

IPR2021-00663  
Patent No. 6,411,941  
Petitioners' Reply In Support Of Motion For Joinder  
Attorney Docket: SONYNJ 7.1R-015

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

**TABLE OF CONTENTS**

	<b><u>Page</u></b>
TABLE OF AUTHORITIES .....	ii
I. INTRODUCTION .....	1
II. JOINDER SHOULD BE GRANTED PRIOR TO TERMINATION .....	1
III. THE EXPEDITED SCHEDULE ADDRESSES ALLEGED DELAY .....	3
IV. THE <i>GENERAL PLASTICS</i> FACTORS FAVOR INSTITUTION .....	3
V. THE <i>FINTIV</i> FACTORS WEIGH IN FAVOR OF INSTITUTION .....	5

**TABLE OF AUTHORITIES**

	<b>Page(s)</b>
<b>CASES</b>	
<i>Aerohive Networks, Inc. v. Chrimar Sys., Inc.</i> , IPR2016-01757, Paper 9 (Dec. 14, 2016) .....	2
<i>Apple Inc. v. Uniloc 2017</i> , IPR2020-00854, Paper 9 (Oct. 28, 2020) .....	3
<i>AT&amp;T Servs., Inc. v. Convergent Media Sols., LLC</i> , IPR2017-01237, Paper 10 (May 10, 2017).....	2
<i>BMW v. Paice</i> , IPR2020-01386, Paper 13 (Feb. 5, 2021) .....	4
<i>Facebook, Inc. v. Windy City Innovations, LLC</i> , IPR2017-00624, Paper 8 (May 31, 2017).....	2
<i>Garmin Int'l, Inc. v. Koninklijke Philips N.V.</i> , IPR2020-00754, Paper 11 (Oct. 27, 2020) .....	7
<i>HIP, Inc. v. Hormel Foods Corp.</i> , 1-18-cv-00615 (May 16, 2019).....	6
<i>Intel Corp. v. VLSI Tech. LLC</i> , IPR2020-00583, Paper 22 (Oct. 5, 2020) .....	6
<i>LG Elecs., Inc. v. Cellular Commc'ns Equip. LLC</i> , IPR2016-00711, Paper 7 (May 13, 2016).....	2
<i>MediaTek Inc. v. Bandspeed, Inc.</i> , IPR2015-00314, Paper 20 (Sept. 17, 2015).....	2-3
<i>Mylan Techs. Inc. v. MonoSol Rx, LLC</i> , IPR2017-00200, Paper 19 (Sept. 29, 2017).....	2
<i>Nintendo v. Babbage Holdings, LLC</i> , IPR2015-00568, Paper 12 (Mar. 18, 2015) .....	3

IPR2021-00663 (Patent No. 6,411,941)  
Petitioners' Reply in Support of Motion for Joinder

<i>Par Pharm., Inc. v. MonoSol Rx, LLC,</i> IPR2017-01557, Paper 8 (Sept. 19, 2017).....	2
<i>Qualcomm Inc. v. Monterey Research, LLC,</i> IPR2020-01491, Paper 10 (Mar. 8, 2021) .....	4
<i>RetailMeNot, Inc. v. Honey Sci. LLC,</i> 1-18-cv-00937 (May 27, 2020).....	6
<i>Thryv, Inc. v. Click-to-Call Techs., LP,</i> 140 S.Ct. 1367 (2020).....	2
<i>Trs. of Columbia Univ. v. Illumina, Inc.,</i> 1-19-cv-01681 (Feb. 18, 2021).....	6
<i>Valve Corp. v. Elec. Scripting Prods., Inc.,</i> IPR2019-00062, Paper 11 (Apr. 2, 2019).....	3
<i>ZTE USA, Inc. v. Parthenon Unified Memory Architecture LLC,</i> IPR2016-00664, Paper 10 (June 8, 2016).....	3
<i>ZTE (USA) LLC v. Seven Networks,</i> IPR2019-00412, Paper 12 (Feb. 28, 2019).....	2
<i>ZTE (USA) LLC v. Seven Networks, LLC,</i> IPR2019-00460, Paper 18 (June 6, 2019).....	1

**I. INTRODUCTION**

The discretionary factors and equities favor granting Petitioners' ("Sony") joinder motion. Ancora is a nonpracticing entity, asserting a patent that expired on October 1, 2018, against Sony and other consumer electronics companies. The long history of lawsuits by Ancora as well as recent settlement with TCT, shortly after the PTAB instituted an IPR proceeding in an effort to quell a strong challenge to the '941 Patent's validity, justify granting Sony's joinder motion. Sony has not previously filed a petition against the '941 Patent. The underlying litigation is in early stages of discovery and would not go to trial until at least October 2022. While two parties have opted to settle, Sony, LGE, HTC, and Lenovo continue to litigate, in three different courts, and most notably the Board has *already determined* in IPR2020-01609 that the prior art is likely to invalidate *all* challenged claims. Here, the public policies of promoting patent quality and fostering settlement can both be achieved by granting Sony's joinder petition and then dismissing TCT from the IPR proceedings. Weighing all relevant factors, the Board should allow joinder by Sony.

**II. JOINDER SHOULD BE GRANTED PRIOR TO TERMINATION**

The Board decides joinder motions "on a case-by-case basis upon consideration of the totality of the circumstances." *ZTE (USA) LLC v. Seven Networks, LLC*, IPR2019-00460, Paper 18, at 6 (June 6, 2019).

The decisions Ancora cites for the proposition that Sony's joinder petition should be denied as moot are factually distinct. In *ZTE*, joinder was denied where

# 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.