IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ERICSSON INC.,

Petitioner, v.

UNILOC 2017 LLC,

Patent Owner.

Case No. IPR2020-00376 U.S. Patent No. 7,016,676

SUPPLEMENTAL MOTION FOR JOINDER UNDER 35 U.S.C. § 315(c); 37 C.F.R. § 42.122(b) TO RELATED *INTER PARTES* REVIEW IPR2019-01116

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TABLE OF AUTHORITIES

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BlackBerry Corp. v. Uniloc 2017 LLC, IPR2019-01283, Paper 10 (PTAB Nov. 5,

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Celltrion, Inc. v. Genentech, Inc., IPR2018-01019, Paper 11 at 14 (Oct. 30, 2018)-

<u>8.9</u> Everlight Electronics Co., Ltd., IPR2018-01260, Paper 12 (PTAB Nov. 14,

2018) 8.9 Intel Corp. v. Alacritech, Inc., IPR2018-01352, Paper 11 (PTAB Jan. 8,

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