

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SONY MOBILE COMMUNICATIONS AB, SONY MOBILE
COMMUNICATIONS, INC., SONY ELECTRONICS INC., and
SONY CORPORATION,

Petitioners,

v.

ANCORA TECHNOLOGIES, INC.,

Patent Owner.

IPR2021-00663
Patent No. 6,411,941

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

Table of Contents

I. STATEMENT OF THE PRECISE RELIEF REQUESTED.....	1
II. ARGUMENT	3
A. Legal Standard	3
B. Sony’s Motion for Joinder Is Timely	3
C. The Four Factors Favor Joinder	4
1. Joinder of Sony Is Appropriate Because It Will Promote an Efficient Determination of the Validity of the ’941 Patent Without Prejudice to Any Party	4
2. Sony’s Petition Does Not Raise Any New Grounds of Unpatentability and Therefore Does Not Add Additional Complexity to the Grounds in the TCT Petitioners’ Petition ...	6
3. Joinder Will Not Affect the Schedule in the TCT IPR	7
4. Joinder Will Simplify Briefing Because Sony Has Agreed to Consolidated Filings and an Understudy Role.....	8
5. Joinder Will Result in No Prejudice to Patent Owner.....	10
III. INSTITUTION IS APPROPRIATE UNDER <i>GENERAL PLASTIC</i>	10
IV. <i>FINTIV</i> Factors	13
V. CONCLUSION	13

I. STATEMENT OF THE PRECISE RELIEF REQUESTED

Sony Mobile Communications AB, Sony Mobile Communications, Inc., Sony Electronics Inc. (successor in interest to Sony Mobile Communications (USA), Inc.), and Sony Corporation (collectively, “Sony” or “Petitioners”) respectfully submit this Motion for Joinder, concurrently with a Petition (“Sony’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), Sony 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). Sony’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, the other petitioners seeking to join as discussed below, or Patent Owner if joined. Joinder would therefore lead to an efficient resolution of the validity of the ’941 patent.

Sony is currently being sued by Patent Owner for infringement of the ’941 patent in the District of Delaware and has not previously filed any petitions before the PTAB challenging the validity of the ’941 patent. Three other groups of defendants also being sued by Patent Owner in other district courts for infringement of the ’941 patent have filed substantially identical IPR petitions as well as motions

for joinder, including: (1) IPR2021-00570 filed on February 19, 2010 by HTC Corporation and HTC America, Inc. (“HTC Petitioners”); (2) IPR2021-00583 filed on February 23, 2021 by Samsung Electronics, Co., Ltd. and Samsung Electronics America, Inc., (“Samsung Petitioners”); and (3) IPR2021-00581 filed February 23, 2021 by LG Electronics, Inc. and LG Electronics U.S.A., Inc. (“LG Petitioners”).

Counsel for the Petitioners in the TCT IPR has recently indicated to Sony that the parties in the *Ancora v. TCT Mobile (US) Inc., et al.* lawsuit, Case No. 8:19-cv-02192-GW-AS, have reached a settlement in principle, and the TCT litigation has been stayed pending settlement as of February 23, 2021. Besides TCT, there are now four additional petitioners/defendants, i.e., the Sony, HTC, Samsung, and LG Petitioners, all with real and present interests in continuing the TCT IPR based on the grounds instituted by the PTAB in the TCT Petition.

Sony stipulates that if joinder is granted, it will cooperate with TCT and/or the other petitioners in the joined proceeding, whether at hearings, at depositions, in filings, or otherwise, as outlined below. Joinder will not impact the trial schedule because the proceeding based on the TCT IPR is in its early stages.

Given the similarities of the proceedings, the number of petitioners, the lack of undue prejudice to Patent Owner, and the potential benefit to the public and to the Board that would accrue by Sony’s and the other petitioner’s cooperative participation in the TCT IPR proceeding in the event that TCT Petitioners’

participation terminates, the Board should institute IPR and grant Sony'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.*, IPR201300385, Paper 17 at 3 (July 29, 2013).

B. Sony'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,

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