UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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GOOGLE LLC,
Petitioner

v.

GESTURE TECHNOLOGY PARTNERS LLC,
Patent Owner

_____

Case No. IPR2022-00361
U.S. Patent No. 8,194,924

_____

**MOTION FOR JOINDER TO *INTER PARTES* REVIEW
IPR2021-00923**

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I.   STATEMENT OF THE PRECISE RELIEF REQUESTED

Google LLC ("Petitioner" or "Google") respectfully submits this Motion for Joinder concurrently with a Petition ("the Google petition") for *inter partes* review of U.S. Patent No. 8,194,924 ("the '924 patent").

Pursuant to 35 U.S.C. § 315(c), 37 C.F.R. §§ 42.22 and 42.122(b), Google requests institution of the concurrently filed Petition for *inter partes* review and joinder with *Apple Inc. v. Gesture Technology Partners LLC*, IPR2021-00923 ("the Apple IPR" or "the Apple proceeding"), which the Board instituted on December 6, 2021, and concerns the same claims 1–14 of the '924 patent. This request is being submitted within the time set forth in 37 C.F.R. § 42.122(b).

Google submits that the request for joinder is consistent with the policy surrounding *inter partes* reviews, as it is the most expedient way "to secure the just, speedy, and inexpensive resolution of every proceeding." *See* 37 C.F.R. § 42.1(b); *see also HTC v. Parthenon Unified Memory Architecture LLC*., IPR2017-00512, Paper No. 12 at 5–6 (June 1, 2017). The Google petition and the Apple IPR are substantively identical; they contain the same grounds (based on the same prior-art combinations and supporting evidence) against the same claims (*See* Ex. 1018, illustrating changes between the instant Petition and the Petition in IPR2021-00923.) Further, upon joining the Apple proceeding, Google will act as an "understudy" and

will not assume an active role unless the current petitioner ceases to participate in the instituted IPR. Accordingly, the proposed joinder will neither unduly complicate the Apple IPR nor delay its schedule. As such, the joinder will promote judicial efficiency in determining the patentability of the '924 patent without prejudice to Patent Owner. Apple does not oppose this motion for joinder.

II.   STATEMENT OF MATERIAL FACTS

1.   The '924 patent is or was at issue in the following patent infringement actions: Case Nos. 6:21-cv-00123 (W.D. Tex.) (transferred to District of New Jersey as case number 2:21-cv-19234 (D.N.J)); 6:21-cv-00121 (W.D. Tex.)[1]; 6:21-cv-00122 (W.D. Tex.)[2]; and consolidated cases 2:21-cv-00040 (E.D. Tex.) (defendant Huawei dismissed with prejudice); and 2:21-cv-00041 (E.D. Tex.).

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[1] The court granted Apple Inc.'s motion to stay pending the final written decision on the *inter partes* review of the asserted patents. *Gesture Technology Partners, LLC v. Apple Inc.*, No. 6:21-cv-00121 (W.D. Tex. Dec. 29, 2021).

[2] The court granted a motion to dismiss the case against Lenovo (United States) Inc. and Motorola Mobility LLC for improper venue. *Gesture Technology Partners, LLC v. Lenovo Group Ltd. et al.,* No. 6:21-cv-00122, Dkt. 43 (W.D. Tex. Dec. 29, 2021). The remaining defendant in that case—Lenovo Group Ltd.—was not served. *Id.* at 1 n.1.

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