

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LG ELECTRONICS, INC. and LG ELECTRONICS U.S.A., INC.,
Petitioners

v.

ANCORA TECHNOLOGIES, INC.,
Patent Owner

Case IPR2021-00581
Patent No. 6,411,941

**PATENT OWNER ANCORA'S SUR-REPLY OPPOSING
PETITIONERS' MOTION FOR JOINDER**

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Patent Trial and Appeal Board
U.S. Patent and Trademark Office
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Table of Exhibits

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Ex. 2004	Apple Inc.'s N.D. Cal. Patent L.R. 3-3 Disclosures (Invalidity Disclosures)
Ex. 2005	Defendants HTC America, Inc. and HTC Corporation's Preliminary Non-Infringement and Invalidity Contentions
Ex. 2006	RESERVED
Ex. 2007	Email requesting permission to file motion to terminate
Ex. 2008	Ancora v. Samsung Fourth Amended Scheduling Order
Ex. 2009	Expert Report of Suzanne Barber Regarding Invalidity of U.S. Patent No. 6,411,941
Ex. 2010	Ancora v. HTC Order Setting Patent Case Schedule
Ex. 2011	Samsung and LG Invalidity Contentions and Select Invalidity Charts
Ex. 2012	Ancora v. LG Affidavit of Service
Ex. 2013	IAM Article – Judge Albright Interview
Ex. 2014	VLSI v. Intel Jury Verdict Form
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Cases

BMW v. Paice LLC,
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Samsung Elecs. Co., Ltd. v. Ancora Techs Inc.,
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Statutes

35 U.S.C. § 315(e)4

Other Authorities

PTAB Consolidated Trial Practice Guide (Nov. 2019),
<https://www.uspto.gov/TrialPracticeGuideConsolidated>6

I. INTRODUCTION

Instituting this proceeding and joining it with IPR2020-01609 would unnecessarily expend the Board's limited resources and prolong this latest serial challenge to the '941 patent. Petitioner does not refute that both the *General Plastic* and *Fintiv* factors overwhelmingly favor exercising the Board's discretion to deny this petition. The discretionary denial issues are now fully briefed and ripe for the Board's decision; the Petition can be denied immediately. The Board can alternatively wait until after Patent Owner files its preliminary response, on April 23, 2021, to evaluate the merits of the Petition.

Even if trial is instituted, the Board should deny Petitioner's motion for joinder in view of settlement in the original IPR2020-01609. The long history of challenges to the '941 patent justify denying joinder here. Delay while IPR2020-01609 waits for decisions in this proceeding also justifies denying joinder. That proceeding has languished since February. The delay will continue while this proceeding runs its natural course with the Patent Owner's preliminary response. This will set the IPR2020-01609 proceeding back by more than two months, even if the Board decides to institute on the day after Patent Owner's preliminary response. Petitioner cannot refute this fact, and the resulting delay would require the parties and the Board to expend additional resources to finish the proceeding before the statutory twelve-month statutory deadline on February 16, 2022.

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