

**UNITED STATES PATENT AND TRADEMARK OFFICE**

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**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

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CANON U.S.A., INC.  
Petitioner

v.

CELLSPIN SOFT, INC.  
Patent Owner

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U.S. Patent No. 9,258,698  
*Inter Partes Review* No. 2019-00127

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**CANON'S OPPOSITION TO  
GOPRO AND GARMIN'S MOTION FOR JOINDER  
FILED IN IPR2019-01107**

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**Cases**

*Kyocera Corp. v. Softview LLC*,  
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*Phillips v. AWH Corp.*,  
415 F.3d 1303 (Fed. Cir. 2005) (*en banc*)..... *passim*

*Samsung Elec. Co., Ltd. V. Arendi S.A.R.L.*,  
IPR2014-01142, Paper 11 (Oct. 2, 2014)..... 7, 8, 9

*Unified Patents, Inc. v. PersonalWeb Techs., LLC.*,  
IPR2014-00702, Paper 12 (Jul. 24, 2014) .....8

**Statutory Authorities**

35 U.S.C. § 314.....3

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**Rules and Regulations**

37 C.F.R. § 42.20 .....4

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**EXHIBIT LIST**

<b>No.</b>	<b>Short Name</b>	<b>Exhibit</b>
1001	'698 Patent	U.S. Patent No. 9,258,698 to Singh et al.
1002	'698 Prosecution History	Prosecution history for U.S. Patent No. 9,258,698
1003	Madiseti Declaration	Declaration of Vijay Madiseti, Ph.D.
1004	Hiroishi JP	JP Patent Application Publication No. 2003-60953 to Hiroishi
1005	Hiroishi	Certified Translation of JP Patent Application Publication No. 2003-60953 to Hiroishi
1006	Hiroishi Translation Affidavit	Affidavit of Translation for JP Patent Application Publication No. 2003-60953 to Hiroishi
1007	Takahashi JP	JP Patent Application Publication No. 2005-303511 to Takahashi
1008	Takahashi	Certified Translation of JP Patent Application Publication No. 2005-303511 to Takahashi
1009	Takahashi Translation Affidavit	Affidavit of Translation for JP Patent Application Publication No. 2005-303511 to Takahashi
1010	Nozaki JP	JP Patent Application Publication No. 2004-96166 to Nozaki
1011	Nozaki	Certified Translation of JP Patent Application Publication No. 2004-96166 to Nozaki

## Canon's Opposition to GoPro and Garmin's Motion for Joinder

No.	Short Name	Exhibit
1012	Nozaki Translation Affidavit	Affidavit of Translation for JP Patent Application Publication No. 2004-96166 to Nozaki
1013	Hollstrom	U.S. Patent No. 6,763,247 to Hollstrom et al.
1014	Ando JP	JP Patent Application Publication No. 2003-46841 to Ando
1015	Ando	Certified Translation of JP Patent Application Publication No. 2003-46841 to Ando
1016	Ando Translation Affidavit	Affidavit of Translation for JP Patent Application Publication No. 2003-46841 to Ando
1017	IEEE 2001	Bisdikian, <i>An Overview of the Bluetooth Wireless Technology</i> , IEEE Communications Magazine (Dec. 2001)
1018	Bluetooth v1.1	<i>Specification of the Bluetooth System</i> , Version 1.1 (Feb. 2001)
1019	Margalit	U.S. Patent Publication No. 2002/0141586 to Margalit et al.
1020	Montulli	U.S. Patent Publication No. 2006/0189349 to Montulli et al.
1021	District Court Order	Order Granting Canon's Motion to Dismiss in <i>Cellspin Soft, Inc. v. Canon USA, Inc.</i> , No. 4:17-cv-05938 (N.D. Cal. 2018)
1022	Madisetti CV	Curriculum Vitae for Vijay Madisetti, Ph.D.
1023	Anderson	U.S. Patent No. 6,636,259 to Anderson et al.

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