

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 1-31 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 Apple Inc. (“Apple”), i.e., *Apple Inc. v. e-Watch, Inc.*, IPR2015-00414 (hereinafter “Apple IPR”).

Petitioner’s request for joinder is timely because the Board has not yet issued an institution decision in the Apple IPR. The Petition is also narrowly tailored to the ground of unpatentability that is subject of the Apple IPR, and in fact is practically a copy of Apple’s petition with respect to the proposed ground, including the same analysis of the prior art 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 Apple IPR.

## **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 December 11, 2014, Apple filed a petition for *inter partes* review challenging all claims of the '168 patent (i.e., claims 1-31) (IPR2015-00414).<sup>2</sup> See Ex. 1014. The Board has not yet issued an institution decision in IPR2015-00414.

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

### **III. Argument**

#### **A. Legal Standard**

The Board has authority to join as a party any person who properly files a petition for *inter partes* review to an instituted *inter partes* review. 35 U.S.C.

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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 petitions for *inter partes* review of the '168 patent have also been filed, one of which has been instituted. See IPR2015-00401, IPR2015-00407, IPR2015-00408, IPR2015-00414, IPR2015-00543.

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