

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ARRIS GROUP, Inc. *Petitioner,*

v.

MOBILE TELECOMMUNICATIONS
TECHNOLOGIES, LLC,

Patent Owner.

Inter Partes Review of U.S. Patent No. 5,659,891

IPR Case No.: *To Be Assigned*

**MOTION FOR JOINDER PURSUANT TO 35 U.S.C. § 315(c)
AND 37 C.F.R. § 42.122(b)**

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I. STATEMENT OF THE PRECISE RELIEF REQUESTED

Pursuant to 35 U.S.C. § 315(c) and 37 C.F.R. § 42.122(b), petitioner ARRIS Group, Inc. (“ARRIS” or “Petitioner”) respectfully requests that they be joined as a party to the following pending *inter partes* review proceeding concerning the same patent at issue here, U.S. Patent No. 5,659,891 (“the ‘891 Patent”): *Samsung Electronics Co., Ltd. v. Mobile Telecommunications Technologies, LLC*, IPR2014-01726 (the “Samsung IPR”). Petitioners have filed concurrently herewith a “Petition for *Inter Partes* Review of Claims 1-5 of U.S. Patent No. 5,659,891,” in which they assert the same grounds of invalidity as have been raised in the Samsung IPR. This Motion is timely under 37 C.F.R. §§ 42.22 and 42.122(b) because it is being submitted within 30 days of institution of the Samsung IPR. *See Taiwan Semiconductor Mfg. Co. v. Zond, LLC*, IPR2014-00781, -00782, Paper 5 (May 29, 2014) at 3; 37 C.F.R. § 42.122(b).

Petitioners respectfully submit that joinder of these proceedings is appropriate. Joinder will not impact the Board’s ability to complete its review in the statutorily prescribed timeframe. Indeed, the invalidity grounds raised in this IPR are identical to the invalidity grounds raised in the Samsung IPR. Accordingly, joinder will ensure the Board’s efficient and consistent resolution of the issues surrounding the invalidity of the ‘891 Patent. Moreover, joinder will

not prejudice the Samsung IPR parties because the scope and timing of the Samsung IPR proceeding should remain the same. Finally, the Board can implement procedures that are designed to minimize any impact to the schedule of the Samsung IPR. For these reasons and the reasons outlined herein, joinder should be granted.

II. STATEMENT OF MATERIAL FACTS

1. On January 4, 2016 Mobile Telecommunications Technologies, LLC (“M-Tel” or “Patent Owner”) filed a complaint against several Multiple System Operators (MSOs) in the United States District Court for the Eastern District of Texas alleging infringement of three expired U.S. patents alleged to cover various Wi-Fi functionality, including the ‘891 Patent. *See, e.g.*, Complaint for *Mobile Telecommunications Technologies, LLC v. Time Warner Cable Inc.*, 2:16-cv-00007 (E.D. Tex.); Complaint for *Mobile Telecommunications Technologies, LLC v. Cox Communications, Inc.*, 2:16-cv-00010 (E.D. Tex.); Complaint for *Mobile Telecommunications Technologies, LLC v. Bright House Networks, LLC*, 2:16-cv-00008 (E.D. Tex.); (hereinafter, collectively referred as “the Underlying Litigation”).

2. In its Complaint, Mobile Telecommunications Technologies, LLC purports to be the owner of the ‘891 Patent. *See id.*

3. Several of the MSOs that were served with the complaint included

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