

**Opposition To Request For Discretionary Denial
U.S. Patent No. 8,725,700**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

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

Petitioners,

v.

MASSIVELY BROADBAND LLC.,

Patent Owner.

Case No. IPR2026-00086

U.S. Patent No. 8,725,700

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

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TABLE OF EXHIBITS

Exhibit	Description
1001	U.S. Patent No. 8,725,700 (“’700 Patent”)
1002	Declaration of Kevin C. Almeroth
1003	Curriculum Vitae of Kevin C. Almeroth
1004	Prosecution History for U.S. Pat. No. 8,725,700
1005	Patent Owner’s District Court Infringement Contentions for ’700 Patent
1006	U.S. Provisional Patent Application 60/971,175 filed Sep. 10, 2007
1007	U.S. Provisional Patent Application 60/977,582 filed Oct. 4, 2007
1008	U.S. Provisional Patent Application 61/028,261 filed Feb. 13, 2008
1009	U.S. Patent Publication No. 2007/0207800 A1 (“Daley”)
1010	U.S. Patent Publication No. 2008/0305747 A1 (“Aaron”)
1011	U.S. Patent Publication No. 2008/0186882 A1 (“Scherzer”)
1012	U.S. Patent Publication No. 2006/0253453 A1 (“Chmaytelli”)
1013	U.S. Patent Publication No. 2003/0216953 A1 (“Dawson”)
1014	Intentionally Omitted
1015	J. Schiller, <i>Mobile Communications</i> , Addison-Wesley, 2nd Ed., 2003
1016	M. Stemm and R. Katz, “Vertical handoffs in wireless overlay networks,” <i>Mobile Networks and Applications</i> , vol. 3, pp. 335-50, 1998
1017	R. Chalmers, G. Krishnamurthi, and K. Almeroth, “Enabling Intelligent Handovers in Heterogeneous Wireless Networks,” <i>ACM Journal on Mobile Networks and Applications (MONET)</i> , vol. 11, num. 2, pp. 215-227, April 2006
1018	S. Soliman, P. Agashe, et al., “gpsOne™: A hybrid position location system.” <i>IEEE</i> , 0-7803-6560-7, pp. 330-35, 2000
1019	K. Wang, L. Yan, H. Wen, and K. He, “GpsOne: a New Solution to Vehicle Navigation,” <i>IEEE</i> , 0-7803-8416-4, pps. 341-46, 2004
1020	U.S. Patent Publication No. 2003/0125044 A1 (“Deloach”)

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1021	<i>Fryer's TowerSource Acquired by Biby Publishing</i> (Dec. 29, 2005), available at https://wirelessestimator.com/content/articles/?pagename=wireless+tower+news , p. 13
1022	FCC ASR Registration Form 854 (January, 2006)
1023	Sample FCC ASR Record
1024	FCC ASR Search Screenshot
1025	Intentionally Omitted
1026	Richard Shim, <i>Boingo, T-Mobile Team On Wireless Roaming</i> , CNET (Mar. 18, 2003), available at: https://www.cnet.com/tech/mobile/boingo-t-mobile-team-on-wireless-roaming/
1027	Intentionally Omitted
1028	U.S. Patent No. 6,332,127 ("Bandera")
1029	U.S. Patent No. 6,545,596 ("Moon")
1030	U.S. Patent Publication No. 2002/0046084 A1 ("Steele")
1031	U.S. Patent No. 7,110,749 ("Zellner")
1032	G. Heine, <i>GSM Networks: Protocols, Terminology, and Implementation</i> , Artech House, 1999.
1033	U.S. Patent No. 6,978,138 ("Japenga")
1034	Intentionally Omitted
1035	Telcom Network Planning for evolving Network Architectures, Reference Manual, Draft Version 4.1, ITU, 28 February 2007.
1036	A. Sinclair, <i>GSM Goes to Market</i> , GSM Association, March 2007
1037	Intentionally Omitted
1038	Intentionally Omitted
1039	<i>Bitfone Solutions</i> , Bitfone (Oct. 22, 2006), available at https://web.archive.org/web/20061022001229/http://www.bitfone.com/usa/enter.shtml
1040	U.S. Patent Application Publication 2004/0097260 ("Stenton")

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Exhibit	Description
1041	Sandeep Adwanker, et al., <i>Universal Manager: Seamless Management of Enterprise Mobile and Non-mobile Devices</i> , IEEE International Conference on Mobile Data Management (2004).
1042	U.S. Provisional Patent Application No. 60/774,406 (“Daley Provisional”)
1043	Gary Krakow, The first Palm-Microsoft smart phone debuts, NBC News (January 5, 2006), available at https://www.nbcnews.com/id/wbna10698983
1044	Pui-Wing Tam, How Palm’s Treo Capitalized On BlackBerry’s Patent Fracas, Wall Street Journal (Mar. 23, 2006), available at https://www.wsj.com/articles/SB114308086956305949
1045	E.P. 1,624,710 (“Smith”)
1046	W.O. 2004/030393 (“Korale”)
1047	<i>MySpace, Facebook and Other Social Networking Sites: Hot Today, Gone Tomorrow?</i> , Knowledge at Wharton (May 3, 2006), available at https://knowledge.wharton.upenn.edu/podcast/knowledge-at-wharton-podcast/myspace-facebook-and-other-social-networking-sites-hot-today-gone-tomorrow/
1048	U.S. Patent No. 7,373,246 (“O’Clair”)
1049	U.S. Patent No. 8,666,821 (“Xie”)
1050	U.S. Patent Publication No. 2007/0213925 (“Sharma”)
1051	U.S. District Court Time-to-Trial Statistics for EDTX (Sept. 2025)
1052	“NYU Wireless’ Rappaport envisions a 5G, millimeter-wave future,” available at https://www.fierce-network.com/special-report/nyu-wireless-rappaport-envisions-a-5g-millimeter-wave-future

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I. INTRODUCTION

The Director should deny Patent Owner’s request for discretionary denial in this proceeding (Paper 10) (“Request”) as well as the eleven other IPR proceedings against patents asserted by Patent Owner (the “Challenged Patents”). Each of the relevant factors weigh against denial. *First*, the *Fintiv* factors heavily weigh against denial because trial is scheduled to occur after the projected dates of all twelve of the Final Written Decisions.

Second, Patent Owner lacks settled expectations because despite its contentions that the sole inventor on all twelve Challenged Patents, Dr. Rappaport, had collaborated with Petitioners for multiple decades and had made significant contributions to the industry, Dr. Rappaport *never* indicated to Petitioners of any potential infringement of his patents and *never* told any industry standards groups that his patents were related to the accused Wi-Fi, 4G-LTE and 5G standards. Indeed, Dr. Rappaport’s silence weighs heavily against settled expectations, as the only *expectations* here would be that in collaborating with Petitioners, Dr. Rappaport would have put Petitioners on notice of his patents, instead of waiting for Petitioners to commercialize a product he could (incorrectly) allege infringes. For the same reasons, Patent Owner’s argument that a patent from a completely different family that was cited during prosecution of Samsung patents is not a basis for discretionary denial.

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Third, Patent Owner has asserted, and Petitioners have challenged, twelve patents belonging to three unrelated families that cover four different technologies. Given the wide scope of the subject matter of the Challenged Patents, the Board is better positioned to adjudicate the validity of these patents.

Finally, institution is appropriate to cure the material errors committed by the examiner during prosecution of the '700 patent. Specifically, the examiner allowed the claims over the considered art because they lacked disclosure of providing access of QoS information to end users or carriers that service end users access. Yet as shown in the petition's analysis of the Daley and Aaron references, such techniques were well-known in the art. The examiner therefore committed error by overlooking this art.

II. THERE ARE NO SETTLED EXPECTATIONS IN THE VALIDITY OF THE '700 PATENT

A. Patent Owner Lacks Settled Expectations

Patent Owner has asserted the '700 patent and the following related patents: U.S. Pat. Nos. 8,224,794 ("794 patent") and 8,515,925 ("925 patent"). These patents belong to what Patent Owner calls the "Network Monitoring" family. Request at 6-7.

Although all three patents were issued in the mid-2010's, Patent Owner has never "commercialized, asserted, marked, licensed, or otherwise applied in ...

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petitioner’s particular technology space” any of the twelve Challenged Patents, except through the lawsuit that it filed against Petitioners. *Shenzen Tuozhu Technology Co., Ltd. v. Stratasy, Inc.*, IPR2025-00438, Paper 10 (Director July 17, 2025). Nor does Patent Owner contend it has ever sent a demand letter to anyone— certainly, Patent Owner did not tell Petitioner prior to the filing of this lawsuit in 2025 that it required a license to the Challenged Patents.

Yet as Patent Owner contends, the sole inventor on all twelve patents, Professor Theodore Rappaport, has “[f]or nearly three decades” “collaborated with [Petitioners] closely.” Request at 2. During this multi-decade collaboration, Prof. Rappaport encouraged Samsung to invest in his research, granting Samsung full access to that research in return. Samsung (along with the industry writ large) made significant, well-publicized investments in the accused technology and prominently participated in the relevant standard-setting efforts. *See* Ex. 1052. But in all that time, despite the parties’ close collaboration on development of the relevant standards, not once did Prof. Rappaport ever raise the possibility or suggestion that Petitioners’ products infringed any of the Challenged Patents.

As Patent Owner acknowledges, Prof. Rappaport’s work was widely published in technical papers and textbooks, including publications cited by Petitioners. Nor is it the case that an inventor’s academic publication of his work means, as Patent Owner suggests, that the industry has acquiesced to his work and

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that Samsung should somehow be precluded from challenging Prof. Rappaport's patents now. Such an argument would chill industry-academic collaboration, forcing companies to shun participation in and contribution to academic research to avoid future preclusion arguments. Thus, as a result of Prof. Rappaport sitting on his patent rights, Petitioners had settled expectations that Prof. Rappaport's published research was prior art that was available for use, that they did not infringe the Challenged Patents, and that Prof. Rappaport would not enforce the Challenged Patents. *Ford Motor Company v. AutoConnect Holdings LLC*, IPR2025-01342, Paper 10 (Director Dec. 4, 2025) (“[A]fter a decade-long and continuous customer-supplier relationship, Petitioner had developed a well-settled expectation that it would not be accused of infringing the challenged patents.”).

Patent Owner also argues that Petitioners' prior awareness of the '194 patent, which is part of a different patent family (the Intelligent Wireless Broadband Relay patent family, *see* Request at 6-7), gives rise to settled expectations in the validity of the '700 patent, but cites no authority in support of that argument.¹ In fact, the

¹ Petitioners have also disputed that there are settled expectations of validity for the '194 patent. *See Samsung Elecs. Co., Ltd. v. Massively Broadband LLC*, IPR2026-00035, Paper 10 (Jan. 16, 2026).

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opposite is true. *See Cambridge Industries USA, Inc. v. Applied Optoelectronics, Inc.*, IPR2025-00437, Paper 10 at 2-3 (referring petitions for three patents despite finding settled expectations for two patents “not from the same patent family”).

III. EFFICIENCY AND CONSISTENCY STRONGLY WEIGH AGAINST DISCRETIONARY DENIAL

Patent Owner has asserted, and Petitioner has challenged, twelve patents across three different families directed to vastly different subject matter and technologies. As a result, the Board is a much more suitable venue for reviewing the Challenged Patents. *Tesla, Inc. v. Intellectual Ventures II LLC*, IPR2025-00217, Paper 9 (Director June 13, 2025) (“The large number and vast scope of the patents asserted in the district court litigation (*id.* at 7) weighs against discretionary denial, as the Board is better suited to review a large number of patents involving diverse subject matter.”).

As discussed above, the ’700 patent and two other asserted patents belong to what Patent Owner calls the “Network Monitoring patent family.” Request at 6-7. These patents claim the collection and use of information, including location information, of wireless devices. For this patent family, Patent Owner has accused Samsung’s Knox Suite, which is enterprise software running on a server that can track the locations of Samsung devices within an enterprise. Ex. 1005.

Patent Owner has also asserted five patents in what it calls the “Intelligent

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Wireless Broadband Relay patent family.” Request a 6-7. These patents claim repeater functionality operating on ultrawideband bandwidth and data rates. For this patent family, Patent Owner has accused devices that support Wi-Fi hotspot functionality or provide 5G cellular data connectivity.

Finally, Patent Owner has asserted four patents in what it calls the “Smart Antenna patent family.” Request at 6-7. Two of these patents (the ’763 and ’358 patents) are directed to wireless devices equipped with a single, tunable, multi-band antenna capable of transmission and reception on two or more frequency bands simultaneously, and Patent Owner has accused Samsung smartphones and tablets containing certain Qorvo and/or Qualcomm modules that allegedly support active tuning across multiple frequency bands, or ICs that work in substantially the same way. The other two (the ’625 and ’548 patents) are directed to sensor-based beamsteering in wireless devices equipped with a steerable antenna configured to transmit/receive mmWave signals in the frequency range of 10-500 GHz, and Patent Owner has accused Samsung 5G smartphones containing certain Qualcomm antenna modules allegedly capable of beam tracking and beamforming to avoid obstructions.

Thus, the twelve challenged patents are directed to three different families and four different technologies: (1) wireless repeater functionality using ultrawideband bandwidth, (2) the collection and use of location information of devices, (3) tunable antenna-equipped wireless devices configured for multi-band

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operation, and (4) sensor-based beamsteering in wireless devices with steerable antennas operating at high-frequencies.

Patent Owner nevertheless argues that it would be inefficient for the Board to “evaluate all 340 challenged claims across the Asserted Patents,” since Patent Owner claims it will “narrow the case to a small subset of those claims.” Request at 2-3. To the contrary, evaluating all of the challenged claims at once is a far more efficient use of the Board’s resources than resolving challenges to a small number of claims, which will inevitably lead to subsequent proceedings when Patent Owner asserts other claims in subsequent litigations, based on Patent Owner’s vague assertion it will at some point narrow the case to a smaller number of claims. Further, denying institution based on the aggregate volume of petitions (which are entirely the result of Patent Owner’s decision to assert a wide variety of patents in litigation) would merely incentivize patentees to flood the courts with complex litigation involving large numbers of patents. In addition, Patent Owner is currently asserting 131 claims in the parallel litigation, including nearly all independent claims of the twelve Challenged Patents. The claims that Patent Owner is not asserting are almost all short, dependent claims for which the Board will not need to expend much effort to adjudicate. In addition, the District Court involves significantly more prior art than those being raised in the IPR petitions, making it far more likely that the parties will expend less resources resolving the IPR petitions before the Board. Moreover, there

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is significant overlap between the IPR petitions for each family of patents. The IPR petitions challenging the '700 patent and its related patents all at least assert the combination of Daley in view of Aaron and Scherzer for the independent claims. Thus, there are significant efficiencies in instituting the IPR petitions.

IV. THE EXAMINER ERRED IN ALLOWING THE '700 PATENT

The examiner erred in allowing the '700 patent by overlooking significant prior art. The patent was allowed following applicant's agreement with amendments proposed by the examiner during an interview. Ex. 1004 at 52-62. The independent claims were amended to recite that the quality of service information is either provided (1) to "one or more end users" or their "communication devices," or (2) "carriers or third parties that provide services to one or more end users" or their communication devices. *Id.*

However, the provision of QoS information to end users or carriers that service end users was well-known in the prior art, including the art presented in the petition. For example, Daley discloses "tracing data transferred by the electronic device 107 to the diagnostic server 129 may be processed and provided as viewable data by the diagnostic server 129, for analysis by a human engineer for subsequent corrective steps." Ex. 1009, ¶¶60. Daley also includes a web page interface to allow users to access such information. Ex. 1009, ¶¶273-74. In addition, Aaron discloses that "[t]echnicians can then consult the updated quality-of-service map and

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determine if problems or changes warrant any adjustment to the wireless communications network or its components, and/or to various services or applications.” Ex. 1010, ¶36.

Neither Daley or Aaron were before the examiner. As a result, the examiner committed error by overlooking this highly relevant art. It is therefore “an appropriate use of Office resources to review the[se] potential error[s].” *Taiwan Semiconductor Manufacturing Co. v. Marlin Semiconductor Ltd.*, IPR2025-00847, Paper 11 (Director Sept. 3, 2025); *Tesla, Inc. v. Charge Fusion Techs., LLC*, IPR2025 00153, Paper 11 at 3 (June 12, 2025) (“Petitioner relies on Letendre to teach a ‘slide,’ and Patent Owner does not dispute that Letendre teaches a ‘slider.’”).

V. THE *FINTIV* FACTORS WEIGH AGAINST DISCRETIONARY DENIAL

The *Fintiv* factors heavily weigh against denial, including the fact that trial is scheduled to occur after the statutory deadline for the Board’s Final Written Decision in *all twelve* IPR proceedings, as well as Petitioner’s broad stipulation.

A. Factor 1: The District Court Has Not Indicated Its View on a Stay

Patent Owner attempts to predict how the District Court might rule on a potential post-institution stay motion. Request at 11-13. However, the Board declines to engage in such speculation when the district court has not expressed any position on the matter, instead treating this factor as neutral. *Apple, Inc. v. Fintiv*,

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Inc., IPR2020-00019, Paper 15 at 12 (P.T.A.B. May 13, 2020) (“We decline to infer, based on actions taken in different cases with different facts, how the District Court would rule should a stay be requested by the parties in the parallel case here.”).

Patent Owner concedes that the District Court would likely consider and potentially approve a stay if institution occurs across all twelve petitions. Request at 11, 16-17; *see also Cobblestone Wireless, LLC v. Cisco Systems, Inc.*, No. 2:23-cv-00454-JRG, 2024 WL 5047854 (E.D. Tex. Dec. 9, 2024) (granting stay following institution of IPR against asserted patent); *Emerging Automotive LLC v. Kia Corp. et al.*, No. 2:23-cv-00437-JRG, Dkt. 301 (E.D. Tex. Jun. 30, 2025) (granting stay following institution of IPRs and *ex parte* reexamination against all asserted patents). Indeed, the District Court has shown a recent willingness to grant stays even close to trial. *Stellar LLC v. Motorola Solutions, Inc. et al.*, No. 4:23-cv-750-SDJ, Dkt. 156 (E.D. Tex. Feb. 24, 2025) (imposing stay two weeks before trial, even while awaiting institution decisions on some asserted patents); *Emerging Automotive LLC v. Kia Corp. et al.*, No. 2:23-cv-00437-JRG, Dkt. 301 (E.D. Tex. Jun. 30, 2025) (approving stay three weeks pre-trial).

B. Factor 2: Trial Is Scheduled After the Final Written Decisions

As Patent Owner concedes, trial is currently scheduled for May 17, 2027. That is well after the April 29, 2027 statutory deadline for the Board’s Final Written Decision in this proceeding. It is also after the statutory deadline for the FWD in the

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last-filed IPR, May 8, 2027. This factor therefore substantially weighs against denial. *Google LLC v. Cellular South, Inc.*, IPR2025-00875, Paper 10, (Director Oct. 17, 2025) (“[I]t is likely that a final written decision in this proceeding will issue before the district court trial occurs, reducing the risk of duplication of efforts and inconsistent outcomes.”).

Patent Owner cites to a cherry-picked “median 655 days to trial for cases pending being between Jan. 1, 2022 and Oct. 22, 2025 before Judge Gilstrap.” Request at 17. But Patent Owner fails to heed Chief APJ Boalick’s instruction to use “median time-to-trial statistics for civil actions *in the district court.*” March 24, 2025 Guidance on USPTO’s Rescission of Vidal Memo. The Eastern District of Texas’s official time-to-trial statistics show that the most recent median time-to-trial for the district court is 24.5 months, which would place trial sometime in June 2027, after the current trial date. Ex. 1051. Patent Owner’s statistic also fails to consider the significant rise in cases before Judge Gilstrap over the past year.

C. Factor 3: The Parties’ Limited Investment In The District Court Litigation Weighs Against Discretionary Denial

This factor significantly weighs against discretionary denial. At the time of the Board’s institution decision, the parallel litigation will still be in its early stages with limited investment by the court and parties—including a lack of a *Markman* hearing.

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While Patent Owner emphasizes that the parties have exchanged contentions (Request at 17), that is not what the Board considers to be significant investment. More relevant is the fact that the District Court’s *Markman* hearing is scheduled for November 10, 2026, many months after the Board’s date for deciding institution. Ex. 2018 at 4. Indeed, by the institution decision date of April 16, 2026, the parties will not even have begun the process of claim construction by exchanging proposed terms. Fact discovery has only just begun and is not scheduled to be completed until December 28, 2026. Expert discovery will not be completed until February 1, 2027. These dates establish that there has been very little investment in the litigation. *Cf. Coretronic Corp. v. Maxell Ltd.*, IPR2025-00941, Paper 9 (Sept. 26, 2025) (finding meaningful investment where “the parties have participated in a *Markman* hearing, fact discovery was scheduled to close on August 21, 2025, and expert discovery will close soon.”).

The primary reason there has been little progress in the litigation so far, despite Judge Gilstrap’s propensity for aggressive scheduling, is because Petitioner was diligent in bringing these IPR petitions—all twelve petitions covering a wide swath of subject matter were filed between 3 to 5 months after Patent Owner filed its complaint.

D. Factor 4: Petitioner’s Broad Stipulation

Petitioner has filed a broad stipulation that closes the loophole that the

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Director identified in *Motorola. Motorola Sols.*, IPR2024-01205, Paper 19 at 4 (“Petitioner’s invalidity arguments in the district court are more expansive and include combinations of the prior art asserted in these proceedings with unpublished system prior art, which Petitioner’s stipulation is not likely to moot.”).

Specifically, Petitioner stipulates that, if this petition is instituted (and not later denied institution or dismissed without a Final Written Decision), Petitioner will not assert in the parallel litigation:

(1) any grounds of invalidity arising under U.S.C. § 102 or § 103 involving only patent or printed publication prior art that could have reasonably been raised before the Board with respect to U.S. Pat. No. 8,725,700 (the ’700 patent), including the same grounds in the Petition (Paper 1); or

(2) any grounds of invalidity arising under U.S.C. § 102 or § 103 with respect to the ’700 patent that include U.S. Patent Publication No. 2007/0207800 A1 (“Daley”), U.S. Patent Publication No. 2008/0305747 A1 (“Aaron”), U.S. Patent Publication No. 2008/0186882 A1 (“Scherzer”), U.S. Patent Publication No. 2006/0253453 A1 (“Chmaytelli”), or U.S. Patent Publication No. 2007/0213925 (“Sharma”).

This stipulation includes a *Sotera* stipulation as well as a stipulation not to use any of the IPR prior art, even in combination with system art that could not be raised in the IPR. This stipulation therefore removes any overlap between the parallel litigation and this proceeding, and significantly weighs against denial. *Samsung Electronics Co., Ltd. v. Wilus Institute of Standards and Technology Inc.*, IPR2025-00933 *et al.*, Paper 11 (Director Oct. 10, 2025) (“Petitioner has filed a broad stipulation that reduces the concern of inconsistent outcomes or significant

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duplication of efforts.”).

Patent Owner nevertheless argues that Petitioner’s stipulation is “materially narrower” than the stipulation the Office has proposed in its Notice of Proposed Rulemaking. Request at 18. However, Petitioner has already stated it would update its stipulation to be consistent with such proposed rules if and when they are made final. Paper 8, 2 n.1.

E. Factor 5: Petitioners Being the District Court Defendants Does Not Outweigh the Factors Weighing Against Discretionary Denial

Petitioner is the defendant in the district court case. This factor does not outweigh the other factors discussed above.

F. Factor 6: The Merits of the Petition are Strong

Patent Owner does not dispute the substance of the petition. Instead, Patent Owner argues that Petitioner’s expert “repeatedly asserts that the proposed modifications and combinations would have been ‘straightforward,’ ‘routine,’ or based on ‘well-established’ components, without providing meaningful explanation of *how* the disparate prior-art statements would be integrated or *why* a POSITA would have been motivated to do so.” Request at 19. This is simply not true. Of note, Patent Owner cites to Dr. Almeroth’s testimony regarding reasonable expectation of success and ignores his testimony regarding motivation and the structure of the combination. For example, for the combination of Daley, Aaroon,

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and Scherzer, Dr. Almeroth first describes that the combination “includes Daley’s mobile device monitoring diagnostic system is augmented to leverage the mobile device geographic location capabilities and access point quality measurement collection and use, as disclosed by Aaron and Scherzer.” Ex. 1002, ¶64. He then explains over 13 pages in significant detail why a POSITA would be motivated to make the combination, including express statements of motivation found in the prior art. Ex. 1002, ¶¶65-80. Even in the section on reasonable expectation of success, Dr. Almeroth did not simply rely on “*ipse dixit*” statements. Request at 19. He cited to exhibits showing how implementation of the technologies discussed in Daley, Aaron, and Scherzer were routine, including citations to documentation describing Qualcomm gpsOne, the FCC’s Antenna Structure Registration and TowerSource tool, and the GSM and CDMA standards. *Id.* at ¶¶81-88. Dr. Almeroth took a similar approach for the other rationales to combine.

G. Conclusion

Patent Owner has identified no legitimate basis for the Director to deny institution based on any discretionary factors. Institution should be granted.

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DATED: January 29, 2026

Respectfully submitted,

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