

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 No. IPR2021-00581

Patent No. 6,411,941 B1

PETITIONER'S MOTION FOR JOINDER
UNDER 35 U.S.C. § 315(c), 37 C.F.R. §§ 42.22, and 42.122(b)

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I. STATEMENT OF PRECISE RELIEF REQUESTED

Petitioners LG Electronics, Inc. and LG Electronics U.S.A., Inc. (“LGE”) respectfully submit this Motion for Joinder together with a Petition for *Inter Partes* Review of U.S. Patent No. 6,411,941 (“LGE’s Petition”). Pursuant to 35 U.S.C. § 315(c) and 37 C.F.R. § 42.122(b), LGE requests *inter partes* review and joinder with *TCT Mobile (US) Inc. v. Ancora Technologies, Inc.*, IPR2020-01609 (“TCT IPR Petition”) (“the TCT IPR”), which was instituted on February 16, 2021.

LGE’s Petition is substantively identical to the petition in the TCT IPR—challenging the same claims of the ’941 Patent on the same grounds while relying on the same prior art, arguments, and evidence. Additionally, if joined, LGE will assume an “understudy” role. The instant Motion for Joinder and accompanying Petition are being filed within one month of the decision instituting trial in the TCT IPR and are therefore timely. Counsel for LGE has conferred with counsel for TCT, and TCT has indicated that it *opposes* joinder.

Joinder is appropriate here because (i) LGE’s Petition is substantively identical to the petition in the TCT IPR, (ii) LGE will assume an understudy role in the joined trial, eliminating any impact on the existing trial schedule, and (iii) LGE agrees to consolidated filings. Accordingly, joinder will provide for a just, speedy, and inexpensive determination of related proceedings.

LGE is filing this petition and joinder motion to ensure that the instituted

TCT IPR reaches a final decision in the event TCT settles with Patent Owner. In that regard, if a Motion to Terminate is filed in the TCT IPR and is considered before the Board considers this joinder motion, LGE respectfully requests that the Board dismiss *only* the original petitioner, at least until the instant motion can be considered. Doing so lowers the likelihood that the Board will have to reconsider the same issues in a subsequent trial.

Accordingly, LGE respectfully requests that the Board grant this motion for joinder.

II. BACKGROUND AND RELATED PROCEEDINGS

1. The owner of the '941 Patent, Ancora Technologies, LLC ("Ancora"), has filed suit against numerous different companies—including TCT and LGE—alleging infringement of the '941 Patent.

2. On June 18, 2020, Ancora filed a complaint captioned *Ancora Technologies, Inc. v. LG Electronics, Inc.*, No. 6:19-cv-00384 (W.D. Tex.), which is consolidated with the same-captioned case No. 1:20-cv-00034 (W.D. Tex.), filed on June 21, 2019, alleging infringement of the '941 Patent.

3. Patent Owner has asserted the '941 Patent against other parties in the following currently-pending district-court lawsuits: *Ancora Technologies, Inc. v. TCT Mobile (US) Inc.*, No. 8:19-cv-02192 (C.D. Cal.); *Ancora Technologies, Inc. v. Lenovo Group Limited*, No. 1:19-cv-01712 (D. Del.); *Ancora Technologies, Inc.*

v. Sony Corp., No. 1:19-cv-01703 (D. Del.); *Ancora Technologies, Inc. v. Samsung Electronics Co., Ltd.*, No. 6:19-cv-00385 (W.D. Tex.); *Ancora Technologies, Inc. v. HTC America, Inc.*, No. 2:16-cv-01919 (W.D. Wash.).

4. On February 16, 2021, the Board instituted review with respect to the '941 patent in *TCT Mobile (US) Inc. v. Ancora Technologies, Inc.*, IPR2020-01609.

5. On February 19, 2021, HTC Corporation filed a petition for *inter partes* review against the '941 Patent, IPR2021-00570 ("HTC IPR Petition"), which is pending and seeks to join the instituted TCT IPR Petition.

6. LGE's Petition and this motion for joinder are being filed within one month of the institution date of the TCT IPR.

III. STATEMENT OF REASONS FOR RELIEF REQUESTED

As explained in detail below, LGE's motion for joinder should be granted because the motion is timely, and the *Kyocera* factors favor joinder.

a. Legal Standard

The Board may join as a party to an instituted *inter partes* review a person who has properly filed a petition for *inter partes* review that warrants institution. 35 U.S.C. § 315(c). Any request for joinder must be filed "no later than one month after the institution date of any *inter partes* review for which joinder is requested." 37 C.F.R. § 42.122(b). A petition for *inter partes* review is not subject to the one-

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