

Filed on behalf of: Samsung Electronics Co., Ltd. and
Samsung Electronics America, Inc.

By:

Steven L. Park (stevenpark@paulhastings.com)

Naveen Modi (naveenmodi@paulhastings.com)

Elizabeth L. Brann (elizabethbrann@paulhastings.com)

Paul Hastings LLP

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD. and
SAMSUNG ELECTRONICS AMERICA, INC.
Petitioner

v.

E-WATCH, INC.
Patent Owner

Patent No. 7,365,871

MOTION FOR JOINDER

TABLE OF CONTENTS

TABLE OF AUTHORITIES ii

I. Introduction.....1

II. Background.....1

III. Argument2

 A. Legal Standard.....2

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

 C. The Relevant Factors Weigh in Favor of Joinder3

 1. Joinder Is Appropriate.....4

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

 3. Joinder Will Not Negatively Impact the Schedule of the
 Apple IPR.....6

 4. Discovery and Briefing Can Be Simplified7

IV. Conclusion8

TABLE OF AUTHORITIES

	Page(s)
Cases	
<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
Federal Statutes	
35 U.S.C. § 103	2
35 U.S.C. § 315(c)	3
35 U.S.C. § 316(a)(11).....	6
Regulations	
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 1-15 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 Apple Inc. (“Apple”), i.e., *Apple Inc. v. e-Watch, Inc.*, IPR2015-00411 (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 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 Apple 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.¹ 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 '871 patent (i.e., claims 1-15) (IPR2015-00411).² See Ex. 1006. The Board has not yet issued an institution decision in IPR2015-00411.

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 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.

¹ 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.

² Other petitions for *inter partes* review of the '871 patent have also been filed, two of which has been instituted. See IPR2014-00439, IPR2014-00987, IPR2015-00402, IPR2015-00404, IPR2015-00406, IPR2015-00411, IPR2015-00412, IPR2015-00413, IPR2015-00541.

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.