

Filed on behalf of: Samsung Electronics Co., Ltd. and  
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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. and  
SAMSUNG ELECTRONICS AMERICA, INC.  
Petitioner

v.

E-WATCH, INC.  
Patent Owner

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Patent No. 7,365,871

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**MOTION FOR JOINDER**

**TABLE OF CONTENTS**

TABLE OF AUTHORITIES ..... ii

I. Introduction.....1

II. Background.....1

III. Argument .....3

    A. Legal Standard.....3

    B. Petitioner’s Motion for Joinder Is Timely.....3

    C. The Relevant Factors Weigh in Favor of Joinder .....3

        1. Joinder Is Appropriate.....4

        2. No New Grounds Are Presented.....5

        3. Joinder Will Not Negatively Impact the HTC IPR Trial  
        Schedule .....6

        4. Discovery and Briefing Can Be Simplified .....6

IV. Conclusion .....8

**TABLE OF AUTHORITIES**

	<b>Page(s)</b>
<b>Cases</b>	
<i>Dell Inc. v. Network-1 Solutions, Inc.</i> , IPR2013-00385, Paper No. 17 (Jul. 29, 2013) .....	6, 7
<i>Hyundai Motor Co. v. Am. Vehicular Sciences LLC</i> , IPR2014-01543, Paper No. 11 (Oct. 24, 2014) .....	3, 6, 7
<i>Macronix Int’l Co. v. Spansion</i> , IPR2014-00898, Paper 15 (Aug. 13, 2014) .....	3
<i>Motorola Mobility LLC v. Softview LLC</i> , IPR2013-00256, Paper 10 (June 20, 2013).....	6, 7
<i>Sony Corp. of Am. v. Network-1 Sec. Solutions, Inc.</i> , IPR2013-00495, Paper No. 13 (Sep. 16, 2013) .....	6
<b>Federal Statutes</b>	
35 U.S.C. § 103 .....	2
35 U.S.C. § 315(c) .....	3
35 U.S.C. § 316(a)(11).....	6
<b>Regulations</b>	
37 C.F.R. § 42.100(c).....	6
37 C.F.R. § 42.122(b) .....	3

## **I. Introduction**

Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc. (collectively, “Petitioner”) submits concurrently herewith a petition for *inter partes* review (the “Petition”) of claims 1-8 and 12-15 of U.S. Patent No. 7,365,871 (“the ’871 patent”), which is assigned to e-Watch, Inc. (“Patent Owner”). Petitioner respectfully requests that this proceeding be joined with a pending *inter partes* review initiated by HTC Corporation and HTC America, Inc. (“HTC”), i.e., *HTC Corp. v. e-Watch, Inc.*, IPR2014-00987 (hereinafter “HTC IPR”).

Petitioner’s request for joinder is timely because it is being filed within one month of the institution of the HTC IPR. The Petition is also narrowly tailored to the ground of unpatentability that is subject of the HTC IPR, and in fact is practically a copy of HTC’s petition with respect to the adopted ground, including the same analysis and expert testimony. In addition, joinder is appropriate because it will efficiently resolve the validity of the challenged claims of the ’871 patent in a single proceeding, without prejudicing the parties to the HTC IPR. In such circumstances, the Board has routinely granted joinder, and therefore should grant joinder here as well.

## **II. Background**

In 2013, Patent Owner filed ten lawsuits asserting the ’871 patent against different defendants, including Samsung Electronics Co., Ltd. and Samsung

Telecommunications America, LLC.<sup>1</sup> See Case Nos. 2:13-cv-01062, -01061, -01063, -01064, -01069, -01070, -01071, -01072, -01073, -01074, -01075, -01076, -01077, -01078.

On June 19, 2014, HTC filed a petition for *inter partes* review challenging the claims of the '871 patent asserted against HTC in district court (i.e., claims 1-8 and 12-15) (IPR2014-00987).<sup>2</sup> See Ex. 1008. On December 9, 2014, the Board instituted trial based on HTC's petition for claims 1-8 and 12-15 under 35 U.S.C. § 103 as obvious over U.K. Patent Application GB 2,289,555 to Wilska et al. (Wilska) and Japanese Patent Publication No. H06-176114 to Yamagishi (Yamagishi-114). Ex. 1009 at 9-11.

The Petition raises only the ground of unpatentability that is subject of the HTC IPR, and in fact is practically a copy of HTC's petition with respect to the adopted ground, including the same analysis and expert testimony. See Pet.

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<sup>1</sup> Effective January 1, 2015, Samsung Telecommunications America, LLC ("STA") merged into Samsung Electronics America, Inc., and STA ceased to exist as a separate corporate entity.

<sup>2</sup> Other entities have also filed petitions for *inter partes* review of the '871 patent, one of which has been instituted. See IPR2014-00439, IPR2015-00402, IPR2015-00404, IPR2015-00406, IPR2015-00411, IPR2015-00412, and IPR2015-00413.

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