

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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SAMSUNG ELECTRONICS AMERICA, INC.  
Petitioner

v.

UNILOC LUXEMBOURG, S.A.  
Patent Owner

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Patent No. 8,872,646

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**MOTION FOR JOINDER TO *INTER PARTES* REVIEW IPR2018-00289**

**TABLE OF CONTENTS**

	<b>Page</b>
I. STATEMENT OF THE PRECISE RELIEF REQUESTED .....	1
II. STATEMENT OF MATERIAL FACTS .....	2
III. STATEMENT OF REASONS FOR RELIEF REQUESTED .....	3
A. Legal Standard.....	3
B. Each of the Factors Weighs in Favor of the Board Granting the Motion for Joinder.....	3
1. Joinder with the Apple IPR is Appropriate.....	4
2. Petitioner Does Not Propose New Grounds of Unpatentability.....	5
3. Joinder Will Not Negatively Impact the Apple IPR Trial Schedule .....	5
4. Procedures to Simplify Briefing and Discovery .....	6
IV. CONCLUSION.....	8

**TABLE OF AUTHORITIES**

	<b>Page(s)</b>
<b>Cases</b>	
<i>Dell, Inc. v. Network-1 Security Solutions, Inc.</i> , IPR2013-00385, Paper 17 (July 29, 2013) .....	3
<i>HTC v. Parthenon Unified Memory Architecture LLC.</i> , IPR2017-00512, Paper No. 12 (June 1, 2017).....	1
<i>LG v. Memory Integrity, LLC.</i> , IPR2015-01353, Paper No. 11 (Oct. 5, 2015) .....	3, 5, 7
<i>Noven Pharmaceuticals, Inc. v. Novartis AG</i> , IPR2014-00550, Paper No. 38 (Apr. 10, 2015).....	7
<i>Par Pharmaceutical, Inc. v. Novartis AG</i> , IPR2016-01023, Paper No. 20 (Oct. 27, 2016) .....	5
<i>Samsung Elecs. Co., Ltd. v. Raytheon Co.</i> , IPR2016-00962, Paper No. 12 (Aug. 24, 2016) .....	4
<b>Statutes</b>	
35 U.S.C. § 315(c) .....	1, 3
<b>Other Authorities</b>	
37 C.F.R. § 42.1(b) .....	1, 4
37 C.F.R. § 42.22 .....	1
37 C.F.R. § 42.53 .....	7
37 C.F.R. § 42.122(b) .....	1

## I. STATEMENT OF THE PRECISE RELIEF REQUESTED

Samsung Electronics America, Inc. (“Petitioner” or “Samsung”) respectfully submits this Motion for Joinder, concurrently with a Petition (“the Samsung petition”) for *inter partes* review of U.S. Patent No. 8,872,646 (“the ’646 patent”) filed herewith.

Pursuant to 35 U.S.C. § 315(c), 37 C.F.R. §§ 42.22 and 42.122(b), Samsung requests institution of an *inter partes* review and joinder with *Apple Inc. v. Uniloc Luxembourg SA*, IPR2018-00289 (“the Apple IPR” or “the Apple proceeding”), which the Board instituted on June 11, 2018, concerning the same claims 1, 3, 5-11, 13-18, and 20 of the ’646 patent at issue in the Samsung Petition. This request is being submitted within the time set forth in 37 C.F.R. § 42.122(b).

Samsung submits that the request for joinder is consistent with the policy surrounding *inter partes* reviews, as it is the most expedient way to “to secure the just, speedy, and inexpensive resolution of every proceeding.” *See* 37 C.F.R. § 42.1(b); *see also HTC v. Parthenon Unified Memory Architecture LLC.*, IPR2017-00512, Paper No. 12 at 5-6 (June 1, 2017). The Samsung petition and the Apple IPR are substantially identical; they contain the same grounds (based on the same prior art combinations and supporting evidence) against the same claims. (*See* Ex. 1015, illustrating changes between the instant Petition and the Petition in IPR2018-00289.) Further, upon joining the Apple proceeding, Samsung will act as an

“understudy” and will not assume an active role unless the current petitioner ceases to participate in the instituted IPR. Accordingly, the proposed joinder will neither unduly complicate the Apple IPR nor delay its schedule. As such, the joinder will promote judicial efficiency in determining the patentability of the '646 patent without prejudice to Patent Owner.

## II. STATEMENT OF MATERIAL FACTS

1. The '646 Patent is at issue in an infringement action against Samsung in the Eastern District of Texas, Case No. 2:17-cv-00652.
2. The '646 Patent is also at issue in two other patent infringement actions: Case Nos. 4:18-cv-00361 (N.D. Cal); 2:17-cv-00746 (E.D. Tex).
3. On December 8, 2017, Apple Inc. filed a petition for *inter partes* review (IPR2018-00289) (“the Apple petition”) requesting cancellation of claims 1, 3, 5-11, 13-18, and 20 of the '646 patent.
4. On June 11, 2018 the Board instituted the Apple petition for *inter partes* review as to all claims and all grounds.
5. The Samsung petition and the Apple IPR are substantially identical; they contain the same grounds (based on the same prior art combinations and supporting evidence) against the same claims.

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