

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.;  
SAMSUNG ELECTRONICS AMERICA, INC.,

Petitioners,

v.

SLYDE ANALYTICS, LLC,

Patent Owner.

Patent No. 10,198,085  
Filing Date: October 31, 2017  
Issue Date: February 5, 2019

Inventors: Alex Bezing, Adrian Mohni, Daniel Pfeifer, and Musa Dogan  
Title: METHOD AND CIRCUIT FOR SWITCHING A WRISTWATCH  
FROM A FIRST POWER MODE TO A SECOND POWER MODE

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**PATENT OWNER'S PRELIMINARY SUR-REPLY**

Case No. IPR2024-00041

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<b>Exhibit No.</b>	<b>Description of Document</b>
2001	Second Amended Docket Control Order, Dkt. 33, <i>Slyde Analytics LLC v. Samsung Elecs. Co.</i> , No. 2:23-cv-00083-RWS-RSP (E.D. Tex., October 5, 2023)
2002	Defendants' Joint Patent L.R. 3-3 Invalidity Contentions and Subject Matter Ineligibility Contentions, <i>Slyde Analytics LLC v. Samsung Elecs. Co.</i> , No. 2:23-cv-00083-RWS-RSP, served November 14, 2023

## I. THE BOARD SHOULD DISREGARD PETITIONERS' LATE SOTERA STIPULATION

A Sotera stipulation is not a *carte blanche* to sidestep the Board's discretion to deny institution. This Board may still exercise its discretion to deny institution, where Patent Owner shows that it had been prejudiced by the timing of the stipulation. *Accord BMW of N. Am., LLC v. NorthStar Sys. LLC*, IPR2023-01017, Paper No. 12, at 10 (P.T.A.B., Dec. 8, 2023) ("Patent Owner [does not] allege that it has been prejudiced by the timing of the stipulation. Therefore, we are not persuaded that we should disregard Petitioner's *Sotera* stipulation because of its timing.") (footnote omitted).

Patent Owner has been prejudiced by Petitioners' late Sotera stipulation. Petitioners filed their Petition for this proceeding on November 2, 2023. Petitioners filed invalidity contentions in the related district court litigation on November 14, 2023, which included the same prior art and combinations relied upon in this proceeding. *See generally* Ex. 2002, at 128-168 (describing various combinations of Yeung, Ruiz, Alameh, Joselli, and Yano). Petitioners' invalidity contentions specifically include a footnote that "Defendants further incorporate its IPR Petition IPR2024-00041 and accompanying exhibits." *Id.*, 128, n.6. Therefore, despite knowing its alleged bases of invalidity, Petitioners nonetheless filed a Petition with the same bases without a Sotera stipulation. Petitioners only filed a Sotera stipulation

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