UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

QUALCOMM INCORPORATED Petitioner

v.

BANDSPEED, INC. Patent Owner

IPR2015-01577 U.S. Patent 7,477,624

PETITIONER'S MOTION FOR JOINDER UNDER 35 U.S.C. 315(c) AND 37 C.F.R. §§ 42.22 AND 42.122(b)

TABLE OF AUTHORITIES

Cases

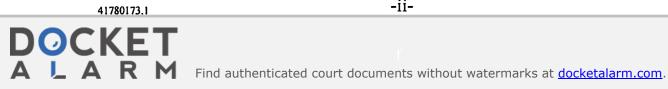
Bandspeed, Inc. v. Broadcom Corporation, 1:14-cv-00433
Bandspeed, Inc. v. Marvell Semiconductor, Inc., 1:14-cv-00434
Bandspeed, Inc. v. MediaTek, Inc., 1:14-cv-00435
Bandspeed, Inc. v. Qualcomm Incorporated et al, 1:14-cv-00436
Bandspeed, Inc. v. STMicroelectronics NV et al, 1:14-cv-00437
Bandspeed, Inc. v. Texas Instruments Incorporated, 1:14-cv-00438
Rules and Statutes
35 U.S.C. § 315(b)
35 U.S.C. § 315(c)
35 U.S.C. § 316(a)(11)
Other Authorities
37 C.F.R. § 2.196
37 C.F.R. § 42.100(c)
37 C.F.R. § 42.122(a)
37 C.F.R. § 42.122(b)
157 CONG. REC. \$1376 (daily ed. Mar. 8, 2011)
PTAB Proceedings
Dell Inc. v. Network-1 Security Solutions, Inc.,

41780173.1

DOCKET

-i-

Enzymotec Ltd. v. Neptune Techs & Bioresources, Inc.,	
IPR2014-00556	5
Nintendo of America Inc., v. Babbage Holdings LLC	
IPR 2015-00568	2



I. STATEMENT OF RELIEF REQUESTED

Petitioner Qualcomm Incorporated ("Qualcomm") respectfully submits this Motion for Joinder together with a Petition for *Inter Partes* Review of U.S. Patent No. 7,477,624 ("Petition"). Pursuant to 35 U.S.C. § 315(c) and 37 C.F.R. § 42.122(b), Qualcomm requests *inter partes* review and joinder with *Marvell Semiconductor, Inc. v. Bandspeed, Inc.*, Case IPR2015-00314 (the "'314 IPR"), in which trial was instituted on Grounds 1, 2, 3 (as modified to exclude the listing of a challenge of claims 3, 5 and 7 pursuant to the institution decision), and 4, of the '314 IPR petition on June 11, 2015. Qualcomm's petition is in all material respects the same as the petition in the '314 IPR. No new arguments, no new patent claims and no new grounds of unpatentability are added by Qualcomm's Petition. Qualcomm's Motion for Joinder and accompanying Petition are being filed within one month of the decision instituting trial in the '314 IPR, and are therefore timely.

Qualcomm is filing this petition and joinder motion to ensure that the instituted trial is completed in the event that the current petitioners in the '314 IPR reach settlement with the Patent Owner. Joinder is appropriate here because Qualcomm's Petition is the same as the '314 IPR petition on which the Board instituted trial. Additionally, joinder will not adversely impact the trial schedule in the '314 IPR, as Qualcomm's legal theories and analysis are identical to those in the '314 IPR and Qualcomm relies on the same expert declaration relied on by the existing



Petitioners in the '314 IPR. Consequently, no additional expert discovery will be required if joinder is allowed, simplifying discovery. Furthermore, Qualcomm will adhere to all applicable deadlines set forth by the June 11, 2015 Scheduling Order currently in place in the '314 IPR. Qualcomm will coordinate with counsel for the '314 IPR petitioners regarding the consolidation of all filings and will not submit any separate filings unless Qualcomm's position differs from the position of the '314 IPR petitioners, in which case Qualcomm would limit any additional filing to seven (7) pages or less.¹ See Nintendo of America Inc., v. Babbage Holdings LLC IPR 2015-00568 (allowing joinder in when this provision was requested). This procedure and continued cooperation of counsel will greatly simplify briefing if the Board permits joinder. Moreover, Qualcomm would be prejudiced if the Board denies the motion for joinder because of the possibility that all petitioners will reach a settlement and successfully move to terminate the proceedings prior to the issuance of a final determination.

as to all other petitioners. Qualcomm would further forego the contingent request for additional briefing if needed in order to allow for joinder.

41780173.1



DOCKET A L A R M



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.