

Filed on behalf of: LG Electronics, Inc. et al.

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

LG ELECTRONICS, INC., LG ELECTRONICS U.S.A., INC., and LG
ELECTRONICS MOBILECOMM U.S.A., INC.

Petitioner

v.

BLACK HILLS MEDIA, LLC
Patent Owner

IPR2015-00334
Patent 8,050,652

MOTION FOR JOINDER
UNDER 35 U.S.C. § 315(c) AND 37 C.F.R. §§ 42.22 AND 42.122(b)

I. STATEMENT OF PRECISE RELIEF REQUESTED

LG Electronics, Inc., LG Electronics U.S.A., Inc., and LG Electronics MobileComm U.S.A., Inc. (collectively “LG” or “petitioner”) respectfully submit this Motion for Joinder concurrently with a petition for *inter partes* review (IPR) of U.S. Patent No. 8,050,652 (“the ’652 Petition”) under 35 U.S.C. § 315(c) and 37 C.F.R. §§ 42.22 and 42.122(b).

Petitioner requests institution of IPR and party joinder with the pending instituted IPR titled, *Samsung Electronics Co., Ltd. v. Black Hills Media, LLC*, IPR2014-00737 (“the Samsung IPR”). The Samsung IPR and the ’652 Petition address the same patent, U.S. Patent No. 8,050,652 (“the ’652 Patent”) on the same grounds, with the same expert. Samsung initiated that proceeding by petitioning the Board on May 8, 2014; the Board instituted the Samsung IPR on November 4, 2014. LG filed this motion within one month of institution. 37 C.F.R. § 42.122(b).

Joinder will efficiently resolve patent validity and will not prejudice the patent owner or Samsung. The ’652 Petition raises the same grounds of unpatentability as the Samsung IPR. Further, the expert declaration submitted with the ’652 Petition is from the same declarant and is identical to the declaration submitted in the Samsung IPR. This ’652 Petition does not present new substantive issues relative to the Samsung IPR and does not seek to broaden its scope. Joinder would not complicate or delay the Samsung IPR and would not adversely affect the schedule. Joinder would

result in efficient and timely resolution of validity. In contrast, absent joinder LG may be prejudiced because its interests may not be adequately represented in the Samsung IPR.

Should the panel join the parties, petitioner agrees to subordinate itself, allowing Samsung to lead the joined proceedings absent settlement by Samsung, in line with common Board practice. Joinder with the Samsung IPR would minimally affect both its procedure and substance.

Petitioner timely filed this motion under 37 C.F.R. § 42.122(b)—submitting it within a month of institution of the Samsung IPR.¹

II. BACKGROUND AND RELATED PROCEEDINGS

Black Hills Media, LLC (“Black Hills” or “Patent Owner”) is the owner of the ’652 Patent. Black Hills Media, LLC (“Black Hills”) asserted the ’652 Patent against LG and others in *Certain Media Devices, including Televisions, Blu-Ray Disc Players, Home*

¹ As stated in the Frequently Asked Questions section of the Patent Trial and Appeal Board’s website (available at <http://www.uspto.gov/ip/boards/bpai/prps.jsp>), petitioner understands that prior authorization for filing a motion for joinder with a petition is not required. As suggested, the petitioner contacted the Board by email, indicating that petitioner is willing to participate in a teleconference if the Board so desires.

Theater Systems, Tablets and Mobile Phones, Components Thereof and Associated Software, Inv. No. 337-TA-882 (U.S.I.T.C., filed May 13, 2013) (“the ITC Investigation”) and *Black Hills Media, LLC v. LG Electronics, Inc.*, 1:13-cv-00803 (filed May 6, 2013) (“the district court litigation”). The ’652 patent was challenged by Samsung in IPR2014-00737, as noted above. It was also challenged in *Yamaha Corp. of Am. V. Black Hills Media LLC*, IPR2013-00594 (filed Sept. 18, 2013).

The ’652 Patent has been asserted in the following litigations:

Name	Number	District	Filed
<i>Black Hills Media LLC v. Logitech Inc., et al.</i>	2-13-cv-06055	CACD	August 19, 2013
<i>Black Hills Media LLC v. Sonos Inc.</i>	2-13-cv-06062	CACD	August 19, 2013
<i>Black Hills Media LLC v. Pioneer Corp., et al.</i>	2-13-cv-05980	CACD	August 15, 2013
<i>Black Hills Media, LLC v. LG Electronics, Inc. et al</i>	1-13-cv-00803	DED	May 6, 2013
<i>Black Hills Media, LLC v. Toshiba Corp. et al</i>	1-13-cv-00805	DED	May 6, 2013
<i>Black Hills Media, LLC v. Samsung Electronics Co. Ltd. et al</i>	2-13-cv-00379	TXED	May 6, 2013

<i>Black Hills Media, LLC v. Sharp Corp. et al</i>	1-13-cv-00804	DED	May 6, 2013
<i>Black Hills Media, LLC v. Panasonic Corp. et al</i>	1-13-cv-00806	DED	May 6, 2013
<i>Black Hills Media LLC v. Yamaha Corp. of America</i>	1-12-cv-00635	DED	May 22, 2012
<i>Black Hills Media LLC v. Pioneer Corporation, et al.</i>	1-12-cv-00634	DED	May 22, 2012
<i>Black Hills Media LLC v. Sonos Inc.</i>	1-12-cv-00637	DED	May 22, 2012
<i>Black Hills Media LLC v. Logitech Inc., et al.</i>	1-12-cv-00636	DED	May 22, 2012
<i>Black Hills Media LLC v. Logitech Inc., et al.</i>	2-13-cv-06055	CACD	August 19, 2013
<i>Black Hills Media LLC v. Sonos Inc.</i>	2-13-cv-06062	CACD	August 19, 2013
<i>Black Hills Media LLC v. Logitech Inc., et al.</i>	1-12-cv-00636	DED	May 22, 2012
<i>Black Hills Media, LLC v. Yamaha Corp. of America</i>	2:13-cv-06054	CACD	May 22, 2012
<i>Black Hills Media, LLC v. Yamaha Corp. of America</i>	8:14-cv-00101	CACD	Jan. 21, 2014

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