IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

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

v.

ANCORA TECHNOLOGIES, INC., Patent Owner

> Case IPR2021-00583 Patent No. 6,411,941

PATENT OWNER ANCORA'S OPPOSITION TO PETITIONERS' MOTION FOR JOINDER

Mail Stop PATENT BOARD Patent Trial and Appeal Board U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450

DOCKET

A L A R M Find authenticated court documents without watermarks at <u>docketalarm.com</u>.

Table of Contents

Page

I.	INTRODUCTION1		
II.	BACKGROUND		
III.	MO	OTNES	ER'S MOTION FOR JOINDER SHOULD BE DENIED FOR SS OR BECAUSE IT WILL UNDULY DELAY THE PROCEEDING
	A.		Board Should Terminate the Original Proceeding, Which ld Moot this Motion
	В.		ne Delay in the Original Proceedings Alternatively hires Denying Petitioners' Motion for Joinder
IV.			RD SHOULD EXERCISE ITS DISCRETION TO DENY THIS
	A.		General Plastic Factors Favor Discretionary Denial of sung's Joinder Petition
		1.	Factor 1: Whether the Same Petitioner Previously Filed a Petition Directed to the Same Claims of the Same Patent, and Factor 3: Whether at the Time of Filing of the Second Petition the Petitioner Already Received the Patent Owner's Preliminary Response to the First Petition or Received the Board's Decision on Whether to Institute Review in the First Petition
		2.	Factor 2: Whether at the Time Of Filing of the First Petition the Petitioner Knew of the Prior Art Asserted in the Second Petition or Should Have Known of It13
		3.	Factor 4: The Length of Time That Elapsed Between the Time the Petitioner Learned of the Prior Art Asserted in the Second Petition and the Filing of the Second Petition14
		4.	Factor 5: Whether the Petitioner Provides Adequate Explanation for the Time Elapsed Between the Filings of Multiple Petitions Directed to the Same Claims of the Same Patent

V.

5.	Factor 6: The Finite Resources of the Board	15
6.	Factor 7: The Requirement Under 35 U.S.C. § 316(a)(11) to Issue a final Determination Not Later Than 1 Year After the Date on Which the Director Notices Institution of Review	15
7.	In Total, the <i>General Plastic</i> Factors Weigh Against Institution	16
	e <i>Fintiv</i> Factors Favor Discretionary Denial of Samsung's ition	16
1.	Factor 1: Whether a Stay Exists or Is Likely to Be Granted If a Proceeding Is Instituted	17
2.	Factor 2: Proximity of the Court's Trial Date to the Board's Projected Statutory Deadline	18
3.	Factor 3: Investment in the Parallel Proceeding by the Court and Parties	19
4.	Factor 4: Overlap Between Issues Raised in the Petition and in the Parallel Proceeding	20
5.	Factor 5: Whether the Petitioner and the Defendant in the Parallel Proceeding Are the Same Party	21
6.	Factor 6: Other Circumstances That Impact the Board's Exercise of Discretion, Including the Merits	21
7.	In Total, the Fintiv Factors Weigh Against Institution	21
CONCLU	SION	22

Ancora's Opposition to Petitioners' Motion for Joinder

Exhibit No.	Description
Ex. 2001	RESERVED
Ex. 2002	RESERVED
Ex. 2003	RESERVED
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. Samsung Affidavit of Service
Ex. 2013	IAM Article Judge Albright Interview
Ex. 2014	VLSI v. Intel Jury Verdict Form
Ex. 2015	Ancora v. LG Rebuttal Report of David Martin

Table of Exhibits

Table of Authorities

Cases

Page

DOCKET A L A R M



Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.