

Patent No. 7,147,759
IPR Nos. 2014-(845, 850, 981, 984, 985, 986, 988, 1047, 1059)

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FUJITSU SEMICONDUCTOR LIMITED AND
FUJITSU SEMICONDUCTOR AMERICA, INC., ET AL.

Petitioners

v.

ZOND, LLC
Patent Owner

U.S. Patent No. 7,147,759

Inter Partes Review Case Nos:

IPR Nos. 2014-(845, 850, 981, 984, 985, 986, 988, 1047, 1059)

**PATENT OWNER'S OPPOSITION TO REVISED MOTIONS FOR
JOINDER**

ARGUMENT

Zond LLC (“Zond”) is not opposed to joinder, as it has indicated in previous papers and conferences. However, it proposes joinder under terms that address issues overlooked in the petitioners’ motions.

Each of the Petitioners who seek to join an earlier IPR filed by another party (the “Lead Petitioner”), offer to consolidate its papers with those of Lead Petitioner, within the page limits normally allocated for one party. However, the proposed terms of joinder do not specifically address the situation contemplated here, wherein several other petitioners will also be joined in the same proceeding. The various petitioners therefore do not explicitly agree to consolidate their filings with ALL joined parties, and to share pages of such consolidated filing within the limits for one party.

For at least these reasons, the various motions for joinder filed by different Petitioners do not present a single consistent plan for the numerous IPR proceedings. Patent Owner Zond proposes a single, comprehensive plan for joinder that will apply to all the IPR proceedings and therefore, would be easier to manage.

PROPOSED ORDER

For purposes of this Proposed Order, the term “Joined Petitioners” shall refer to all parties who are joined in the Lead Petitioner’s IPR, including Lead Petitioner and all entities subsequently joined in any proceeding resulting from the Lead Petitioner’s petition. The term “Copied IPR” shall refer to a petition that is a copy of Lead Petitioner’s petition.

ZOND proposes joinder under the following conditions:

- If review is instituted on any ground in the Lead Petitioner’s IPR, each Copied IPR will be instituted on the same grounds and will be joined with the Lead Petitioner’s IPR. Grounds not instituted in the Lead Petitioner’s IPR will be similarly denied in the Copied IPR.
- The scheduling order for the Lead Petitioner’s IPR will apply in the joined proceeding.
- Throughout the proceeding, the Joined Petitioners will file papers as consolidated filings, except for motions that do not involve the other parties, in accordance with the Board's established rules regarding page limits for one party. So long as any Joined Petitioners continue to participate in the joined proceeding, all

such remaining Joined Petitioners will continue to file their papers as consolidated filings and will be responsible for completing all consolidated filings.

- The Joined Petitioners will designate an attorney to conduct the cross examination of any given witness produced by Zond, and the redirect of any given witness produced by the Joined Petitioners, within the timeframe normally allotted by the rules for one party. The Joined Petitioners will not receive any separate cross-examination or redirect time.
- Zond will conduct any cross examination of any given witness jointly produced by Joined Petitioners and the redirect of any given witness produced by Zond within the timeframe normally allotted by the rules for one cross-examination or redirect examination.¹

¹ Lastly, Zond also respectfully asks to reserve the right to request even further consolidation after the Board's decisions on whether to institute review in response to the various Lead Petitioner petitions on the same patent.

Date: September 26, 2014

Respectfully submitted,

/Gregory J. Gonsalves/

Gregory J. Gonsalves
Reg. No. 43,639
2216 Beacon Lane
Falls Church, VA 22043
(571) 419-7252
gonsalves@gonsalveslawfirm.com

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