

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

VALVE CORPORATION,

Petitioner,

v.

IRONBURG INVENTIONS LTD.,

Patent Owner.

Case IPR2017-00136

Patent 8,641,525

**PATENT OWNER'S OPPOSITION TO PETITIONER'S MOTION FOR
JOINDER AND/OR CONSOLIDATION**

TABLE OF CONTENTS

	Page
I. INTRODUCTION	1
II. BACKGROUND	1
III. ARGUMENT	3
A. Valve Is Not Entitled To Use The Institution Decision In The 948 IPR As A Roadmap For Its Second Petition	4
B. Valve Fails To Provide A Good Cause Or Reason To Warrant A “Second Bite At The Apple”	6
C. The Facts Of This Case Merit Denial Of Joinder	8
D. Joinder Would Unduly Delay And Complicate The Proceedings Already Well Underway	11
E. Joinder Will Unjustly Prejudice Ironburg	13
IV. CONCLUSION.....	15

TABLE OF AUTHORITIES

Page

CASES

<i>Ariosa Diagnostics v. Isis Innovation, Ltd.</i> IPR2013-00250	6
<i>Butamax Advanced Biofuels LLC. v. Gevo, Inc.</i> , IPR2014-00581	4
<i>Medtronic, Inc. v. Endotach LLC</i> , IPR2014-00695	14
<i>Microsoft Corp. v. Proxyconn</i> , Inc., IPR2013-00109	7
<i>NetApp, Inc. v. PersonalWeb Techs., LLC</i> , IPR2013-00319	3
<i>Oxford Nanopore Tech. Ltd. v. Univ. of Washington</i> , IPR2015-00057	7
<i>Samsung Elecs. Co. Ltd. v. Virginia Innovation Sciences, Inc.</i> , IPR2014-00557	7
<i>Samsung Electronics Co. Ltd. et al. v. Affinity Labs of Texas, LLC</i> , IPR2015-00820	4
<i>Samsung Electronics, et al. v. Rembrandt Wireless Tech., LP</i> , IPR2015-00555	6
<i>Sony Corp. of Am. v. Network-1 Sec. Solutions, Inc.</i> , IPR2013-00386	3
<i>Sony Corp. v. Yissum Research Dev. Co. of the Hebrew Univ. of Jerusalem</i> , IPR2013-00327	7
<i>Standard Innovation Corp. v. Lelo, Inc.</i> , IPR2014-00907	12
<i>Target Corp. v. Destination Maternity Corp.</i> , IPR2014-00508	7
<i>ZTE Corp. et al. v. ContentGaurd Holdings, Inc.</i> , IPR2013-00454	6

TABLE OF AUTHORITIES
(continued)

Page

STATUTES

35 U.S.C. § 315(c)3, 4

OTHER AUTHORITIES

37 C.F.R. §§ 42.20(c).....3

37 C.F.R. § 42.53(d)13, 15

37 C.F.R. § 42.1223

I. INTRODUCTION

Valve Corporation (“Valve”) asks the Board to exercise its discretion to join and/or consolidate two *inter partes* review proceedings, involving different claims, different prior art references, different combinations of prior art, different arguments, and different expert testimony. IPR2017-00136, Paper 3 (“Motion”). But Valve is not entitled to a “do over” to challenge claims 1-20 of the ’525 Patent on five new grounds of unpatentability based on three new references. Valve’s new petition is nothing more than a “second bite at the apple” and an effort to remedy its prior deficient challenges against the ’525 Patent. It has not demonstrated why joinder and/or consolidation of IPR2016-00948 (“the 948 IPR”) with IPR2017-00136 (“the 136 IPR”) is appropriate in this case or how it can be accomplished without unduly delaying the proceedings well underway. Joinder of these proceedings will also undoubtedly prejudice Ironburg Inventions Ltd. (“Ironburg”). Therefore, Valve’s Motion should be denied.

II. BACKGROUND

On April 22, 2016, Valve filed its first petition (“First Petition”) for *inter partes* review of the ’525 Patent, alleging Claims 1-20 are unpatentable over Tosaki, Jimakos, Enright, Ono and Oelsch references. 948 IPR, Paper 1 at 4-6.

On June 13, 2016, Ironburg notified Valve that, in addition to the patents

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.