

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MICROSOFT CORPORATION, MICROSOFT MOBILE INC.,

Petitioners,

v.

KONINKLIJKE PHILIPS N.V.,

Patent Owner.

Case No.: IPR2017-01766

Patent No. RE44,913

**JOINT STIPULATION ON MOTION FOR
JOINDER UNDER 35 U.S.C § 315(c) AND
37 C.F.R. § 42.22**

Microsoft Corporation and Microsoft Mobile Inc. (collectively, “Microsoft”), Petitioners in Case No. IPR2017-01766, and Koninklijke Philips N.V. (“Philips”), the Patent Owner in this case, held a telephonic hearing with the Board on August 22, 2017, to discuss Microsoft’s motion for joinder of IPR2017-01766 with IPR2017-00386. Google Inc. (“Google”) is the petitioner in Case No. IPR2017-00386.

During the August 22 hearing, the Board instructed Philips and Microsoft to submit a joint filing by August 29, 2017, stating the parties’ agreed position regarding Microsoft’s motion for joinder. The Board also requested that Philips and Microsoft to reach out to Google to ascertain its position regarding the stipulation. Further to the Board’s request, Philips contacted Google to determine whether Google would oppose joinder under the terms set forth below. Google indicated to Philips and Microsoft that it does not oppose joinder generally, but that it does oppose certain terms for joinder that Philips and Microsoft have proposed, primarily with respect to the additional briefing contemplated in paragraph 4 below. The parties were unable to reach agreement with Google on this issue prior to the filing deadline. Therefore, Google does not join in this stipulation.

In accordance with the Board’s order, the undersigned stipulate to joinder of IPR2017-01766 with IPR2017-00386 under the following terms:

1. Philips does not oppose Microsoft's motion to join IPR2017-01766 with IPR2017-00386.
2. The joint proceeding will be based exclusively on the petition and evidence filed by Google in IPR2017-00386.
3. If Microsoft receives any time for cross and re-direct examination of any witness or for oral argument, at Google's discretion, such time will be taken from the time allotted to Google in IPR2017-00386.
4. The submissions, page limits and word counts currently allotted in IPR2017-00386 for any written work product will not be affected by joinder, with the exception that, within 5 business days following the filing of any brief containing argument by Google, Microsoft may separately file up to five pages directed only to points of disagreement it may have with Google, and Philips may thereafter respond within 5 business days with a corresponding number of pages. Microsoft may not separately advance any arguments in furtherance of those advanced by Google in the proceeding. This arrangement is intended to be consistent with that adopted by the Board in *Dell, Inc. v. Network-1 Security Solutions, Inc.*, No. IPR2013-00385, Paper 17 at 8 (P.T.A.B. July 29, 2013) and *Motorola Mobility LLC v. SoftView LLC*, No. IPR2013-00256, Paper 10 at 9 (P.T.A.B. June 20, 2013).

Dated: August 29, 2017

Respectfully submitted,

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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. §§ 42.6(e)(4) and 42.105, the undersigned certifies that on this date, a true and correct copy of the foregoing was served via email on the Petitioner at the following email address:

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Dated: August 29, 2017

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