# 

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

v.

ANCORA TECHNOLOGIES, INC., Patent Owner

\_\_\_\_

Case IPR2021-00663 Patent No. 6,411,941

\_\_\_\_\_

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



Case No.: IPR2021-00663 Atty. Dkt. No.: ANCC0121IPR Patent No.: 6,411,941

## **Table of Contents**

Table	of Au	thoritie	esiii
List o	f Exhi	bits	vi
I.	Introd	luction	
II.	Backg	ground	
III.			Motion for Joinder Should Be Denied for Mootness or Vill Unduly Delay the Original Proceeding
	A.		Board Should Terminate the Original Proceeding, Which d Moot this Motion
	В.		e Delay in the Original Proceedings Alternatively res Denying Petitioners' Motion for Joinder
IV.	The B	Board S	Should Exercise its Discretion to Deny this Petition11
	A.		Seneral Plastic Factors Favor Discretionary Denial of s Joinder Petition
		2.	Petition Directed to the Same Claims of the Same Patent13 Factor 2: Whether at the Time Of Filing of the First Petition the Petitioner Knew of the Prior Art Asserted in
		3.	the Second Petition or Should Have Known of It
			Received the Board's Decision on Whether to Institute Review in the First Petition
		4.	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
		5.	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
		6. 7.	Same Patent



Atty. Dkt. No.: ANCC0121IPR Case No.: IPR2021-00663 Patent No.: 6,411,941

		Than 1 Year After the Date on Which the Director	
		Notices Institution of Review	16
	8.	In Total, the General Plastic Factors Weigh Against	
		Institution	16
	B. The	e Fintiv Factors Favor Discretionary Denial of Sony's	
	Pet	ition	16
	1.	Factor 1: Whether a Stay Exists or Is Likely to Be	
		Granted If a Proceeding Is Instituted	18
	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 Proceedings	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	
	7.	In Total, the <i>Fintiv</i> Factors Weigh Against Institution	22
V.	Conclusio	on	22
Certifi	cate of Se	rvice	24
Certifi	cate of Co	ompliance Pursuant to 37 C.F.R. § 42.24	25



Case No.: IPR2021-00663 Atty. Dkt. No.: ANCC0121IPR

Patent No.: 6,411,941

### **Table of Authorities**

### **Cases**

Aerohive Networks, Inc. v. Chrimar Sys., Inc., IPR2016-01757 (PTAB Sep. 8, 2016)	7
Ancora Techs., Inc. v. Apple, Inc., 774 F.3d 732 (Fed. Cir. 2014)	. 3
Ancora Techs., Inc. v. HTC Am., Inc., 908 F.3d 1343 (Fed. Cir. 2018)	. 4
Apple Inc. v. Fintiv, Inc., IPR2020-00019 (PTAB Mar. 20, 2020)	17
Apple Inc. v. Uniloc 2017 LLC, IPR2020-00854 (PTAB Oct. 28, 2020)1	12
Cuozzo Speed Techs., LLC v. Lee, 136 S. Ct. 2131 (2016)	17
Dell Inc. v. Chrimar Sys., Inc., IPR2016-00569 (PTAB Jan. 20, 2017)	, 7
HTC Corp. v. Ancora Techs. Inc., Case No. CBM2017-00054 (PTAB Dec. 1, 2017)	. 4
Intel Corp. v. VLSI Tech. LLC, IPR2020-00583 (P.T.A.B. October 5, 2020)	19
Lenovo (U.S.) Inc. v. Neodron Ltd., Case No. IPR2020-00729 (PTAB Aug. 3, 2020)	6
LG Elec., Inc. v. Cellular Commc'ns Equip. LLC, Case No. IPR2016-00711 (PTAB May 13, 2016)	. 8
LG Elecs., Inc. v. Bell Northern Research, LLC, Case No. IPR2020-00108 (PTAB May 20, 2020)	. 6



Case No.: IPR2021-00663 Atty. Dkt. No.: ANCC0121IPR

Patent No.: 6,411,941

Mylan Techs., Inc. v. MonoSol Rx, LLC, IPR2017-00200 (PTAB Oct. 6, 2017)7
Par Pharma., Inc. v. MonoSol Rx, LLC, IPR2017-01557 (PTAB June 9, 2017)
Samsung Elecs. Co. Ltd. v. Ancora Techs., Inc., Case No. IPR2020-01184 (PTAB Jan. 5, 2021)
Samsung Elecs. Co. Ltd. v. Immersion Corp., IPR2018-01467 (PTAB June 18, 2019)10
Valve Corp. v. Elec. Scripting Prods., Inc., Case IPR2019-00062 (PTAB Apr. 2, 2019)12, 13
ZTE (USA) LLC, v. Seven Networks, LLC, Case No. IPR 2019-00460 (PTAB Feb. 28, 2019)
ZTE USA, Inc. v. Parthenon Unified Memory Architecture LLC, Case No. IPR2016-00664 (PTAB June 8, 2016)
Statutes
35 U.S.C. § 314
Other Authorities
PTAB Consolidated Trial Practice Guide (Nov. 2019), https://www.uspto.gov/TrialPracticeGuideConsolidated



## DOCKET

## 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.

