

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. 7,643,168

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**MOTION FOR JOINDER**

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**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 1-6, 8, 10-11, 13-18, 21-29, and 31 of U.S. Patent No. 7,643,168 (“the ’168 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.*, IPR2014-00989 (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 grounds of unpatentability that are subject of the HTC IPR, and in fact is practically a copy of HTC’s petition with respect to the adopted grounds, 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 ’168 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 '168 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 '168 patent asserted against HTC in district court (i.e., claims 1-6, 8, 10-11, 13-18, 21-29, and 31) (IPR2014-00989).<sup>2</sup> See Ex. 1009. On December 9, 2014, the Board instituted trial for claims 1-6, 8, 10-11, 13-18, 21-29, and 31 based on the four grounds raised in HTC's petition. Ex. 1010 at 10-23.

The Petition raises only the grounds of unpatentability that are subject of the HTC IPR, and in fact is practically a copy of HTC's petition with respect to the adopted grounds, 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 '168 patent, one of which has been instituted. See IPR2015-00401, IPR2015-00407, IPR2015-00408, and IPR2015-00414.

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