

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

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

v.

EVOLVED WIRELESS LLC,
Patent Owner.

Case IPR2016-01345
Patent 7,881,236 B2

Before WILLIAM V. SAINDON, PETER P. CHEN, and TERRENCE W.
McMILLIN, *Administrative Patent Judges*.

CHEN, *Administrative Patent Judge*.

DECISION

Instituting *Inter Partes* Review and Consolidating with IPR2016-00757
37 C.F.R. § 42.108 and 37 C.F.R. § 42.122(a)

INTRODUCTION

We have instituted trial in IPR2016-00757. The Petition herein states that it “is substantially identical to the petition that ZTE (USA) Inc. et al. filed on May 31, 2016 in IPR2016-00757 (‘the ZTE proceeding’),” and is “limited to substantially the same claims, grounds, arguments, and evidence presented in the ZTE proceeding.” Paper 1. Petitioner states that, following institution, it intends to seek joinder with the ZTE proceeding under 35 U.S.C. § 315(c), 37 C.F.R. §§ 42.22, and 42.122(b). *Id.*

For the reasons expressed in our Decision instituting trial in the ZTE proceeding, we likewise determine that the record in this proceeding establishes a reasonable likelihood that Petitioners will prevail in showing that claims 1–16 of U.S. Patent No. 7,881,236 B2 (“the ’236 patent”) are unpatentable. We, therefore, institute trial as we did in IPR2016-00757, and consolidate the two *inter partes* reviews, pursuant to 35 U.S.C. § 315(d) and 37 C.F.R. § 42.122(a). A motion for joinder is not required.

ORDER

It is

ORDERED that pursuant to 35 U.S.C. § 314, an *inter partes* review is hereby instituted on the following grounds:

1. Claims 1–6 of the ’236 patent, under 35 U.S.C. § 103 as obvious over the 3GPP Technical Specification 300 (the “300 Specification”) and the 3GPP Technical Specification 321 (the “321 Specification”); and
2. Claims 7–10 and 12–13 of the ’236 patent, under 35 U.S.C. § 103 as obvious over the 300 Specification, the 321 Specification, and the Ericsson ’468 patent;

FURTHER ORDERED that pursuant to 35 U.S.C. § 314(d) and 37 C.F.R. § 42.4, notice is hereby given of the institution of a trial on the grounds of unpatentability authorized above; the trial commences on the entry date of this Decision; and

FURTHER ORDERED that pursuant to 35 U.S.C. §315(d) and 37 C.F.R. § 42.122(a), this *inter partes* review is hereby consolidated with the trial in IPR2016-00757;

FURTHER ORDERED that all future filings are to be made in IPR2016-00757, using the combined case caption as attached to this Decision;

FURTHER ORDERED that Petitioner and the Petitioner in IPR2016-00757 (“Petitioners”) will share all time permitted for depositions and will file all papers, except for papers that do not involve the other petitioner, as a consolidated paper, and that consolidated papers will not be given additional pages or words unless otherwise authorized by the Board;

FURTHER ORDERED that, if a petitioner wishes to make statements or provide information or material separately from the other petitioner in a consolidated paper, the paper must identify and attribute such separate statements and information or material clearly;

FURTHER ORDERED that, for purposes of accessing the electronic record, counsel for Petitioner will be added as backup counsel of record of the Petitioner in IPR2016-00757 (e.g., by filing an appearance in that case), and that only a single attorney may be designated as lead counsel for Petitioners;

FURTHER ORDERED that a copy of this Decision shall be entered in the record of IPR2016-00757.

IPR2016-01345
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¹ IPR2016-01345 has been consolidated with this proceeding.