UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD., and

SAMSUNG ELECTRONICS AMERICA, INC.,

Petitioners,

v.

CELLECT, LLC,

Patent Owner.

Case IPR2020-00512

U.S. Patent No. 9,186,052

PETITIONER'S RANKING AND EXPLANATION OF PARALLEL PETITIONS

1. Petitioner herewith files two petitions for *inter partes* review of U.S. Patent No. 9,186,052 ("'052 patent"), IPR2020-00475 ("Petition 1") and IPR2020-00512 ("Petition 2"), and submits this explanation of the differences between the petitions and a ranking of the petitions for the Board's consideration. As these petitions do not present cumulative challenges in a manner contemplated by the Board, Petitioner requests that these two petitions be independently considered.

2. Petitioner challenges three lengthy independent claims of the '052 patent—claim 1 (330 words), claim 2 (322 words), and claim 3 (409 words)—and dependent claim 7, which depends from claim 3. These claims recite different configurations of elements, calling for application of different base prior art references and different grounds. Due to the length of the challenged independent claims and the differences between these claims, these grounds could not be presented in a single filing. Each challenged claim is challenged in only one petition. Petition 1 (IPR2020-00475) has 3 grounds, challenges claims 1, 3, and 7, and is 13,920 words. Petition 2 (IPR2020-0512) has 2 grounds, challenges claim 2, and is 10,651 words. Accordingly, multiple petitions are needed.

3. **Comparison and rankings of the petitions:**

'052 Patent	**Petition 1 IPR2020-00475**	**Petition 2 IPR2020-00512**
Challenged Claims	**1**, **3**, 7	**2**
Used Word Count	13,920 words	10,651 words
Number of Grounds	3	2
Ranking	#1	#2

4. The ranking above is provided to comply with the Trial Practice Guide only. As these two petitions are necessitated by word count constraints, and all claims asserted against petitioner in litigation cannot be challenged otherwise, the ranking in no way communicates a choice of one petition to the exclusion of the other.

5. As these petitions present arguments in a manner contemplated by the Board and are not cumulative challenges, the Board should exercise its discretion to institute both petitions because of the material differences discussed above and the strong showing of obviousness in both petitions.

Dated: February 17, 2020

/Scott A. McKeown/
Scott A. McKeown