

Filed on behalf of: Ford Motor Company

Entered: March 28, 2023

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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FORD MOTOR COMPANY,  
Petitioner,

v.

NEO WIRELESS, LLC,  
Patent Owner.

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Case Unassigned  
U.S. Patent No. 10,965,512

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**CONDITIONAL MOTION FOR JOINDER  
UNDER 35 U.S.C. § 315(c),  
37 C.F.R. §§ 42.22, AND 42.122(b)**

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**I. STATEMENT OF PRECISE RELIEF REQUESTED**

Ford Motor Company (“Ford”) submits this Conditional Motion for Joinder (“Motion”) concurrently with a “copycat” petition for *inter partes* review (IPR) (“Petition”) of U.S. Patent No. 10,965,512 (“the ’512 patent”) (Ex. 1001), under 35 U.S.C. § 315(c) and 37 C.F.R. §§ 42.22 and 42.122(b).

At present, and not including Ford’s Petition submitted concurrently with this Motion, two IPRs have been filed challenging the ’512 patent: IPR2022-01539, *Volkswagen Group of America, Inc. v. Neo Wireless, Inc.*, filed September 15, 2022 (the “Volkswagen IPR”) and IPR2023-00079, *Mercedes-Benz USA, LLC v. Neo Wireless LLC*, filed October 19, 2022 (the “Mercedes IPR”).

Ford’s IPR was filed after the Volkswagen and Mercedes IPRs. Accordingly, Ford respectfully requests that the Board hold Ford’s Motion in abeyance until those two IPRs have been instituted and/or terminated, i.e., (1) the Board has decided whether to institute the Volkswagen IPR or it has been terminated, *and* (2) the Board has decided whether to institute the Mercedes IPR or it has been terminated.

Ford seeks party joinder to the Volkswagen IPR, if the Volkswagen IPR has been instituted and is still pending when the Board reaches this Motion. If the Volkswagen IPR is *not* pending when the Board reaches this Motion, Ford seeks party joinder to the Mercedes IPR in the alternative. As will be discussed below,

Ford will remain in the understudy role until neither of Volkswagen and Mercedes remain as parties in the proceeding.

If neither of the Volkswagen and Mercedes IPRs are pending when the Board reaches Ford's Motion and Petition, this Motion is moot and Ford asks the Board to consider the Petition on its merits.

Joinder will efficiently resolve the challenges presented in the Petition and the Volkswagen IPR and will not prejudice the patent owner, first-petitioner Volkswagen, or second-petitioner Mercedes. Both the Petition and the Mercedes IPR are typical "copycat" petitions. The grounds presented in the Petition are identical to those in the Volkswagen IPR and therefore are also identical to the grounds presented in the Mercedes IPR. Ford's Petition is substantively identical to the Volkswagen Petition—in fact, it is a verbatim copy of Volkswagen's Petition, with the exception of administrative portions (e.g., mandatory notices) and the discussion of *Apple Inc. v. Fintiv, Inc.*, IPR2020-00019, Paper 11 (Mar. 11, 2020), and is therefore also substantively identical to Mercedes's Petition.

Moreover, if the Board grants this Motion, Petitioner agrees to act as an "understudy," following the common PTAB practice by allowing Volkswagen or Mercedes (whichever is in the proceeding) to lead the joined proceedings absent settlement or termination for any reason.

Lead petitioner Volkswagen and second-petitioner Mercedes have stated to Petitioner that they do not oppose joinder.

## II. BACKGROUND AND RELATED PROCEEDINGS

The '512 patent is assigned on its face to Neo Wireless LLC ("Patent Owner"). Patent Owner has asserted the '512 patent against Petitioner and numerous other parties. The '512 patent is the subject of the following civil actions: *Neo Wireless, LLC v. Ford Motor Company*, No. 4:22-cv-00210 (W.D. Mo.), filed March 29, 2022; *Neo Wireless, LLC v. Nissan North America Inc.*, No. 3:22-cv-00220 (M.D. Tenn.), filed March 29, 2022; *Neo Wireless, LLC v. American Honda Motor Co., Inc.*, No. 2:22-cv-01824 (S.D. Ohio), filed March 29, 2022; *Neo Wireless LLC v. Tesla, Inc.*, No. 2:22-cv-00095 (E.D. Tex.), filed March 29, 2022; *Neo Wireless LLC v. General Motors Company*, No. 2:22-cv-00094 (E.D. Tex.), filed March 29, 2022; *Neo Wireless LLC v. Toyota Motor North America, Inc.*, No. 2:22-cv-00093 (E.D. Tex.), filed March 29, 2022; *Neo Wireless, LLC v. Volkswagen Group of America, Inc. (TV2)*, No. 1:22-cv-00076 (E.D. Tenn.), filed March 29, 2022; *Neo Wireless, LLC v. Volkswagen Group of America, Inc.*, No. 2:22-cv-11404 (E.D. Mich.), filed June 28, 2022; *Neo Wireless LLC v. Toyota Motor North America, Inc.*, No. 2:22-cv-11406 (E.D. Mich.), filed June 28, 2022; *Neo Wireless LLC v. General Motors Company*, No. 2:22-cv-11407 (E.D. Mich.), filed June 28, 2022; *Neo Wireless LLC v. Tesla, Inc.*, No. 2:22-cv-11408 (E.D. Mich.), filed June 28, 2022; *Neo Wireless, LLC v.*

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