

**UNITED STATES PATENT AND TRADEMARK OFFICE**

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**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

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HP INC., LENOVO (UNITED STATES) INC.,  
MOTOROLA MOBILITY LLC., DELL INC., AND DELL PRODUCTS LP,  
Petitioner

v.

NEODRON LTD.  
Patent Owner.

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Case IPR2020-00653  
Patent No. 8,432,173

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

## I. STATEMENT OF THE PRECISE RELIEF REQUESTED

Pursuant to 35 U.S.C. § 315(c) and 37 C.F.R. § 42.122(b), HP Inc., Lenovo (United States) Inc., Motorola Mobility LLC, Dell Inc. Dell Products LP (collectively, “Petitioner”) move for joinder with the *Inter Partes* Review of U.S. Patent No. 8,432,173 (“the ’173 Patent”), *Samsung Electronics Co. v. Neodron Ltd.*, IPR2020-00267 (“the Samsung IPR”), for which the petition for *Inter Partes* Review was filed on December 10, 2019, and is currently pending. IPR2020-00267, paper 3. Petitioner requests that action on this motion be held in abeyance until, and only if, the Samsung IPR is instituted.<sup>1</sup> This motion is timely because it is filed “no later than one month after the institution date” of the Samsung IPR. 37 C.F.R. § 42.122(b); *Central Security Group – Nationwide, Inc. v. Ubiquitous Connectivity, LP*, IPR2019-01609, Paper 11, at 8-9 (P.T.A.B. Feb. 26, 2020) (stating that § 42.122(b) is “[t]he only timing requirement for a motion for joinder”). Petitioner understands that the petitioner in the Samsung IPR (“the Samsung Petitioner”) does not oppose Petitioner’s requests for joinder.

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<sup>1</sup> Should the Board deny institution of the Samsung IPR, this Motion should be considered moot and Petitioner respectfully requests that the Board consider this petition independently of the Samsung IPR.

Petitioner requests institution of this Petition for *Inter Partes* Review. This Petition is substantively identical to the original Samsung IPR petition in all material respects. The only changes are in the Introduction to identify the correct Petitioner and in mandatory notices under 37 C.F.R. § 42.8(b). The Petition here and the Samsung IPR petition challenge the same claims of the '173 patent on the same grounds relying on the same prior art and evidence, including a declaration identical in substance from the same expert.<sup>2</sup>

Petitioner agrees to proceed solely on the grounds, evidence, and arguments advanced, or that will be advanced, in the Samsung IPR as instituted. Thus, the Petition warrants institution under 35 U.S.C. § 314, and 35 U.S.C. § 315(c) permits Petitioner's joinder to the Samsung IPR.

Further, if joined, Petitioner agrees to adhere to all applicable deadlines in the Samsung IPR and coordinate all filings with the Samsung Petitioner in the Samsung IPR. The Samsung Petitioner will maintain the lead role in the proceedings so long as it is a party to the proceedings and is not estopped under § 315(e)(1). Petitioner will only assume the lead role in the proceedings if the Samsung Petitioner is no longer a party to the proceedings or unable to advance arguments for one or more

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<sup>2</sup> The declaration has been updated only to reflect retention by Petitioner and is otherwise identical to the declaration submitted in the Samsung IPR.

claims, or grounds, for example, because of § 315(e)(1). Petitioner agrees to consolidated filings for all substantive papers in the proceeding. The Samsung Petitioner and Petitioner will be jointly responsible for the consolidated filings. Absent a Board order precluding the Samsung Petitioner from making arguments that would otherwise be available to Petitioner, Petitioner will not advance any arguments separate from those advanced by the Samsung Petitioner in the consolidated filings. These limitations will avoid lengthy and duplicative briefing. Also, Petitioner will not seek additional depositions or deposition time, and will coordinate deposition questioning and hearing presentations with the Samsung Petitioner. Petitioner agrees to the foregoing conditions even in the event that other IPRs filed by other, third-party petitioners are joined with the Samsung IPR.

Joinder will help efficiently resolve the disputes among the parties. By joinder, a single Board decision may dispose of the issues raised in the Samsung IPR for all interested parties. Further, the Patent Owner has asserted the 173' patent in district court against Petitioner. Joinder will estop Petitioner from asserting in district court those issues resolved in a final decision from the Samsung IPR, thus narrowing the issues in the district court actions. *See* 35 U.S.C. § 315(e)(2). Finally, joinder would not complicate or delay the Samsung IPR, and would not adversely affect any schedule set in that proceeding. In sum, joinder would promote efficient adjudication in multiple forums. On the other hand, if instituted, maintaining the

Petitioner's IPR proceeding separate from that of the Samsung IPR would entail needless duplication of effort.

Joinder will not unduly prejudice any party. Because joinder will not add any new substantive issues, delay the schedule, burden deponents, or increase needless filings, any additional costs on the Patent Owner would be minimal. On the other hand, denial of joinder would prejudice Petitioner. Their interests may not be adequately protected in the Samsung IPR proceedings, particularly if the Samsung Petitioner settles with the Patent Owner. Petitioner should be allowed to join in a proceeding affecting a patent asserted against them.

## **II. BACKGROUND AND RELATED PROCEEDINGS**

Neodron Ltd. (the "Patent Owner") is the owner of the '173 patent. The Patent Owner asserted the '173 patent against Petitioner and others in the following actions in the U.S. District Court for the Western District of Texas: *Neodron Ltd. v. Samsung Elecs. Co., Ltd., et al.*, No. 6:19-cv-00323 ADA (W.D. Tex.); *Neodron Ltd. v. Microsoft Corporation*, Case No. 6:19-cv-00321 (W.D. Tex.); *Neodron Ltd. v. Hewlett Packard Enterprise Company*, Case No. 6:19-cv-00319 (W.D. Tex.); *Neodron Ltd. v. Dell Technologies, Inc.*, No. 6:19-cv-00318 (W.D. Tex.); *Neodron Ltd. v. Lenovo Group Ltd, And Lenovo (United States) Inc.*, Case No. 6:19-cv-00320 (W.D. Tex.); *Neodron Ltd. v. Motorola Mobility LLC*, Case No. 6:19-cv-00322 (W.D. Tex.); and *Neodron Ltd. v. Amazon Com, Inc.*, Case No. 6:19-cv-00317 (W.D.

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