

UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOPRO, INC., GARMIN INTERNATIONAL, INC., AND GARMIN USA, INC.

Petitioners,

v.

CELLSPIN SOFT, INC.

Patent Owner.

U.S. Patent No. 9,258,698
Inter Partes Review No. IPR2019-01107

**MOTION FOR JOINDER UNDER
35 U.S.C. § 315(c) AND 37 C.F.R. §§ 42.22 AND 42.122(b)
TO RELATED *INTER PARTES* REVIEW IPR2019-00127**

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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), GoPro, Inc., Garmin International, Inc., and Garmin USA, Inc. (collectively, “Petitioners”) respectfully request joinder of the concurrently-filed Petition for *Inter Partes* Review of U.S. Patent No. 9,258,698 (“the GoPro/Garmin Petition”) with pending *Inter Partes* Review, *Canon U.S.A., Inc. v. Cellspin Soft, Inc.*, IPR2019-00127 for the ’698 Patent (“the Canon IPR”). The Canon IPR was instituted on April 29, 2019, and therefore, this Motion for Joinder is timely filed under 37 C.F.R. §§ 42.22 and 42.122(b), as it is submitted no later than one month after the April 29, 2019, institution date of the Canon IPR. As detailed below, the GoPro/Garmin Petition presents substantially the same grounds of unpatentability, prior art, and evidence, and Petitioners are willing to accept an “understudy” role in the Canon IPR. Joinder will not affect the schedule or otherwise delay the Canon IPR, nor will joinder complicate any issues.

The Petitioners asked Canon whether it would oppose Petitioners’ joinder request. Canon indicated it may oppose. Additionally, Canon indicated it will not allow Petitioners to retain Canon’s expert for the present Petition. Therefore, Petitioners’ expert for the present IPR has reviewed the evidentiary record of the opinions provided by Canon’s expert, agrees with his opinions, and adopts those opinions for purposes of the present IPR. However, Petitioners are willing to rely on Canon’s expert should Canon agree that Petitioners may retain him.

Joinder is appropriate because it will not unduly burden or prejudice the parties in

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