

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD., and
SAMSUNG ELECTRONICS AMERICA, INC.,
Petitioner,

v.

NEODRON LTD.,
Patent Owner.

Case IPR2020-01119
Patent 7,821,425

Before MIRIAM L. QUINN, PATRICK M. BOUCHER, and
CHRISTOPHER L. OGDEN, *Administrative Patent Judges*.

QUINN, *Administrative Patent Judge*.

DECISION

Institution of *Inter Partes* Review and Grant of Motion for Joinder
35 U.S.C. § 314
37 C.F.R. § 42.122(b)

I. INTRODUCTION

Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc. (collectively “Petitioner”) filed a Petition requesting *inter partes* review of claims 1–40 of U.S. Patent No. 7,821,425 B2 (Ex. 1001, “the ’425 patent”). Paper 1 (“Pet.”). Petitioner also filed a Motion for Joinder seeking joinder of this proceeding with *Apple Inc. v. Neodron Ltd.*, Case No. IPR2020-00778 (the “Apple IPR”). Paper 4 (“Mot.”). Neodron Ltd. (“Patent Owner”) did not file either a Preliminary Response or an Opposition to the Motion for Joinder. For the reasons that follow, we institute *inter partes* review, and grant Petitioner’s Motion for Joinder.

II. INSTITUTION OF INTER PARTES REVIEW

We instituted *inter partes* review in IPR2020-00778 on all challenged claims and on all the asserted grounds of unpatentability (Apple IPR, Paper 10 (Decision on Institution)). The Petition in this proceeding is a “carbon copy” of the petition in the Apple IPR (Mot. 1) and challenges the same claims and asserts the same grounds as those we instituted in the Apple IPR (*id.* at 1–2). Petitioner also presents testimony from the same declarant relied on in the Apple IPR. Ex. 1003 (Declaration of Dr. Tony Givargis).

In view of the identicalness of the issues in the instant Petition and in the Apple IPR, and for the same reasons stated in our Decision on Institution in the Apple IPR, we institute *inter partes* review in this proceeding on the

grounds presented in the Petition.

III. GRANT OF MOTION FOR JOINDER

Joinder in *inter partes* review is subject to the provisions of 35 U.S.C. § 315(c):

(c) JOINDER.—If the Director institutes an inter partes review, the Director, in his or her discretion, may join as a party to that inter partes review any person who properly files a petition under section 311 that the Director, after receiving a preliminary response under section 313 or the expiration of the time for filing such a response, determines warrants the institution of an inter partes review under section 314.

As the moving party, Petitioner bears the burden of proving that it is entitled to the requested relief. 37 C.F.R. § 42.20(c). A motion for joinder should: (1) set forth the reasons joinder is appropriate; (2) identify any new grounds of unpatentability asserted in the petition; and (3) explain what impact (if any) joinder would have on the trial schedule for the existing review. *See Kyocera Corp. v. Softview LLC*, Case IPR2013-00004, slip op. at 4 (PTAB Apr. 24, 2013) (Paper 15).

Petitioner has filed a timely Motion in accordance with 35 U.S.C. § 315(c). Petitioner also has met its burden of showing that joinder is appropriate. For instance, the Petition here is substantively identical to the petition in the Apple IPR. Mot. 5. The evidence also is identical, including the reliance on the same declaration of Dr. Givargis. *Id.*

Petitioner further has shown that the trial schedule will not be affected by joinder. Mot. 6, 7–8. No changes in the schedule are anticipated or necessary, and the limited participation, if at all, of Petitioner will not impact the timeline of the ongoing trial. *Id.* at 6. Petitioner has agreed to a “second-chair” role, as long as the petitioner in the Apple IPR remains in the proceeding, which will not affect the ongoing Apple IPR. *Id.* at 6.

IV. ORDER

In view of the foregoing, it is

ORDERED that IPR2020-01119 is hereby instituted on all challenged claims and asserted grounds;

FURTHER ORDERED that Petitioner’s Motion for Joinder with IPR2020-00778 is *granted*;

FURTHER ORDERED that the Scheduling Order entered in IPR2020-00778 and schedule changes agreed-to by the parties in IPR2020-00778 shall govern the schedule of the joined proceeding;

FURTHER ORDERED that, throughout the joined proceeding, all filings in IPR2020-00778 will be consolidated and no filing by the Samsung Petitioner, alone, will be allowed without prior authorization by the Board;

FURTHER ORDERED that a copy of this Decision will be entered into the record of IPR2020-00778;

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FURTHER ORDERED that the case caption in IPR2020-00778, from now on, shall reflect joinder with this proceeding in accordance with the attached example.

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