

From: [Haber, Ben](#)
To: [Director PTABDecision Review](#)
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Subject: RE: IPR2024-00041: Document(s) Filed - Samsung Electronics Co., Ltd. v. Slyde Analytics, LLC
Date: Wednesday, May 8, 2024 6:35:13 PM

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Dear Director Vidal,

Petitioner in the above-captioned IPR respectfully requests Director Review of the Board's decision not to institute review.

In the Decision, the Board panel concluded that Petitioner could not satisfy the reasonably likely standard because it held the prior art (Yeung) did not meet the panel's *sua sponte* claim construction of the terms "first power mode" and "second power mode."

Petitioner hereby provides the following priority-ranked list of the issues for which Petitioner seeks Director Review:

1. Whether the panel erred as a matter of law when, in conflict with recent Federal Circuit decisions such as *Qualcomm Inc. v. Intel Corp.* and Director review decisions like *Assa Abloy AB v. CPC Patent Techs. Pty., Ltd.*, it failed to allow the parties to be heard on a *sua sponte* claim construction before rendering its decision whether to institute. In the alternative, if not a legal error, whether, as a matter of policy and fairness, the panel should have allowed the parties to be heard on a *sua sponte* claim construction before it rendered its decision whether to institute.
2. Whether the panel erred as a matter of law in issuing an overly narrow claim construction, not supported by the claim language or the specification, and whether the panel further erred as a matter of law in failing to consider Petitioner's evidence under that construction.

3. Whether the Board erred as a matter of law or abused its discretion when, in conflict with the Board's Trial Practice Guide and despite both parties' agreement that no claim terms required express construction, it penalized Petitioner for not proffering an express claim construction at the institution stage.

For the reasons above, and further discussed in Petitioner's Request for Director Review, Petitioner respectfully requests that the Director review the panel's decision and correct the errors therein.

Thank You,
Ben Haber
Counsel for Petitioner, Samsung

From: PTACTS_System@uspto.gov <PTACTS_System@uspto.gov>
Sent: Wednesday, May 8, 2024 3:24 PM
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[EXTERNAL MESSAGE]



**UNITED STATES PATENT AND TRADEMARK OFFICE
PATENT TRIAL AND APPEAL BOARD**

Document Filing Notice

AIA Review No.: IPR2024-00041
Petitioner: Samsung Electronics Co., Ltd. of Suwon-si, KR
Patent Owner: Slyde Analytics, LLC of , NY
Patent No.: 10198085
Submitted Date: 05/08/2024
Submitted By: Ben Haber, bhaber@omm.com

The following document(s) has/have been filed.

Document(s) List

| No. | Document No. | Document Type | Document Name | Filing Party | Availability |
|-----|--------------|--|--|--------------|-------------------------|
| 1 | 13 | Request for Director Review - Institution Decision | Petitioner?s Request for Director Review | Petitioner | Available for everyone. |

Questions regarding this receipt should be directed to the Patent Trial and Appeal Board at 571-272-7822 or e-mail to Trials@uspto.gov.

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