

Filed on behalf of: Veritas Technologies LLC

Entered: June 28, 2017

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

VERITAS TECHNOLOGIES LLC,
Petitioner

v.

REALTIME DATA LLC,
Patent Owner

Case Unassigned
U.S. Patent No. 7,161,506

**MOTION FOR JOINDER UNDER 35 U.S.C. § 315(c),
37 C.F.R. §§ 42.22, AND 42.122(b)**

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I. STATEMENT OF PRECISE RELIEF REQUESTED

Veritas Technologies LLC (“Veritas” or “Petitioner”) submits this Motion for Joinder concurrently with a Petition for *Inter Partes* Review (IPR) (“Petition”), under 35 U.S.C. § 315(c) and 37 C.F.R. §§ 42.22 and 42.122(b), of claims 104 and 105 of U.S. Patent No. 7,161,506 (“the ’506 Patent”) (Ex. 1001).

Petitioner requests institution of IPR and party joinder with the pending, instituted IPR titled, *Dell, Inc. v. Realtime Data LLC d/b/a IXO*, Case No. IPR2017-00176 (“the Dell IPR”), based on grounds identical to those in that proceeding. Dell Inc., EMC Corporation, Hewlett-Packard Enterprise Co., and HP Enterprise Services, LLC, initiated the Dell IPR proceeding by petitioning the Board on November 14, 2016. The Board instituted the Dell IPR on May 30, 2017. Petitioner timely files the Petition and this motion within one month of the institution of the Dell IPR. 37 C.F.R. § 42.122(b).

Joinder will efficiently resolve the challenges presented in the Petition and the instituted grounds of the Dell IPR and will not prejudice the patent owner or the first-petitioner Dell. Intentionally, the Petition is nearly word-for-word identical to the petition in the Dell IPR in an effort to avoid multiplication of issues

before the Board.¹ Further, the expert declarations submitted with the Petition are from the same declarants and are essentially identical to the declarations submitted in the Dell IPR.²

Should the panel join the parties, Petitioner agrees to subordinate itself, allowing Dell to lead the joined proceedings absent settlement by Dell, in line with common Board practice. Joinder with the Dell IPR would minimally affect its procedure and substance. Lead petitioner Dell has stated to Petitioner that it does not oppose joinder.

II. BACKGROUND AND RELATED PROCEEDINGS

The '506 patent is assigned on its face to Realtime Data LLC ("Realtime" or "Patent Owner"). Realtime has asserted the '506 patent against Petitioner and numerous other parties in E.D. Tex.: *Realtime Data LLC v. Packeteer, Inc.*, filed April 18, 2008 as 6:08-cv-00144 (terminated February 2, 2010); *Realtime Data LLC v. Morgan Stanley*, filed July 22, 2009 as 6:09-cv-00326 (terminated September 21, 2011); *Realtime Data LLC v. CME Group Inc.*, filed July 22, 2009

¹ The only differences between the Dell IPR petition and the Petition are shown in redline in Ex. 1031.

² The only differences between the declarations supporting the Dell IPR petition and the declarations supporting the Petition are shown in redline in Exs. 1032–33.

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