

**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 No. IPR2017-00106  
Patent 8,218,481

---

**PETITIONERS' REPLY TO PATENT OWNER'S OPPOSITION  
TO MOTION FOR JOINDER**

Patent Owner argues in its November 14 Opposition that Petitioners' Motion for Joinder should be denied because the instant petition (IPR2017-00106) ("106 Proceeding") includes claims 4 and 11 in Ground 2, which the Board did not institute in the underlying IPR2016-000758 proceeding ("758 Proceeding"). After filing of the Patent Owner's Opposition, the parties conferred and resolved Patent Owner's concerns with respect to joinder. Specifically, on November 29, Patent Owner agreed to limit its opposition to only those grounds and claims that were not instituted in the 758 Proceeding. Petitioners subsequently agreed *not* to seek joinder for claims not instituted in the 758 Proceeding—*i.e.*, Petitioners are *not* seeking joinder as to Ground 2, claims 4 and 11.

Patent Owner confirmed the parties' understanding via e-mail on December 12, 2016:

"Samsung may inform the Board that Patent Owner's opposition is only limited to those grounds/claims that were not instituted in IPR2016-00758."

Accordingly, the remaining claims in the instant petition are now identical to those instituted in the 758 Proceeding and Petitioners' Motion for Joinder now stands unopposed by Patent Owner. Joinder is appropriate in these circumstances. *See Sierra Wireless America, Inc. et al v. M2M Solutions LLC*, IPR2016-01073, Paper 17 at 8.

In light of the foregoing, Petitioners request that the Board institute an IPR on the remaining grounds in the 106 Proceeding and grant their Motion for Joinder with the *ZTE (USA) Inc., HTC Corporation, and HTC America, Inc. v. Evolved Wireless, LLC*, IPR2016-00758 proceeding with respect to the instituted grounds.

Date: December 14, 2016

Respectfully submitted,

By: /s/ James M. Glass

James M. Glass (Reg. 46,729)

QUINN EMANUEL URQUHART &  
SULLIVAN

51 Madison Ave., 22nd Fl.

New York, NY 10010

T: (212) 849-7000

F: (212) 849-7100

[jimglass@quinnemanuel.com](mailto:jimglass@quinnemanuel.com)

*Attorney for Petitioners Samsung Electronics Co.,  
Ltd. and Samsung Electronics America, Inc.*

**CERTIFICATION OF SERVICE (37 C.F.R. §§ 42.6(e))**

The undersigned hereby certifies that the above-captioned “PETITIONERS’  
REPLY TO PATENT OWNER’S OPPOSITION TO MOTION FOR JOINDER”  
was served in its entirety on December 14, 2016, upon the following parties:

**Counsel for Patent Owner in IPR2017-00106 and IPR2016-00758, via  
electronic mail:**

Cyrus A. Morton (Reg. 44,954)  
Ryan M. Schultz (Reg. 65,134)  
ROBINS KAPLAN LLP  
2800 LaSalle Plaza  
800 LaSalle Ave  
Minneapolis, MN 55402  
Telephone: (612) 349-8500  
Fax: (612) 339-4181  
CMorton@robinskaplan.com  
RSchultz@robinskaplan.com  
Evolved\_RK\_Team@robinskaplan.com

**Counsel for Petitioners in IPR2016-00758, via electronic mail:**

Charles M. McMahon (Reg. 44,926)  
Hersh H. Mehta (Reg. 62,336)  
MCDERMOTT WILL & EMERY  
227 W. Monroe  
Chicago, IL 60606  
Telephone: (312) 984-7764  
Fax: (312) 984-7700  
cmcmahon@mwe.com  
hmehta@mwe.com

Stephen S. Korniczky (Reg. 34,853)  
skorniczky@sheppardmullin.com  
Martin Bader (Reg. 54,736)  
mbader@sheppardmullin.com  
Ericka J. Schulz (Reg. 60,665)  
eschulz@sheppardmullin.com  
SHEPPARD, MULLIN, RICHTER &  
HAMPTON, LLP  
12275 El Camino Real, Suite 200  
San Diego, CA 92130  
Telephone: (858) 720-8900  
Fax: (858) 720-4882

Date: December 14, 2016

Respectfully submitted,

By: /s/ James M. Glass

James M. Glass (Reg. 46,729)  
QUINN EMANUEL URQUHART &  
SULLIVAN

51 Madison Ave., 22nd Fl.  
New York, NY 10010

T: (212) 849-7000

F: (212) 849-7100

jimglass@quinnemanuel.com

*Attorney for Petitioners Samsung Electron-  
ics Co., Ltd. and Samsung Electronics  
America, Inc.*