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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
90/015,052	06/08/2022	8352730	02198-00080	9657
142179	7590	08/02/2022	EXAMINER	
Hard IP LLC (General)			TARAE, CATHERINE MICHELLE	
10 Notch Hill Drive			ART UNIT	PAPER NUMBER
Livingston, NJ 07039			3992	
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			08/02/2022	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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(THIRD PARTY REQUESTER'S CORRESPONDENCE ADDRESS)

Quinn Emanuel Urquhart & Sullivan, LLP  
Marissa Ducca  
1300 I Street NW, Suite 900  
Washington, DC 20005

***EX PARTE* REEXAMINATION COMMUNICATION TRANSMITTAL FORM**

REEXAMINATION CONTROL NO. 90/015,052 .

PATENT UNDER REEXAMINATION 8352730 .

ART UNIT 3992 .

Enclosed is a copy of the latest communication from the United States Patent and Trademark Office in the above identified *ex parte* reexamination proceeding (37 CFR 1.550(f)).

Where this copy is supplied after the reply by requester, 37 CFR 1.535, or the time for filing a reply has passed, no submission on behalf of the *ex parte* reexamination requester will be acknowledged or considered (37 CFR 1.550(g)).

<b>Order Granting Request For Ex Parte Reexamination</b>	<b>Control No.</b> 90/015,052	<b>Patent Under Reexamination</b> 8352730	
	<b>Examiner</b> C. M TARAE	<b>Art Unit</b> 3992	<b>AIA (FITF) Status</b> No

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

The request for *ex parte* reexamination filed 06/08/2022 has been considered and a determination has been made. An identification of the claims, the references relied upon, and the rationale supporting the determination are attached.

Attachments: a) ☐ PTO-892, b) ☒ PTO/SB/08, c) ☐ Other: \_\_\_\_\_

1. ☒ The request for *ex parte* reexamination is GRANTED.

**RESPONSE TIMES ARE SET AS FOLLOWS:**

For Patent Owner's Statement (Optional): TWO MONTHS from the mailing date of this communication (37 CFR 1.530 (b)). **EXTENSIONS OF TIME ARE GOVERNED BY 37 CFR 1.550(c).**

For Requester's Reply (optional): TWO MONTHS from the **date of service** of any timely filed Patent Owner's Statement (37 CFR 1.535). **NO EXTENSION OF THIS TIME PERIOD IS PERMITTED.** If Patent Owner does not file a timely statement under 37 CFR 1.530(b), then no reply by requester is permitted.

/CATHERINE M TARAE/  
Reexamination Specialist, Art Unit 399

cc:Requester ( if third party requester )

U.S. Patent and Trademark Office  
PTOL-471G(Rev. 01-13)

**Office Action in *Ex Parte* Reexamination**

Part of Paper No. 20220714

## **DECISION ON REQUEST FOR *EX PARTE* REEXAMINATION**

The present application is being examined under the pre-AIA first to invent provisions.

A substantial new question (SNQ) of patentability affecting claims 1-17 of U.S. Pat. No. 8,352,730 to Giobbi (“the ‘730 Patent”) is raised by the Request for *Ex Parte* reexamination filed June 8, 2022 (“Request”) by Samsung Electronics America, Inc. (“Requestor”).

Reexamination is granted for claims 1-17.

### ***Prior and Concurrent Proceedings and Litigation***

Examiner notes related *ex parte* reexamination filings: 90/015,053 (decision on Order not yet made) and 90/015,054 (Order granted on July 13, 2022).

Examiner further notes IPR2021-01444, which concluded with a Denial of Institution in which the PTAB indicated Petitioner did not show a reasonable likelihood of prevailing because Petitioner did not show persuasively that the references taught a “third-party trusted authority.”

The ‘730 Patent is also the subject of 6:21cv210, *Proxense, LLC V. Samsung Electronics Co, Ltd Et Al.*, currently open.

The patent owner is reminded of the continuing responsibility under 37 CFR 1.565(a) to apprise the Office of any litigation activity, or other prior or concurrent proceeding, involving the ‘730 Patent throughout the course of this reexamination proceeding. The third party requester is also reminded of the ability to similarly apprise

the Office of any such activity or proceedings throughout the course of this reexamination proceeding. See MPEP §§ 2207, 2282, and 2286.

***References Asserted by PO Requester as Raising SNQs of Patentability***

- U.S. Pat. No. 7,188,110 to Ludtke (“Ludtke” or “Ex. 1005”) available as prior art under 35 USC 102(e);
- U.S. Pub. No. 20030196084 to Okereke et al. (“Okereke” or “Ex. 1006”) available as prior art under 35 USC 102(a,e);
- U.S. Pub. No. 20030177102 to Robinson (“Robinson” or “Ex. 1007”) available as prior art under 35 USC 102(a,e); and
- WO 9956429 A2 to Scott (“Scott” or “Ex. 1008”) available as prior art under 35 USC 102(b).

Other

- Declaration of Benjamin F. Goldberg (“Goldberg Dec” or “Ex. 1003”).

All of the references and declarations identified in the request have been reviewed and considered.

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