

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD., AND
SAMSUNG ELECTRONICS AMERICA, INC.,

Petitioners,

V.

EVOLVED WIRELESS LLC,

Patent Owner

Case IPR2017-00106
Patent 8,218,481

**PATENT OWNER'S OPPOSITION TO
PETITIONER'S MOTION FOR JOINDER**

TABLE OF CONTENTS

	Page
TABLE OF CONTENTS.....	i
I. Introduction	1
II. Statement of Material Facts.....	1
III. The Board Should Deny Petitioner’s Motion Because Petitioner Already Elected Grounds in IPR2016-01342.....	3
A. Legal Standard.....	3
B. Petitioner Has Failed to Meet Its Burden of Setting Forth the Reasons that Joinder Is Appropriate	4
IV. The Board Should Deny Petitioner’s Motion as to Ground 2, Claims 4 and 2, Because the Board Did Not Institute Those Grounds in IPR2016-00758.....	5
A. Petitioner’s Grounds for Instituting Claims 4 and 11 Are Identical to Rejected Grounds in the Underlying Petition	5
B. Petitioner Has Failed to Meet Its Burden of Setting Forth the Reasons that Joinder Is Appropriate with Respect to Ground 2, Claims 4 and 11	6
V. Conclusion	8

TABLE OF AUTHORITIES

	Page(s)
Cases	
<i>Bungie, Inc., v. Acceleration Bay, LLC</i> , IPR2015-00567, Decision Granting Motion for Joinder in Part, Paper 11 (PTAB July 7, 2016).....	3
<i>Ciena Corp., et al. v. Capella Photonics, Inc.</i> , IPR2015-00894, Decision Granting Motion for Joinder, Paper 12 (PTAB Sept. 22, 2015)	7
<i>Ciena Corp., et al. v. Capella Photonics, Inc.</i> , IPR2015-01958, Decision Granting Motion for Joinder, Paper 11 (PTAB Apr. 1, 2016)	7
<i>Dell Inc. v. Network-1 Security Solutions, Inc.</i> , IPR2013-00385, Decision Granting Motion for Joinder, Paper 17 (PTAB July 29, 2013).....	7
<i>Dot Hill Systems Corp. v. Crossroads Systems, Inc.</i> , IPR2015-00822, Decision Granting Motion for Joinder in Part, Paper 18 (PTAB Sept. 17, 2015)	8
<i>Ion Geophysical Corp. and Ion Int’l S.A.R.L. v. Westerngeco LLC</i> , IPR2015-00567, Decision Granting Motion for Joinder in Part, Paper 14 (PTAB Apr. 23, 2015)	8
<i>LG Electronics, Inc. v. ATI Technologies ULC</i> , IPR2015-01620, Decision Denying Motion for Joinder, Paper 10 (PTAB Feb. 2, 2016)	3
<i>Mylan Pharmaceuticals Inc. v. Novartis AG, et al.</i> , IPR2015-00265, Decision Granting Motion for Joinder, Paper 17 (PTAB Apr. 10, 2015)	7
<i>Perfect World Entertainment, Inc. v. Uniloc USA, Inc., et al.</i> , IPR2015-01026, Decision Granting Motion for Joinder, Paper 10 (PTAB Aug. 3, 2015)	7

Sierra Wireless America, Inc. et al v. M2M Solutions LLC,
 IPR2016-01073, Decision Granting Motion for Joinder,
 Paper 17 (PTAB Sept. 29, 2016)7

Sony Corp., et al. v. Memory Integrity, LLC,
 IPR2015-01376, Decision Granting Motion for Joinder in Part,
 Paper 12 (PTAB Sept. 29, 2015)7

Other Authorities

37 C.F.R. § 42.20(c).....3

I. Introduction

Patent Owner, Evolved Wireless, LLC, respectfully requests that the Board deny Petitioner Samsung Electronics Co., Ltd., and Samsung Electronics America, Inc.’s Motion to Join IPR2016-00758 (the “Instituted Petition”). Petitioner’s petition for *inter partes* review of U.S. Patent No. 8,218,481 (the “’481 Patent”) – IPR2017-00106 – filed concurrently with Petitioner’s Motion for Joinder, relies on three grounds that were previously addressed by the Board in IPR2016-00758, including a ground that the Board denied in part. Petitioner seeks to reintroduce these previously rejected arguments without any justification. In addition, Petitioner intentionally chose not to assert these grounds earlier, before the one-year filing window closed, when it submitted its own Petition for *inter partes* review in IPR2016-01342. Petitioner’s motion should be denied.

II. Statement of Material Facts

1. Over a year ago, Patent Owner concurrently filed patent infringement litigations against Petitioner and the Original Petitioner¹ in the Instituted Petition asserting the ’481 Patent and other related patents. *See Evolved Wireless, LLC v. Samsung Electronics Co.*, Case No. 15-545-SLR-SRF (D. Del., filed June 26,

¹ “Original Petitioner” refers collectively to HTC Corporation, HTC America, Inc., and ZTE (USA), Inc.

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