

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

DELL TECHNOLOGIES INC. AND DELL INC.,

Petitioners,

v.

XR COMMUNICATIONS LLC,

Patent Owner.

Case: IPR2022-01398

U.S. Patent No. 10,715,235

**MOTION FOR JOINDER TO
INTER PARTES REVIEW IPR2022-00367**

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I. STATEMENT OF PRECISE RELIEF REQUESTED

Petitioners Dell Technologies Inc. and Dell Inc. (“Petitioners” or “Dell”) hereby move for joinder of Dell’s contemporaneously-filed petition for *Inter Partes* Review (“IPR”) of claims 8-14 of U.S. Patent No. 10,715,235 (the “235 Patent”) with a pending IPR filed by Apple Inc. and HP Inc. against XR Communications LLC, IPR2022-00367 (“Apple & HP IPR”).

The Apple & HP IPR was filed on January 7, 2022, on the same patent and the same claims as this Petition. This Petition and supporting declaration are substantively identical to the petition and declaration submitted in the Apple & HP IPR. More specifically, Petitioners here assert that the same claims are obvious over the same prior art based on the same arguments presented by the same expert as in the Apple & HP IPR.

Apple Inc. and HP Inc. have informed Petitioners that they do not oppose joinder. Petitioners here have agreed to take an “understudy” role if joined. Joinder will not cause any delay in the resolution of the Apple & HP IPR. Joinder is therefore appropriate because it will promote the efficient and consistent resolution of the same patentability issues of the same patent. It will not delay any schedule in the Apple & HP IPR trial schedule, and the parties in the Apple & HP IPR will not be prejudiced.

II. STATEMENT OF MATERIAL FACTS

1. XR Communications LLC (“Patent Owner”) purportedly owns the ’235 Patent.

2. The following litigation or *inter partes* reviews related to the ’235 Patent are pending:

- *Apple Inc. et al v. XR Communications, LLC*, IPR2022-01155 (PTAB);
- *Apple Inc. et al v. XR Communications, LLC*, IPR2022-00367 (PTAB);
- *Amazon.com, Inc. et al v. XR Communications LLC*, IPR2022-01353 (PTAB);
- *Samsung Electronics Co., Ltd. et al v. XR Communications LLC*, IPR2022-01362 (PTAB);
- *XR Communications, LLC, dba Vivato Technologies v. HP Inc.*, Case No. 6:21-cv-00694-ADA (WDTX);
- *XR Communications, LLC, dba Vivato Technologies v. Microsoft Corporation*, Case No. 6:21-cv-00695-ADA (WDTX);
- *XR Communications, LLC, dba Vivato Technologies v. Dell Technologies Inc. et al*, Case No. 6:21-cv-00646-ADA (WDTX);
- *XR Communications, LLC, dba Vivato Technologies v. Amazon.com, Inc. et al*, Case No. 6:21-cv-00619-ADA (WDTX);
- *XR Communications, LLC, dba Vivato Technologies v. Apple, Inc.*, Case No. 6:21-cv-00620-ADA (WDTX);
- *XR Communications, LLC, dba Vivato Technologies v. ASUSTeK Computer Inc.*, Case No. 6:21-cv-00622ADA (WDTX);

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