

**UNITED STATES PATENT AND TRADEMARK OFFICE**

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**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

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LG ELECTRONICS, INC.  
Petitioner

v.

UNILOC 2017 LLC,  
Patent Owner

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*INTER PARTES* REVIEW OF U.S. PATENT NO. 7,653,508  
Case IPR No.: IPR2018-01577

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MOTION FOR JOINDER TO *INTER PARTES* REVIEW  
(35 U.S.C. § 315(c) AND 37 C.F.R. § 42.122(b))

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## I. STATEMENT OF THE PRECISE RELIEF REQUESTED

Pursuant to 35 U.S.C. § 315(c) and 37 C.F.R. § 42.122(b), Petitioner LG Electronics, Inc. (“LGE”) moves for joinder with the *Inter Partes* Review of U.S. Patent No. 7,653,508, *Apple Inc. v. Uniloc USA, Inc.*, IPR2018-00387 (“the Apple IPR”), for which trial was recently instituted on July 23, 2018. IPR2018-00387, paper 8. This motion is timely because it is filed within one month of institution of the Apple IPR. 37 C.F.R. § 42.122(b). Petitioner understands that the petitioner in the Apple IPR (“the Apple Petitioner”) does not oppose Petitioner’s request for joinder.

Petitioner requests institution of its concurrently filed Petition for *Inter Partes* Review. The Petition is a carbon copy of the original Apple IPR petition in all material respects. The only substantive changes are in the introduction to identify the correct Petitioner and the mandatory notices under 37 C.F.R. § 42.8(b). The concurrently filed Petition and the Apple IPR petition challenge the same claims of the ’508 patent on the same grounds relying on the same prior art and evidence, including declaration identical in substance from the same expert.<sup>1</sup>

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<sup>1</sup> The declaration has been updated to only reflect retention by Petitioner and is otherwise identical to the declaration submitted in the Apple IPR.

Petitioner agrees to proceed solely on the grounds, evidence, and arguments advanced, or that will be advanced, in the Apple IPR as instituted. Thus, the Petition warrants institution under 35 U.S.C. § 314, and 35 U.S.C. § 315(c) permits Petitioner's joinder to the Apple IPR.

Further, if joined, Petitioner agrees to adhere to all applicable deadlines in the Apple IPR and coordinate all filings with the Apple Petitioner in the Apple IPR. The Apple Petitioner will maintain the lead role in the proceedings so long as it is a party to the proceedings and is not estopped under § 315(e)(1). Petitioner will only assume the lead role in the proceedings if the Apple Petitioner is no longer a party to the proceedings or unable to advance arguments for one or more claims, or grounds, for example, because of § 315(e)(1). Petitioner agrees to consolidated filings for all substantive papers in the proceeding. The Apple Petitioner and Petitioner will be jointly responsible for the consolidated filings. Absent a Board order precluding the Apple Petitioner from making arguments that would otherwise be available to Petitioner, Petitioner will not advance any arguments separate from those advanced by the Apple Petitioner in the consolidated filings. These limitations will avoid lengthy and duplicative briefing. Also, Petitioner will not seek additional depositions or deposition time, and will coordinate deposition questioning and hearing presentations with the Apple

Petitioner. Petitioner agrees to the foregoing conditions even in the event that other IPRs filed by other, third-party petitioners are joined with the Apple IPR.

Joinder will help efficiently resolve the disputes among the parties. By joinder, a single Board decision may dispose of the issues raised in the Apple IPR for all interested parties. Further, the Patent Owner has asserted the '508 patent in district court against LG Electronics, Inc., LG Electronics U.S.A., Inc., and LG Electronics Mobilecomm U.S.A., Inc.. Joinder will estop LGE from asserting in district court those issues resolved in a final decision from the Apple IPR, thus narrowing the issues in the district court actions. *See* 35 U.S.C. § 315(e)(2). Finally, joinder would not complicate or delay the Apple IPR, and would not adversely affect any schedule set in that proceeding. In sum, joinder would promote efficient adjudication in multiple forums. On the other hand, if instituted, maintaining the Petitioner's IPR proceeding separate from that of the Apple IPR would entail needless duplication of effort.

Joinder will not unduly prejudice any party. Because joinder will not add any new substantive issues, delay the schedule, burden deponents, or increase needless filings, any additional costs on the Patent Owner would be minimal. On the other hand, denial of joinder would prejudice LGE. Its interests may not be adequately protected in the Apple IPR proceedings, particularly if the Apple

Petitioner settles with the Patent Owner. Petitioner should be allowed to join in a proceeding affecting a patent asserted against it.

## II. BACKGROUND AND RELATED PROCEEDINGS

Uniloc 2017 LLC (the “Patent Owner”) is the owner of the ’508 Patent. The Patent Owner asserted the ’508 Patent against LGE in *Uniloc USA, Inc. et al. v. LG Electronics U.S.A., Inc. et al.*, Case No. 4:17-cv-00832 (N.D. Tex. Filed Oct. 13, 2017) (transferred and is now *Uniloc USA, Inc. et al. v. LG Electronics U.S.A., Inc. et al.*, Case No. 4:18-cv-02918 (N.D. Cal. Filed May 17, 2018)). In addition, the Patent Owner asserted the ’508 Patent against Huawei Devices USA, Inc.; HTC America, Inc.; Samsung Electronics America, Inc. and Apple Inc. See *Uniloc USA, Inc. et al. v. Huawei Devices USA, Inc.*, 2:17-cv-00737 (E.D. Tex. filed Nov. 9, 2017); *Uniloc USA, Inc. et al. v. HTC America, Inc.*, 2:17-cv-01629 (W.D. Wa. filed Nov. 1, 2017); *Uniloc USA, Inc. et al. v. Samsung Electronics America, Inc.*, 2:17-cv-00650 (E.D. Tex. filed Sep. 15, 2017); *Uniloc USA, Inc. et al. v. Apple Inc.*, 2-17-00522 (E.D. Tex. filed Jun. 30, 2017), see also 3:18-cv-00364 (N.D. Cal. filed Jan. 17, 2018). On December 22, 2017, Apple filed their IPR petition, IPR2018-00387, against the ’508 patent. The Board instituted the Apple IPR on July 23, 2018. Petitioner here timely moves for joinder with the Apple IPR.

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