

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

---

SONY CORPORATION OF AMERICA; AXIS COMMUNICATIONS AB; AXIS  
COMMUNICATIONS INC.; and HEWLETT-PACKARD CO.  
Petitioners

v.

NETWORK-1 SECURITY SOLUTIONS, INC.  
Patent Owner

---

*INTER PARTES* REVIEW OF U.S. PATENT NO. 6,218,930

Case IPR: *To Be Assigned*

**MOTION FOR JOINDER UNDER 37 C.F.R. §§ 42.22 AND 42.122(b)**

**Mail Stop: Patent Board**  
Patent Trial and Appeal Board  
U.S. Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

## I. STATEMENT OF THE PRECISE RELIEF REQUESTED

Sony Corporation of America, Axis Communications AB, Axis Communications Inc., and Hewlett-Packard Co. (collectively, “Petitioners”) respectfully submit this Motion for Joinder concurrently with a Petition for *Inter Partes* Review of U.S. Patent No. 6,218,930 (“Petition”). Petitioners request institution of an *inter partes* review and joinder pursuant to 35 U.S.C. § 315(c) and 37 C.F.R. § 42.122(b) with the pending *inter partes* review concerning the same patent in *Avaya Inc. v. Network-1 Security Solutions, Inc.*, Case IPR2013-00071 (“Avaya IPR”), which was instituted on May 24, 2013. Joinder is appropriate because it will promote efficient resolution of the validity of a single patent and will not prejudice the parties to the Avaya IPR. Absent joinder, Petitioners may be prejudiced because their interests will not be adequately represented in the Avaya IPR.

This Motion for Joinder and accompanying Petition are timely under 37 C.F.R. §§ 42.22 and 42.122(b), as they are submitted within one month of May 24, 2013, the date that the Avaya IPR was instituted.<sup>1</sup>

---

<sup>1</sup> As stated in the Frequently Asked Questions section of the Patent Trial and Appeal Board’s website (<http://www.uspto.gov/ip/boards/bpai/prps.jsp>), Petitioners understand that prior authorization for filing a motion for joinder with a petition is

## II. BACKGROUND AND RELATED PROCEEDINGS

Network-1 Security Solutions, Inc. (“Network-1” or “Patent Owner”) is the owner of U.S. Patent No. 6,218,930 (the “’930 Patent”). On September 15, 2011, Network-1 sued Petitioners and twelve other manufacturers and sellers of Power over Ethernet equipment (including Avaya Inc.) for alleged infringement of the ’930 Patent. *Network-1 Security Solutions, Inc. v. Alcatel-Lucent USA Inc., et al.*, Case No. 6:11-cv-00492 (E.D. Tex.) (the “Underlying Litigation”). A motion for severance was granted on January 17, 2013, with the severed cases against all of the defendants being consolidated for pre-trial purposes. Each case is currently stayed pending the outcome of the post-grant challenges of the ’930 patent, including the Avaya IPR and a petition for *inter partes* review filed by Sony Corporation of America, Axis Communications AB, and Axis Communications Inc. (Case IPR2013-00092) (“Prior Sony and Axis Petition”).

The ’930 Patent is also the subject of a pending *ex parte* reexamination proceeding (Reexamination No. 90/012,401), in which claims 6, 8, and 9 were

---

not required. As encouraged by the Board, however, Petitioners contacted the Board by email on June 19, 2013, indicating that they are willing to participate in a teleconference if the Board desires such a teleconference.

rejected by the examiner on December 21, 2012 on both anticipation and obviousness grounds.

Avaya filed its petition for *inter partes* review of the '930 Patent on December 5, 2012. Petitioners Sony and Axis timely filed the Prior Sony and Axis Petition on December 19, 2012. On December 26, 2012, the Patent Trial and Appeal Board ("Board") stayed the pending *ex parte* reexamination in light of the Avaya Petition and the Prior Sony and Axis Petition. Avaya IPR, Paper No. 9 (Order to Stay the Concurrent Reexaminations); Prior Sony and Axis Petition, Paper No. 10 (Order to Stay the Concurrent Reexaminations). The Board determined that, because the claims to be reexamined overlapped with the petitions, and despite the grounds of challenge being different, there was good cause to stay the pending reexamination to avoid complications should the claims be amended in the reexamination. *Id.*

The Board instituted the Avaya IPR and decided not to institute the Prior Sony and Axis Petition on May 24, 2013. Soon thereafter, Sony and Axis filed a request for rehearing regarding one ground on June 10, 2013. Prior Sony and Axis Petition, Paper No. 22. Avaya did the same for one denied ground on June 7, 2012. Avaya IPR, Paper No. 20. Both requests are pending.

Petitioners understand from the Board's Order on the Conduct of Proceedings in the Avaya IPR that the parties agreed to the schedule subject to any

motions for joinder and the resolution of Avaya's request for rehearing. Avaya IPR, Paper No. 25 at 2.

The Petition filed with this motion includes grounds of unpatentability based on multiple prior art references. Specifically, similar to one of the grounds instituted in the Avaya IPR, Petitioners assert that claims 6 and 9 of the '930 patent are anticipated under 35 U.S.C. § 102(b) over JP H10-13576 to Matsuno.

Petitioners also assert that Matsuno in combination with U.S. Patent No. 6,449,348 to Lamb renders these claims obvious under 35 U.S.C. § 103(a).<sup>2</sup> Petitioners further assert that claims 6, 8, and 9 of the '930 patent are obvious under 35 U.S.C. § 103(a) over U.S. Patent No. 5,345,592 to Woodmas in view of U.S. Patent No. 5,982,456 to Smith and/or Ron Whittaker, Television Production (Lansing Hays et al. eds., 1993), and obvious over U.S. Patent No. 6,473,608 to Lehr in view of Woodmas.

### **III. STATEMENT OF REASONS FOR RELIEF REQUESTED**

#### **A. Legal Standard**

The Leahy-Smith America Invents Act (AIA) permits joinder of like review proceedings. Thus, an *inter partes* review (IPR) may be joined with another *inter*

---

<sup>2</sup> Petitioners also assert that claim 8, depending from claim 6, is unpatentable on both of these grounds.

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.