

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.
Petitioner,

v.

IXI IP, LLC
Patent Owner.

Case IPR2019-00181
Patent 7,039,033 B2

**PATENT OWNER'S OPPOSITION
TO MOTION FOR JOINDER**

TABLE OF CONTENTS

	Page
I. APPLE’S MOTION IS UNAUTHORIZED AND THUS IMPROPER...2	
II. JOINDER MAY NOT BE GRANTED UNDER § 315(c).....3	
III. CONSOLIDATION MAY NOT BE GRANTED UNDER § 315(d).....9	
A. Consolidation Is Barred By § 315(b).10	
B. Apple’s Petitions May Not Be Consolidated With An IPR That Is Not “Pending.”12	

TABLE OF AUTHORITIES

	Page(s)
COURT DECISIONS	
<i>Hall v. Hall</i> , 138 S. Ct. 1118 (2018).....	14
<i>Kippen v. Pack</i> , 2012 WL 5397986 (D. Utah Nov. 2, 2012).....	9
<i>Medicines Co. v. Mylan Inc.</i> , 257 F. Supp. 3d 1023 (N.D. Ill. 2017).....	9
 AGENCY DECISIONS	
<i>ABB Inc. v. ROY-G-BIV Corp.</i> , IPR2013-00282, Paper 15 (PTAB Aug. 9, 2013).....	4
<i>ABB Inc. v. ROY-G-BIV Corp.</i> , IPR2013-00286, Paper 14 (PTAB Aug. 9, 2013).....	4
<i>Acrux DDS Pty Ltd. v. Kaken Pharm. Co. Ltd.</i> , IPR2017-00190, Ex. 2203 (PTAB Jul. 20, 2018) (emailed order).....	13
<i>Acrux DDS Pty Ltd. v. Kaken Pharm. Co. Ltd.</i> , IPR2017-00190, Paper 98 (PTAB POP Dec. 10, 2018).....	13
<i>Aerohive Networks, Inc. v. ChriMar Sys., Inc.</i> , IPR2016-01757, Paper 11 (PTAB Feb. 3, 2017).....	6
<i>Amneal Pharms., LLC v. Endo Pharms. Inc.</i> , IPR2014-01365, Paper 13 (PTAB Feb. 4, 2015).....	4
<i>Apple Inc. v. Grobler</i> , IPR2014-00060, Paper 12 (PTAB Oct. 29, 2013).....	7
<i>Apple Inc. v. Grobler</i> , IPR2014-00060, Paper 15 (PTAB Apr. 8, 2014)	7, 8

<i>Ariosa Diagnostics v. ISIS Innovation Ltd.</i> , IPR2013-00250, Paper 24 (PTAB Sept. 3, 2013).....	4
<i>Cardiocom, LLC v. Robert Bosch Healthcare Sys., Inc.</i> , IPR2013-00469, Paper 21 (PTAB Jan. 28, 2014)	4
<i>Dr. Reddy's Labs. S.A. v. MonoSol Rx, LLC</i> , IPR2017-01582, Paper 10 (PTAB Oct. 5, 2017).....	5
<i>Fifth Third Bank v. Stambler</i> , IPR2014-00244, Paper 4 (PTAB Dec. 17, 2013)	6
<i>Fresenius Kabi USA, LLC v. Hospira Inc.</i> , IPR2017-01055, Paper 10 (PTAB Sep. 6, 2017) (per curiam).....	5, 6
<i>Google, Inc. v. PersonalWeb Techs.</i> , IPR2014-00977, Paper 10 (PTAB Oct. 30, 2014).....	6
<i>Hulu LLC v. Sound View Innovations, LLC</i> , IPR2018-00017, Paper 13 (PTAB Jan. 26, 2018)	5
<i>Institut Straumann AG v. Sirona Dental Sys. GmbH</i> , IPR2015-01190, Paper 40 (PTAB Nov. 9, 2018).....	9
<i>Kyocera Corp. v. SoftView LLC</i> , IPR2013-00004, Paper 15 (PTAB Apr. 24, 2013)	4
<i>LaRose Indus., LLC v. Capriola Corp.</i> , IPR2013-00121, Paper 11 (PTAB June 28, 2013)	4
<i>LG Elecs., Inc. v. Cellular Comm'ns Equip. LLC</i> , IPR2016-00711, Paper 9 (PTAB May 17, 2016)	6
<i>Microsoft Corp. v. Proxyconn, Inc.</i> , IPR2013-00109, Paper 14 (PTAB Feb. 25, 2013).....	5
<i>Nintendo of Am., Inc. v. Motion Games, LLC</i> , IPR2014-00164, Paper 51 (PTAB May 15, 2015)	2

PAR Pharm., Inc. v. MonoSol Rx, LLC,
IPR2017-01557, Paper 9 (PTAB Oct. 5, 2017)5, 6

Qualcomm Inc. v. Bandspeed, Inc.,
IPR2015-01577, Paper 21 (PTAB Nov. 16, 2015).....7

Samsung Elecs. Co., Ltd. v. Va. Innovation Scis., Inc.,
IPR2014-00557, Paper 10 (PTAB June 13, 2014)5

SEGA of Am., Inc. v. Uniloc USA, Inc.,
IPR2016-00427, Paper 14 (PTAB June 2, 2016)6

Sony Comput. Ent't of Am. LLC v. Grobler,
IPR2013-00076, Paper 20 (PTAB Oct. 7, 2013)7

Standard Innovation Corp. v. Lelo, Inc.,
IPR2014-00907, Paper 10 (PTAB Dec. 1, 2014)11

Taiwan Semiconductor Mfg. Co., Ltd. v. ZOND, LLC,
IPR2014-00781, Paper 5 (PTAB May 29, 2014) (expanded panel)2

Target Corp. v. Destination Maternity Corp.,
IPR2014-00508, Paper 28 (PTAB Feb. 12, 2015) (expanded panel).....12

Toyota Motor Corp. v. Am. Vehicular Scis. LLC,
IPR2015-00261, Paper 10 (PTAB Jan. 29, 2015)6

Ubisoft, Inc. v. Uniloc USA, Inc.,
IPR2016-00414, Paper 16 (PTAB June 2, 2016)6

STATUTES

35 U.S.C. § 315(b) 1, 10, 11, 12

35 U.S.C. § 315(c)3, 10

35 U.S.C. § 315(d) passim

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.