

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD.,
SAMSUNG ELECTRONICS AMERICA, INC., and APPLE INC.,

Petitioners,

v.

JAWBONE INNOVATIONS, LLC,

Patent Owner.

Patent No. 11,122,357
Filing Date: August 5, 2013
Issue Date: September 14, 2021

Inventor: Gregory C. Burnett
Title: FORMING VIRTUAL MICROPHONE ARRAYS USING
DUAL OMNIDIRECTIONAL MICROPHONE ARRAY (DOMA)

**JAWBONE INNOVATIONS, LLC'S
RESPONSE TO MOTION FOR JOINDER UNDER
35 U.S.C. § 315(c) AND 37 C.F.R. §§ 42.22, 42.122(b) TO IPR2022-01124**

Case No. IPR2022-01321

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EXHIBITS

Exhibit No.	Description
2001	Apple, Inc.'s Opening Claim Construction Brief in (Public Version) <i>Jawbone Innovations, LLC v. Apple, Inc.</i> , Case No. 6:21-cv-00984-ADA, dated May 25, 2022
2002	Google LLC's Opening Claim Construction Brief (Public Version) in <i>Jawbone Innovations, LLC v. Google LLC</i> , Case No. 6:21-cv-00985-ADA, dated May 25, 2022
2003	Defendant Google LLC's Opposed Motion to Transfer to the Northern District of California (Public Version), Dkt. 43, in <i>Jawbone Innovations, LLC v. Google LLC</i> , Case No. 6:21-cv-00985-ADA dated April 29, 2022
2004	Defendant's Preliminary Invalidity Contentions in <i>Jawbone Innovations, LLC v. Apple, Inc.</i> , Case No. 6:21-cv-00984-ADA, dated April 6, 2022
2005	Defendants' Preliminary Invalidity Contentions and Eligibility Contentions in <i>Jawbone Innovations, LLC v. Samsung Electronics Co., Ltd., et al.</i> , Case No. 2:21-cv-00186-JRG, dated March 24, 2022

I. INTRODUCTION

On July 27, 2022, Petitioners Samsung Electronics Co., Ltd., Samsung Electronics America, Inc., and Apple, Inc. (collectively, “Petitioners”) filed a Petition for *Inter Partes* Review (Paper 4, “Petition”) against U.S. Patent No. 11,122,357 (Ex. 1001, “the ’357 Patent”). At the same time, Petitioners filed a “Motion for Joinder Under 35 U.S.C. § 315(c), 37 C.F.R. § 42.22, § 42.122(b) to IPR2022-01124,” seeking to join IPR2022-01124 (the “Google IPR”). Paper No. 5 (“Motion”).

The Board should deny Petitioners’ Motion because joinder will needlessly complicate the Google IPR. Moreover, the *Gen. Plastic* factors weigh in favor of denial of the Petition.

II. ARGUMENT

A. Legal Standard

“To join a party to an instituted IPR, the plain language of § 315(c) requires two different decisions.” *Facebook, Inc. v. Windy City Innovations, LLC*, 973 F.3d 1321, 1332 (Fed. Cir. 2020). The first decision is “whether the joinder [to] applicant’s petition for IPR ‘warrants’ institution under § 314.” The second is “whether to ‘join as a party’ the joinder applicant.” *Id.* “Joinder may be authorized when warranted, but the decision to grant joinder is discretionary.” *Sony Corp. of Am. v. Network-1 Sec. Sols., Inc.*, Case No. IPR2013-00386, Paper 16, 3 (P.T.A.B.

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