

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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ANKER INNOVATIONS LTD.,  
Petitioner

v.

MYPAQ HOLDINGS LTD.,  
Patent Owner

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Case IPR2022-01134  
Patent 8,477,514

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**PETITIONER'S 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 PRECISE RELIEF REQUESTED ..... 3

II. BACKGROUND AND RELATED PROCEEDINGS ..... 4

III. STATEMENT OF REASONS FOR RELIEF REQUESTED ..... 5

    A. Legal Standard..... 5

    B. Anker’s Motion for Joinder is Timely ..... 6

    C. The *Kyocera* Factors Favor Joinder..... 6

        i. Factor 1: Joinder is appropriate..... 6

        ii. Factor 2: Anker’s Petition proposes no new grounds of  
unpatentability ..... 8

        iii. Factor 3: Joinder will not unduly burden or negatively impact the  
Samsung/Dell IPR ..... 9

        iv. Factor 4: Procedures to simplify briefing and discovery ..... 10

IV. CONCLUSION ..... 12

**I. STATEMENT OF PRECISE RELIEF REQUESTED**

Anker Innovations Ltd. (“Anker”) respectfully submits this Motion for Joinder together with a Petition for *Inter Partes* Review in IPR2022-01134 (“Anker’s Petition”) challenging U.S. Patent No. 8,477,514 (“the ’514 patent”).

On December 14, 2021, Samsung Electronics Co., Ltd. (“Samsung”) and Dell Technologies Inc. (“Dell”) filed an earlier petition in IPR2022-00311 (“the Samsung/Dell IPR”) that also challenges the ’514 patent. The Samsung/Dell IPR was instituted on May 23, 2022. Counsel for Anker conferred with counsel for Samsung/Dell, and Samsung/Dell does not oppose joinder.

As such, Anker requests *inter partes* review and joinder with the Samsung/Dell IPR pursuant to 35 U.S.C. § 315(c) and 37 C.F.R. § 42.122(b). Joinder is appropriate because Anker’s Petition is substantively identical to the petition in the Samsung/Dell IPR—challenging the same claims of the ’514 patent on the same grounds while relying on the same prior art, arguments, and evidence (i.e., Anker’s Petition is a “copycat” petition). If, however, the Samsung/Dell IPR is terminated prior to institution, Anker respectfully requests that this motion be withdrawn, and Anker’s petition be instituted against the ’514 patent.

Anker is filing this motion for joinder rather than a standalone petition, and is doing so expeditiously. *See, e.g., General Plastic Indus. Co. v. Cannon Kabushiki Kaisha*, IPR2016-01357, Paper 19 at 16 (PTAB Sept. 6, 2017) (precedential) (“In

exercising discretion...we are mindful of the goals of the AIA—namely, to improve patent quality and make the patent system more efficient by the use of post-grant review procedures”); *Apple Inc. v. Fintiv, Inc.*, IPR2020-00019, Paper 11 at 6 (PTAB Mar. 20, 2020) (precedential) (“the Board takes a holistic view of whether efficiency and integrity of the system are best served by denying or instituting review”). Anker’s request here will increase efficiency in at least two ways. First, Anker will reduce the number of distinct, parallel challenges to the ’514 patent at the PTAB because Anker is requesting joinder rather than pursuing its own standalone petition. Second, Anker is filing its copycat petition and motion to join within 30 days of the institution of the Samsung/Dell IPR—thereby simplifying the schedule between the two IPRs and reducing the likelihood of duplicative efforts across multiple forums.

Finally, not only is Anker’s request for joinder timely (filed within 30 days of the institution of the Samsung/Dell IPR), but Anker is committed to promoting efficiency in discovery and briefing by taking an “understudy role.” Thus, joining Anker’s IPR with the Samsung/Dell IPR will not unduly burden or prejudice Patent Owner or Samsung and Dell. Instead, it will accomplish the goals of 35 U.S.C. §315(c) while also achieving for a just, speedy, and inexpensive determination of related proceedings.

## **II. BACKGROUND AND RELATED PROCEEDINGS**

1. On February 10, 2022, MyPAQ Holdings Ltd. (“MyPAQ”)—the

purported Patent Owner—filed a complaint asserting the ’514 patent against Anker in the U.S. District Court for the Western District of Texas (Case No. 6:22-cv-00150).

2. On April 23, 2021, MyPAQ filed a complaint asserting the ’514 patent against Samsung in the U.S. District Court for the Western District of Texas (Case No. 6:21-cv-00398).

3. On September 10, 2021, MyPAQ filed a complaint asserting the ’514 patent against Dell in the U.S. District Court for the Western District of Texas (Case No. 6:21-cv-00933).

4. On December 14, 2021, Samsung and Dell jointly timely filed a Petition for *Inter Partes* Review challenging claims 1-20 of the ’514 patent (“Samsung/Dell Petition”). *See* IPR2022-00311, Paper 3 (PTAB Dec. 14, 2021).

5. Anker’s present Petition for IPR challenges the same claims of the ’514 patent using the same grounds as Samsung/Dell Petition in case no. IPR2022- 00311—including citing to the same expert testimony and evidence supporting those grounds. As such, Anker’s present Petition is substantively identical as to those grounds, and presents no new issues.

### **III. STATEMENT OF REASONS FOR RELIEF REQUESTED**

#### **A. Legal Standard**

The Board may join as a party to an instituted *inter partes* review a person who has properly filed a petition for *inter partes* review that warrants institution. 35 U.S.C.

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