

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC, ZTE (USA), INC.,
SAMSUNG ELECTRONICS CO., LTD.,
LG ELECTRONICS INC., HUAWEI DEVICE USA, INC.,
HUAWEI DEVICE CO. LTD., HUAWEI TECHNOLOGIES CO. LTD.,
HUAWEI DEVICE (DONGGUAN) CO. LTD.,
HUAWEI INVESTMENT & HOLDING CO. LTD.,
HUAWEI TECH. INVESTMENT CO. LTD., and
HUAWEI DEVICE (HONG KONG) CO. LTD.,
Petitioner

v.

CYWEE GROUP LTD.
Patent Owner

Case IPR2018-01257 (Patent 8,552,978 B2)
Case IPR2018-01258 (Patent 8,441,438 B2)

DECLARATION OF COLLIN W. PARK

1. My name is Collin W. Park. I am a partner with Morgan, Lewis & Bockius LLP (“Morgan Lewis”). I am designated as lead counsel for Petitioner LG Electronics Inc. (“LGE”) in IPR2019-00559, IPR2019-00560, and IPR2019-01203. I coordinated the preparation and filing of LGE’s joinder petitions in IPR2019-00559, 00560, and 01203 (collectively, “the LGE Joinder Petitions”). I have personal knowledge of all aspects of the preparation and filing of the LGE Joinder Petitions.

2. LGE’s joinder petition and exhibits in IPR2019-00559 (“the LGE 559 Petition”) are substantially identical to Google LLC’s petition and exhibits in IPR2018-01258, to which the LGE 559 Petition sought to be joined. Filed contemporaneously with the LGE 559 Petition was a motion for joinder with IPR2018-01258. On July 12, 2019, the Board instituted IPR2019-00559 and joined it with IPR2018-01258, as requested. IPR2019-00559, Paper No. 21.

3. LGE’s joinder petition and exhibits in IPR2019-00560 (“the LGE 560 Petition”) are substantially identical to Google’s petition and exhibits in IPR2018-01257, to which the LGE 560 Petition sought to be joined. Filed contemporaneously with the LGE 560 Petition was a motion for joinder with IPR2018-01257. On July 12, 2019, the Board instituted IPR2019-00560 and joined it with IPR2018-01257, as requested. IPR2019-00560, Paper No. 9.

4. The LGE 559 Petition includes the following statement as to the Real-Parties-In-Interest (“RPIs”) of that petition:

The real-parties-in-interest are LG Electronics Inc., and LG Electronics U.S.A., Inc. Petitioner further identifies as real-parties-in-interest the parties identified in IPR2018-01258 (to which this petition seeks joinder): Google LLC, Huawei Device USA, Inc., Huawei Device Co. Ltd., Huawei Technologies Co. Ltd., Huawei Device (Dongguan) Co. Ltd., Huawei Investment & Holding Co. Ltd., Huawei Tech. Investment Co. Ltd., Huawei Device (Hong Kong) Co. Ltd.

IPR2019-00559, Paper No. 13 at 5 (footnote omitted).

5. The LGE 560 Petition includes the following statement as to the RPIs of that petition:

The real-parties-in-interest for this petition are LG Electronics Inc. and LG Electronics U.S.A., Inc. Petitioner further identifies as real-parties-in-interest the parties identified in IPR2018-01257 (to which this petition seeks joinder): Google LLC, Huawei Device USA, Inc., Huawei Device Co. Ltd., Huawei Technologies Co. Ltd., Huawei Device (Dongguan) Co. Ltd., Huawei Investment & Holding Co. Ltd.,

Huawei Tech. Investment Co. Ltd., Huawei Device (Hong Kong) Co.

Ltd.

IPR2019-00560, Paper No. 1 at 3 (footnote omitted).

6. As reflected above, the structure of each of the RPI statements includes two components. The first sentence identified the RPIs for the LGE 559 and 560 Petitions as these petitions stood on their own. Specifically, these RPIs are: LG Electronics Inc. (“LGE”) and LG Electronics U.S.A., Inc. (“LGEUS”). No other party financed or controlled in any way the preparation and filing of the LGE 559 and 560 Petitions.

7. The second sentence of the above RPI statements was intended—as reflected by the sentence itself (“to which this petition seeks joinder”)—to be a separate statement from the first sentence above to identify the entities already identified as RPIs in IPR2018-01257 and 01258 (collectively, “the Google IPRs”). These Google and Huawei entities were identified as RPIs for the petitions seeking joinder solely because those entities had already been identified as RPIs in the Google IPRs, to which the LGE 559 and 560 Petitions sought to be joined, and for no other reason.

8. LGE filed another joinder petition in IPR2019-01203 (“the LGE 1203 Petition”), which sought joinder to related IPR2019-00143 filed by ZTE (USA), Inc., on the same patent—U.S. Patent No. 8,441,438 B2—as IPR2018-1258 filed

by Google. As was the case for the LGE 559 and 560 Petitions seeking joinder to the Google Petitions, the LGE 1203 Petition included the following RPI statement:

The real-parties-in-interest for this Petition are LG Electronics Inc. and LG Electronics U.S.A., Inc. Petitioner further identifies as real-parties-in-interest the parties identified in IPR2019-00143 (to which this petition seeks joinder): ZTE (USA), Inc. and ZTE Corporation.

IPR2019-01203, Paper No. 2 at 1 (footnote omitted).

9. Here, just as was the case with the RPI statements in the LGE 559 and 560 Petitions seeking joinder to the Google IPRs, the first sentence identified the RPIs for the LGE 1203 Petition as the petition stood on its own: LGE and LGEUS. Again, no other party financed or controlled in any way the preparation and filing of the LGE 1203 Petition.

10. The second sentence identified ZTE (USA), Inc. and ZTE Corporation which had already been identified as RPIs in IPR2019-00143 (“the ZTE IPR”), to which the LGE 1203 Petition sought joinder. Again, these ZTE entities were identified as RPIs for the petition seeking joinder solely because those entities had already been identified as RPIs in the ZTE IPR, to which the LGE 1203 Petition sought to be joined, and for no other reason. The Google and Huawei entities were not identified here because they were not RPIs in the ZTE IPR to which the LGE 1203 Petition sought to join. Similarly, the ZTE entities were not identified as

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