

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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ARRIS GROUP, INC.,  
Petitioner

v.

MOBILE TELECOMMUNICATIONS TECHNOLOGIES, LLC  
Patent Owner

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Case IPR2016-00765  
Patent 5,915,210

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**PATENT OWNER MOBILE TELECOMMUNICATIONS  
TECHNOLOGIES, LLC'S RESPONSE IN OPPOSITION TO  
PETITIONER'S MOTION FOR JOINDER**

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Patent Trial and Appeal Board  
U.S. Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

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## I. INTRODUCTION

Patent Owner, Mobile Telecommunications Technologies, LLC, (“Patent Owner”) files this Response in Opposition to Petitioner ARRIS Group, Inc.’s (“ARRIS”) motion (the “ARRIS Motion”) to join this IPR proceeding, No. IPR2016-00765 (the “ARRIS IPR”) with the pending *inter partes* review in IPR2014-01724 (the “Samsung IPR”), filed by Samsung Electronics Co., Ltd. (“Samsung”), involving U.S. Patent No. 5, 915,210 (“the ’210 Patent”). In short, granting joinder in this case would unduly burden the Patent Owner, because in the time period between institution of the Samsung IPR and the due date of the Patent Owner’s Response, the Patent Owner and Samsung have in good faith sought and achieved settlement. As a result, if the ARRIS motion is granted the Patent Owner will be prejudiced in that it will have much less time to depose ARRIS’s expert and prepare its own expert declaration and response. In addition, Aruba Networks, Inc., Hewlett Packard Enterprise Company, and HP Inc. (“Aruba”) has also filed a motion (the “Aruba Motion”) to join IPR proceeding, No. IPR2016-00769 (the “Aruba IPR”) with the Samsung IPR. As a result, if the Aruba motion is also granted the Patent Owner will further be prejudiced in that it will have to coordinate with two parties in a shortened time period.

## II. STATEMENT OF MATERIAL FACTS

1. On February 16, 2016, the Samsung IPR was instituted. *See* Paper 9 of the Samsung IPR.

2. In the Samsung IPR, Patent Owner's Response was scheduled for May 18, 2016. *See* Paper 12 of the Samsung IPR.

3. The co-pending district court case trial between the Patent Owner and Samsung involving the '210 Patent was scheduled to begin before May 18, 2016.

4. On March 16, 2016, ARRIS filed the petition of the ARRIS IPR and the ARRIS Motion.

5. On April 11, 2016, the Patent Owner and Samsung settled their dispute regarding the '210 Patent.

6. On April 12, 2016, the Patent Owner and Samsung requested permission to file a joint motion to terminate the Samsung IPR.

7. On April 13, 2016, the Patent Owner and Samsung filed a joint stipulation of due dates moving the due date of Patent Owner's response to June 18, 2016 and Petitioner's reply to September 10, 2016.

8. On April 13, 2016, Patent Owner and Samsung received permission to file a joint motion to terminate the Samsung IPR.

9. On April 14, 2016, Patent Owner and Samsung filed a joint motion to terminate the Samsung IPR.

### **III. ARGUMENT**

Patent Owner opposes the ARRIS motion as follows.

#### **A. Patent Owner Punished For Focusing On Settlement**

As described above, if the ARRIS Motion is granted the Patent Owner will be prejudiced in that it will have much less time to depose ARRIS's expert and prepare its own expert declaration and response. In other words, if the ARRIS Motion is granted, the Patent Owner will be punished for focusing on seeking and achieving settlement with Samsung in the Samsung IPR.

On February 16, 2016, the Samsung IPR was instituted. *See* Paper 9 of the Samsung IPR. In general, an IPR proceeding regarding a patent is instituted to affect: (1) the public's interest in this patent; (2) the resolution of disputes involving the patent in other jurisdictions; or (3) the construction of claim terms of the patent.

In the Samsung IPR, Patent Owner's Response was scheduled for May 18, 2016. *See* Paper 12 of the Samsung IPR. Because the co-pending district court case trial between the Patent Owner and Samsung involving the '210 Patent was scheduled to begin before May 18, 2016, the district court case was going to resolve the three factors mentioned above long before the Samsung IPR. As a result, the Patent Owner and Samsung focused on settling the Samsung IPR.

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