

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS AMERICA, INC.
Petitioner

v.

UNILOC LUXEMBOURG, S.A.
Patent Owner

Patent No. 7,881,902

MOTION FOR JOINDER TO *INTER PARTES* REVIEW IPR2018-00424

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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. 7,881,902 (“the ’902 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*, IPR2018-00424 (“the Apple IPR” or “the Apple proceeding”), which the Board instituted on August 2, 2018, concerning the same claims 1-6, 9, and 10 of the ’902 patent at issue in the Samsung Petition. This request is being submitted within the time frame set forth in 37 C.F.R. § 42.122(b).¹

Samsung submits that this 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-

¹ The one-month date from trial institution in IPR2018-00424 was on September 2, 2018, which fell on a weekend. Therefore, the motion is timely because it is being filed on the next business day (September 4, 2018) after September 2, 2018. *See* 37 C.F.R. § 1.7(a).

00512, Paper No. 12 at 5-6 (June 1, 2017). The Samsung Petition and the petition in 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. 1010, illustrating changes between the instant Petition and the Petition in IPR2018-00424.) 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 '902 patent without prejudice to Patent Owner.

II. STATEMENT OF MATERIAL FACTS

1. The '902 patent is at issue in an infringement action against Samsung in the Eastern District of Texas, Case No. 2:17-cv-00650.
2. The '902 patent is also at issue in four other patent infringement actions: Case Nos. 2:17-cv-00737 (E.D. Tex.); 2:17-cv-01629 (W.D. Wa.); 4:18-cv-2917 (N.D. Cal.); and 4:18-cv-00364 (N.D. Cal.).
3. On January 5, 2018, Apple Inc. filed a petition for *inter partes* review (IPR2018-00424) (“the Apple Petition”) requesting cancellation of claims 1-6, 9, and 10 of the '902 patent. Apple Inc. filed a second petition for *inter partes* review (IPR2018-01028) requesting

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