

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.

IPR2020-00583
Patent No. 6,411,941

**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 THE PRECISE RELIEF REQUESTED

Samsung Electronics, Co., Ltd. and Samsung Electronics America, Inc., and (together, “Samsung” or “Petitioners”) respectfully submit this Motion for Joinder, concurrently with a Petition (“Samsung’s Petition”) for *inter partes* review of U.S. Patent No. 6,411,941 (“’941 patent”).

Pursuant to 35 U.S.C. § 315(c), 37 C.F.R. §§ 42.22 and 42.122(b), Samsung requests institution of an *inter partes* review and joinder with IPR2020-01609 (“TCT IPR”), which was instituted on February 16, 2021. *TCT Mobile (US) Inc. et al. v. Ancora Technologies, Inc.*, IPR2020-01609, Paper 7 (PTAB Feb. 16, 2021). Samsung’s Petition is essentially a copy of the TCT IPR. It includes the identical grounds presented in the TCT IPR and therefore would create no additional burden for the Board, the TCT Petitioners or Patent Owner if joined. Joinder would therefore lead to an efficient resolution of the validity of the ’941 patent.

Samsung stipulates that if joinder is granted, it will cooperate with the TCT Petitioners in the joined proceeding, whether at hearings, at depositions, in filings, or otherwise, as outlined below. Unless all of the TCT Petitioners are terminated from the proceedings, Samsung will act in a limited “silent understudy” role. Joinder will not impact the trial schedule because the proceeding based on the TCT IPR is in its early stages.

Samsung has notified counsel for the TCT Mobile (US) Inc., Huizhou TCL Mobile Communication Co., Ltd., and Shenzhen TCL Creative Cloud Technology Co., Ltd. Petitioners (“TCT Petitioners”) and counsel for Patent Owner regarding the subject of this motion. Counsel for the TCT Petitioners have indicated that the TCT Petitioners have reached a settlement in principle with Patent Owner and do not consent to this joinder motion.

Given the similarities of the proceedings, the lack of undue prejudice to Patent Owner, and the potential benefit to the public and to the Board that would accrue by Samsung’s participation in the TCT IPR proceeding in the event that TCT Petitioners’ participation terminates, the Board should institute IPR and grant Samsung’s Motion for Joinder.

II. ARGUMENT

A. Legal Standard

A petitioner may request joinder, without prior authorization, up to one month after the institution date of the proceeding to which joinder is requested. 37 C.F.R. § 42.122(b); *Taiwan Semiconductor Mfg. Co., Ltd. v. Zond LLC*, IPR2014-00781 and IPR2014-00782, Paper 5 at 3 (PTAB May 29, 2014).

The Board may grant a motion for joining a petitioner for *inter partes* review to another *inter partes* review proceeding. *See* 35 U.S.C. § 315(c). In determining whether to exercise its discretion to grant a motion for joinder, the Board considers:

(1) reasons why joinder is appropriate; (2) any new grounds of unpatentability asserted in the petition; (3) what impact (if any) joinder would have on the trial schedule for the existing review; and (4) specifically how briefing and discovery may be simplified. *See Dell, Inc. v. Network-1 Security Solutions, Inc.*, IPR2013-00385, Paper 17 at 3 (July 29, 2013).

B. Samsung's Motion for Joinder Is Timely

Joinder may be requested “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). The TCT IPR was instituted on February 16, 2021. IPR2020-01609, Paper 7 (Feb. 16, 2021). Samsung’s current motion is timely as it is being filed within one month of the institution date. Samsung has become aware of a possible settlement between the TCT Petitioners and Patent Owner, but respectfully submits that the Board should not grant any motion to terminate the -01609 IPR until after it rules on Samsung’s joinder petition and that of other parties who have also requested joinder, *see, e.g.*, IPR2021-00570, IPR2021-00581. *Cf. AT&T Services, Inc. v. Convergent Media Solutions, LLC*, IPR2017-01235, Paper 11 (PTAB May 9, 2017). Moreover, the mere possibility of settlement should not in and of itself be a basis for denial of joinder.

C. The Four Factors Favor Joinder

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