UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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SAP AMERICA INC.

Petitioner

v.

CLOUDING IP, LLC

Patent Owner

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Case IPR 2014-00306

Patent 6,738,799

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PATENT OWNER'S OPPOSITION TO PETITIONER'S MOTION FOR JOINDER OF *INTER PARTES* REVIEWS 2014-00306 AND 2013-00586

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Pursuant to the Board's Order of April 24, 2014, Paper 9, Patent Owner, Clouding IP, LLC, submits the following opposition to Petitioner's Motion for Joinder to join this proceeding with that in *Unified Patents Inc. v. Clouding IP, LLC*, IPR2013-00586.

Introduction

Petitioner SAP AMERICA INC. filed a Petition to institute an inter partes review of claims 1, 5-10, 12, 16-21, 23, 24, 30, 31, 37 and 42 of U.S. Patent 6,738,799 (Ex. 1001) (the "'799 Patent") pursuant to 35 U.S.C. §§ 311-319 on December 27, 2013. *SAP America Inc. v. Clouding IP, LLC*, IPR2014-00306, Paper 1 (Dec. 27, 2013). Subsequently, on April 21, 2014, Petitioner filed a motion for joinder with IPR2013-00586. *SAP America Inc.*, IPR2014-00306, Paper 8 (Apr. 21, 2014) (hereinafter "Mot."). For the reasons that follow, Petitioner's motion should be denied.

Related Case IPR2013-00586

Pursuant to an Order dated March 21, 2014, trial has been instituted on multiple grounds in *Unified Patents Inc. v. Clouding IP, LLC*, IPR2013-00586. *Unified Patents Inc. v. Clouding IP, LLC*, IPR2013-00586, Paper 9 at 29-30 (Mar. 21, 2014). Specifically,

inter partes review of claims 1, 5-10, 12, 16-21, 23, 24, 30, 37, and 42 [was] instituted on the following claims and challenged grounds:

(a) that claims 1, 12, 23, 24, 30, 31, 37, and 42 are unpatentable as anticipated by Williams under 35 U.S.C. § 102(e);

(b) that claims 5-10 and 16-21 are unpatentable as obvious over Williams and Miller under 35 U.S.C. § 103(a);

(c) that claims 37 and 42 are unpatentable as anticipated by Balcha under 35 U.S.C. § 102(e);

(d) that claims 1, 5, 9, 10, 12, 16, 20, 21, 23, 24, 30, and 31 are unpatentable as obvious over Balcha and Miller under 35 U.S.C. § 103(a);

(e) that claims 6-8 and 17-19 are unpatentable as obvious over Balcha, Miller, and Freivald under 35 U.S.C. § 103(a); and

(f) that claims 37 and 42 are unpatentable as obvious over Balcha and Freivald under 35 U.S.C. § 103(a).

Id.

Pursuant to the Scheduling Order in IPR2013-00586, Patent Owner's Response and optional Motion to Amend are due May 21, 2014. IPR2013-00586, Paper 10 at 5 (Mar. 21, 2014). Consequently, Patent Owner's

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