UNITED STATES PATENT AND TRADEMARK OFFICE ——————— BEFORE THE PATENT TRIAL AND APPEAL BOARD ———————

SAMSUNG ELECTRONICS CO., LTD., SAMSUNG ELECTRONICS AMERICA, INC., and HUAWEI DEVICE USA INC.,

Petitioners,

V.

RYUJIN FUJINOMKAI

Patent Owner.

Case IPR2017-01017 Patent Number: 6,151,493

PATENT OWNER RYUJIN FUJINOMAKI'S COMBINED PRELIMINARY RESPONSE AND RESPONSE TO PETITIONERS' MOTION FOR JOINDER



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IV.	ARGUMENTS AND AUTHORITIES				
	A.		Petition should be denied because it was not timely filed, thus ution is barred by 35 U.S.C. §315(b)		
		1.	Samsung and Huawei filed this IPR Petition more than one year after they were served with a complaint for infringement of the '493 patent		
		2.	Petitioners' Motion for Joinder does not exempt their Petition from the time-bar of §315(b)		
	B.	Patent Owner's Response and Opposition to Petitioners' Motion for Joinder			
		1.	The Motion for Joinder should be denied because the motion was never authorized by the Board		
		2.	Samsung and Huawei do not meet the statutory requirement for joinder to the -1522 IPR.		
	C.	If the Board exercises its discretion to grant the Motion, then this Ca should be terminated and other procedural protections should imposed.			
V.	CON	CONCLUSION			



TABLE OF AUTHORITIES

Cases:

City of Arlington v. FCC, 133 S.Ct. 1863 (2013)	10-11
Hyundai Motor Co. v. American Vehicular Sciences LLC, Case IPR2014-01543, Paper 11 (PTAB Oct. 24, 2014)	15
Sony Corp. of America v. Network-1 Security Solutions, Inc., Case IPR2013-00495, Paper 13 (PTAB Sept. 16, 2013)	15
Statutes:	
35 U.S.C. §311(a)	3, 9
35 U.S.C. §313	1
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35 U.S.C. §315(c)	3, 9, 13
35 U.S.C. §315(d)	13
35 U.S.C. §316(a)(8)	1
Regulations:	
37 C.F.R. §42.1(b)	13
37 C.F.R. §42.20(a)	12
37 C.F.R. §42.20(b)	3, 12-13
37 C.F.R. §42.101(b)	1, 10
37 C F R 842 107(a)	1



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37 C.F.R. §42.120	1
37 C.F.R. §42.122(b)	10-11
Other Arthorities	
Other Authorities:	
Standard Operating Procedure 1 (rev. 14, May 8, 2015)	11
PTAB Trial Practice Guide, 77 Fed. Reg. 157	12



PATENT OWNER'S EXHIBIT LIST

Exhibit No.	Title
2001	Fujinomaki's Original Complaint for Patent Infringement;
	Case No. 2:15-cv-01381-JRG-RSP (E.D. Tex); Filed July 31, 2015
2002	Samsung's Motion for Extension of Time; Filed August 18, 2015
2003	Huawei's Motion for Extension of Time; Filed October 16, 2015
2004	Fujinomaki's Motion to Substitute Defendant; Filed May 5, 2016
2005	Memorandum Order Granting Defendants' Motion to Transfer Venue;
	Filed May 13, 2016



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