2025-00632, Paper 20 at 3–5 (Squires Nov. 3, 2025) (precedential), *Cambridge Mobile Telematics, Inc. v. Sfara, Inc.*, IPR2024-00942, Paper 12 at 8–9 (PTAB Dec. 13, 2024) (informative).

In the parallel litigation, Samsung's invalidity contentions assert that various claim phrases are indefinite and "do not have a meaning that can be clearly determined from the patent." Ex. 2038 at 110; *see also*, POPR at §V.A. (listing phrases). In its petition, however, Petitioner states that "terms in the Challenged Claims need not be construed" (Pet. at 8; *see also* Ex. 1004 at ¶43) and purportedly applies the plain and ordinary meaning to map those same phrases to alleged prior art. *See* POPR at §V.A. In other words, Petitioner tells the District Court these terms cannot be understood, while telling the Board they require no construction and are taught in the prior art—offering neither a justification for its different positions nor any articulation of the plain and ordinary meaning of the claim terms.

Notably, Petitioner's Reply does not recite, address, or analyze **a single disputed claim term**, and instead offers conclusory statements which are exactly the type of assertions the Director has rejected. *See Tesla*, IPR2025-00340, Paper 18.

Petitioner denies taking "inconsistent positions," but the record shows

otherwise. The indefiniteness positions it asserts in the District Court are not aligned with those in this PGR. In District Court, Samsung identified seven claim phrases as indefinite and “do not have a meaning that can be clearly determined from the patent.” Ex. 2038 at 110. In this PGR, however, Petitioner challenges only two of those seven phrases as indefinite, while adding a third phrase (“a correlation between each QI2”) that is absent from Samsung’s invalidity contentions. *See* Pet. §VI.B. At the same time, Petitioner tells the Board that these phrases can be applied in prior art grounds without any construction (Pet. §IV), directly contradicting its district court position that they cannot be understood.

Petitioner’s reliance on the “early stages of litigation” and its *Sotera* stipulation is equally misplaced.¹ The *Sotera* stipulation does not eliminate the inconsistency—it does not address claim construction and leaves open arguments about positions that “reasonably could have raised before the PTAB.” *See* Ex. 2025. Further, the district court litigation is well underway: trial is set for April 2027, and Markman briefing on indefiniteness is due September 2026—just months after potential institution here. Ex. 2002 at 1, 4, 6. Petitioner describes its invalidity contentions as “comprehensive” (Reply at 3), yet refuses to reconcile those positions

¹ If anything, Petitioner’s focus on its *Sotera* stipulation in the PGR illustrates the issue with its inconsistent claim construction position in the related IPR proceedings.

with its PGR arguments. Given the scope of its contentions, this omission is particularly telling and underscores the procedural defect.

III. Petitioner Failed to Explain its Interpretation of the Claims in its Petition

The requirement to explain differing claim construction positions applies at the time of filing the petition. Numerous decisions that predate the petition hold that a petitioner must provide this explanation in the petition itself. *See, e.g., Cambridge Mobile*, IPR2024-00952, Paper 12 at 8–9, *Kiosoft Techs., LLC v. PayRange, Inc.*, IPR2021-00086, Paper 12 at 16 (PTAB Mar. 22, 2021), *ipDataTel, LLC et al. v. ICN Acquisition*, IPR2018-01822, Paper 19 at 13–14 (PTAB Apr. 22, 2019).

Petitioner had multiple opportunities to meet this obligation, but at each stage, Petitioner failed to explain—or even address—a single claim term. As *Revvo* cautions, “[a]llowing petitioners to continue this practice [of proposing different claim constructions without explanation] does not further the Office's goal of providing greater predictability and certainty in the patent system.” *Revvo*, Paper 20 at 4 (internal quotations omitted). That policy concern applies squarely here: Petitioner's silence invites inconsistent interpretations of the same claim terms in parallel proceedings, eroding predictability, wasting resources, and prejudicing the Patent Owner.

IV. Conclusion

Petitioner's unexplained alternative positions warrant denial of institution.

Dated: January 5, 2026

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned certifies that on the fifth day of January 2026, a complete and entire copy of the foregoing "PATENT OWNER'S SUR-REPLY" including exhibits, if any, was served on the date below on the following counsel of record via email per Petitioner's consent to electronic service.

Dated: January 5, 2026

/s/ James Nuttall
James Nuttall (Reg. No. 44,978)

Counsel for Patent Owner,
SNAPAID LTD.

CERTIFICATE OF COMPLIANCE

This Patent Owner's Sur-Reply complies with the 5-page limitation required by the Director's December 29, 2025 email message (Ex. 3101).

Dated: January 5, 2026

/s/ James Nuttall
James Nuttall (Reg. No. 44,978)

Counsel for Patent Owner,
SNAPAID LTD.