

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LG ELECTRONICS, INC., TOSHIBA CORPORATION, and VIZIO, INC.,
Petitioner,

v.

STRAIGHT PATH IP GROUP, INC.,
Patent Owner.

Case IPR2015-01014 (Patent 6,131,121 C1)
Case IPR2015-01015 (Patent 6,009,469 C1)
Case IPR2015-01017 (Patent 6,108,704 C1)

Before KALYAN K. DESHPANDE, TRENTON A. WARD, and
BART A. GERSTENBLITH, *Administrative Patent Judges*.

DESHPANDE, *Administrative Patent Judge*.

DECISION
Denying Institution of *Inter Partes* Review
37 C.F.R. § 42.108

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IPR2015-01015 (Patent 6,009,469 C1)
IPR2015-01017 (Patent 6,108,704 C1)

I. INTRODUCTION

LG Electronics, Inc., Toshiba Corporation, and VIZIO, Inc. (collectively, “Petitioner”) filed three Petitions¹ requesting an *inter partes* review of claims 6, 8, 10, 11, 13, and 14 of U.S. Patent No. 6,131,121 (14 Ex. 1001, “the ’121 patent”), claims 1–3, 5, 6, 9, 10, 14, 17, and 18 of U.S. Patent No. 6,009,469 (15 Ex. 1001, “the ’469 patent”), and claims 1, 11, 12, 14, 16, 22, 23, 27, 30, and 31 of U.S. Patent No. 6,108,704 (17 Ex. 1001, “the ’704 patent”). Paper 1 (“Pet.”). Patent Owner filed a Preliminary Response in each case. Paper 9. We have jurisdiction under 35 U.S.C. § 314(a), which provides that an *inter partes* review may not be instituted “unless . . . there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.” For the reasons discussed below, we do not institute *inter partes* review of the ’121 patent, the ’469 patent, or the ’704 patent.

II. ANALYSIS

A. Background

With each Petition, Petitioner filed a Motion for Joinder (Paper 3, “Mot.”), seeking to join these cases with *Samsung Elecs. Co. v. Straight Path IP Gr., Inc.*, IPR2014-01368, IPR2014-01367, IPR2014-01366 (PTAB

¹ All citations in this Decision are to IPR2015-01014 unless otherwise noted. IPR2015-01014, IPR2015-01015, and IPR2015-01017 include substantively similar filings and, accordingly, the analysis applies to IPR2015-01015 and IPR2015-01017. Citations may be preceded by “14” to designate IPR2015-01014, “15” to designate IPR2015-01015, or “17” to designate IPR2015-01017.

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Mar. 6, 2015), filed by Samsung Electronics Co., Ltd., Samsung Electronics America, Inc., and Samsung Telecommunications America, LLC (collectively, “Samsung”). Petitioner and Patent Owner filed a Joint Motion for Entry of Joint Stipulated Order defining the parameters of joinder. Paper 7. Subsequently, Petitioner filed an unopposed Motion to Withdraw the Motion for Joinder. Paper 8 (“Mot. to Withdraw”). In a separate decision, entered today, we grant Petitioner’s Motion to Withdraw the Motion for Joinder.

B. Time Bar Under 35 U.S.C. § 315(b)

35 U.S.C. § 315(b) recites that

[a]n inter partes review may not be instituted if the petition requesting the proceeding is filed more than 1 year after the date on which the petitioner, real party of interest, or privy of the petitioner is served with a complaint alleging infringement of the patent.

Patent Owner filed complaints against Petitioner alleging infringement of the ’121 patent, the ’469 patent, and the ’704 patent in the Eastern District of Virginia on August 1, 2013. Prelim. Resp. 3–4; *see* Ex. 2001. Patent Owner served the complaints on Petitioner on November 7, 2013. Prelim. Resp. 4; *see* Ex. 2002. Petitioner filed these Petitions on April 6, 2015. Patent Owner, accordingly, submits that these Petitions are time-barred under 35 U.S.C. § 315(b). Petitioner acknowledges that if Petitioner’s Motion to Withdraw the Motion for Joinder is granted, the Petitions will be time-barred. Mot. to Withdraw 2.

We agree with both Patent Owner and Petitioner that, in view of the Motion to Withdraw the Motion for Joinder, the Petitions are time-barred

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under 35 U.S.C. § 315(b). The Petitions were filed more than one year after Petitioner was served with complaints alleging infringement of the '121 patent, the '469 patent, and the '704 patent. Accordingly, the Petitions are time-barred under 35 U.S.C. § 315(b). Therefore, we do not institute an *inter partes* review of claims 6, 8, 10, 11, 13, and 14 of the '121 patent, claims 1–3, 5, 6, 9, 10, 14, 17, and 18 of the '469 patent, or claims 1, 11, 12, 14, 16, 22, 23, 27, 30, and 31 of the '704 patent.

III. CONCLUSION

For the foregoing reasons, we do not institute *inter partes* review of the '121 patent, the '469 patent, or the '704 patent.

IV. ORDER

Accordingly, it is

ORDERED that no *inter partes* review is instituted.

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