UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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SAMSUNG ELECTRONICS CO., LTD.,
SAMSUNG ELECTRONICS AMERICA, INC., and
SAMSUNG TELECOMMUNICATIONS AMERICA, LLC,

Petitioners,

v.

Arendi S.A.R.L.,

Patent Owner

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Case IPR2014-01142
Patent 7,917,843

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**ARENDI'S OPPOSITION TO MOTION FOR JOINDER
FILED BY SAMSUNG ELECTRONICS CO., LTD.,
SAMSUNG ELECTRONICS AMERICA, INC., and
SAMSUNG TELECOMMUNICATIONS AMERICA, LLC**

Case IPR2014-01142
Patent 7,917,843

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I. INTRODUCTION

Patent Owner Arendi S.A.R.L. ("Arendi") respectfully requests that the Board deny Petitioners Samsung Electronics Co., Ltd., Samsung Electronics America, Inc., and Samsung Telecommunications America, LLC's ("Samsung") motion requesting joinder of IPR2014-01142 ("Samsung IPR") with IPR2014-00208 ("Apple IPR"). The Samsung IPR and the Apple IPR each concern U.S. Patent No. 7,917,843 ("the '843 patent").

The Board should deny Samsung's motion because joinder will incorporate subject matter that forms an improper basis for challenging a patent via *inter partes* review, require a burdensome amount of additional discovery and expert testimony, and prevent a timely conclusion of the Apple IPR.

II. FACTUAL BACKGROUND

A. Samsung Seeks to Add its *Inter Partes* Review to the Apple IPR

On December 4, 2012, Arendi served a complaint against Samsung alleging that certain Samsung products infringe certain claims of the '843 patent. *See* Ex.2001, *Arendi S.A.R.L. v. Samsung Electronics Co. Ltd., et al.*, Case No. 1:2012cv01598 (D. Del.).

On December 2, 2013, Apple Inc., Google Inc., and Motorola Mobility LLC filed a request for *inter partes* review of the claims of the '843 patent. With this

request, Apple submitted a Declaration of Dr. Daniel A. Menascé. At this time, Samsung did not take any actions against the '843 patent.

On June 11, 2014, the Board instituted an *inter partes* review solely on the ground of obviousness based on Pandit.

On July 11, 2014, Samsung served Arendi with a petition requesting *inter partes* review challenging the '843 Patent. The petition was accompanied by Samsung's motion for joinder with the Apple IPR. In support of its IPR, Samsung has submitted a substantial amount of new evidence to be examined and considered in its IPR. The petition includes a total of nine (9) exhibits, including the declaration and *curriculum vitae* of Dr. Paul Clark, an expert who was not used in the Apple IPR. Samsung hides new evidence inside the declaration of Clark. The declaration discusses unasserted and non-produced prior art including X Windows, Microsoft Mail and Microsoft Word 95 in an attempt to satisfy missing claim limitations of Pandit. An excerpt from Merriam-Webster's Collegiate® Dictionary, Tenth Edition, 1999 is also included as a new exhibit.

Given that Samsung filed its petition more than one year after it was served with a complaint alleging infringement of the '843 patent, denial of this motion will automatically require denial of its petition for an *inter partes* review. Should the Board find that the burdens imposed by the Samsung IPR are not sufficient to deny joinder at this time, it should consider Patent Owner's Preliminary Response,

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