

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ANKER INNOVATIONS LTD.,
Petitioner,

v.

MYPAQ HOLDINGS LTD.,
Patent Owner.

IPR2022-01134
Patent 8,477,514 B2

Before KRISTINA M. KALAN, DANIEL J. GALLIGAN, and
ELIZABETH M. ROESEL, *Administrative Patent Judges*.

GALLIGAN, *Administrative Patent Judge*.

DECISION
Granting Institution of *Inter Partes* Review
35 U.S.C. § 314
Granting Motion for Joinder
35 U.S.C. § 315(c); 37 C.F.R. § 42.122

I. DISCUSSION

We instituted *inter partes* review of U.S. Patent 8,477,514 B2 (“514 patent”) in IPR2022-00311 (“311 IPR”) based on a petition filed by Samsung Electronics Co., Ltd. (“Samsung”) and Dell Technologies Inc. (“Dell”). 311 IPR, Papers 3, 11. In this proceeding, Anker Innovations Ltd. (“Petitioner” or “Anker”) filed a Petition (Paper 2) and a Motion for Joinder (Paper 3) seeking to be joined as a petitioner in the 311 IPR. Petitioner represents that Samsung and Dell, the petitioners in the 311 IPR, do not oppose joinder. Motion 3. Petitioner agrees to take an “understudy” role in the 311 IPR if it is joined as a petitioner. Motion 7, 10–12. MyPAQ Holdings Ltd. (“Patent Owner”) filed a statement of non-opposition to the joinder motion, in which Patent Owner states that it does not oppose Petitioner’s joinder to the 311 IPR “on the conditions identified in Anker’s Motion for Joinder (i.e., with Anker taking an ‘understudy role.’)” Paper 7.

The statute governing *inter partes* review joinder states the following:

JOINDER.—If the Director institutes an *inter partes* review, the Director, in his or her discretion, may join as a party to that *inter partes* review any person who properly files a petition under section 311 that the Director, after receiving a preliminary response under section 313 or the expiration of the time for filing such a response, determines warrants the institution of an *inter partes* review under section 314.

35 U.S.C. § 315(c).

The time for filing a preliminary response to the Petition has expired, and Patent Owner did not file one. *See* 37 C.F.R. 42.107(b) (“The preliminary response must be filed no later than three months after the date of a notice indicating that the request to institute an *inter partes* review has been granted a filing date.”); Paper 4 (filing date notice entered on June 21, 2022).

The standard for instituting an *inter partes* review is set forth in 35 U.S.C. § 314(a), which provides that an *inter partes* review may not be instituted unless the information presented in the Petition and the Preliminary Response shows “there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.”

The patentability challenges in the 311 IPR met the “reasonable likelihood” standard of § 314(a). 311 IPR, Paper 11 at 29. Petitioner represents that the Petition “is substantively identical to the petition in the [311] IPR—challenging the same claims of the ’514 patent on the same grounds while relying on the same prior art, arguments, and evidence.” Motion 3. Petitioner presents the following grounds in this Petition, which are identical to the instituted grounds in the 311 IPR:

Claim(s) Challenged	35 U.S.C. §	Reference(s)/Basis
1–12, 14–17, 19, 20	102(b)	Chagny ¹
1–20	103(a)	Chagny
1–10, 16, 17, 19, 20	102(b)	Hwang ²
11, 12, 14–17, 19, 20	103(a)	Hwang, Chagny
18	103(a)	Hwang
13, 18	103(a)	Hwang, Chagny

Pet. 7; *see* 311 IPR, Paper 11 at 4–5, 29 (identifying same grounds and instituting *inter partes* review).

We conclude that Petitioner has demonstrated a reasonable likelihood of prevailing with respect to at least one challenged claim of the ’514 patent for the reasons set forth in our institution decision in the 311 IPR and that the Petition warrants institution. *See* 311 IPR, Paper 11 at 10–29.

¹ Ex. 1004, US 6,873,136 B2, issued Mar. 29, 2005.

² Ex. 1006, US 2004/0174152 A1, published Sept. 9, 2004.

As discussed above, Petitioner's Motion is unopposed by all interested parties, namely, Samsung, Dell, and Patent Owner. We have reviewed the Motion, and we determine that it is appropriate under these circumstances to join Petitioner as a party to the 311 IPR.

II. ORDER

Accordingly, it is

ORDERED that, pursuant to 35 U.S.C. § 314(a) and 37 C.F.R. § 42.4, an *inter partes* review is hereby instituted on the challenges raised in the Petition; and

FURTHER ORDERED that Petitioner's Motion for Joinder with PR2022-00311 is *granted*, and Petitioner is hereby joined as a petitioner in IPR2022-00311;

FURTHER ORDERED that the grounds on which trial in IPR2022-00311 were instituted are unchanged, and no other grounds are added in IPR2022-00311;

FURTHER ORDERED that the Scheduling Order entered in IPR2022-00311 (Paper 12) and the Parties' Stipulation to Modify Trial Dates 1, 2, and 3 (Paper 13) shall govern the trial schedule in IPR2022-00311;

FURTHER ORDERED that Petitioner's role in IPR2022-00311 shall be limited as stated by Petitioner in the Motion for Joinder (Paper 3 at 10–12) unless and until Samsung and Dell are terminated from that proceeding;

FURTHER ORDERED that the case caption in IPR2022-00311 shall be changed to reflect joinder of Petitioner in accordance with the attached example;

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FURTHER ORDERED that a copy of this Decision be entered into the record of IPR2022-00311; and

FURTHER ORDERED that all further filings shall be made in IPR2022-00311.

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