

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

IPR Case No.: 2023-00764

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**PETITIONER'S REPLY IN SUPPORT OF PETITIONER'S  
MOTION FOR JOINDER**

Subsequent to Neo Wireless, LLC's ("Patent Owner") Response to Petitioner's Motion for Joinder ("Response"), the Board granted Institution in IPR2022-01539 ("Volkswagen IPR") and IPR2023-00079 ("Mercedes IPR"). (*See Volkswagen Group of America, Inc. v. Neo Wireless, LLC*, No. IPR2022-01539, Paper 7 (P.T.A.B.); *Mercedes-Benz USA, LLC, v. Neo Wireless, LLC*, No. IPR2023-00079, Paper 11. (P.T.A.B.)). The Board also granted Mercedes's motion for joinder with the Volkswagen IPR. (IPR2023-00079, Paper 11 at 14).

In the Mercedes IPR, the Patent Owner did not oppose but instead sought multiple conditions<sup>1</sup> on joinder. The Board rejected Patent Owner's further conditions stating, "Patent Owner's further conditions are not necessary." (IPR2023-00079, Paper 11 at 13).

The Patent Owner seeks the same unnecessary conditions<sup>2</sup> here. For the

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<sup>1</sup> Patent Owner argued for the following conditions: 1) Mercedes should be denied any right to participate in the joined proceeding, 2) Mercedes's exhibits, including its expert declaration, should be excluded from the record, and 3) if joinder is granted, Volkswagen should be shown to have accepted Mercedes's role in the proceeding.

<sup>2</sup> Patent Owner seeks to require that 1) Ford should be denied *any* right to participate in the joined proceeding, and 2) Ford's exhibits, including its expert declaration, should be excluded from the record.

reasons herein and in Petitioner's Motion for Joinder, Paper 3 ("Motion"), Petitioner's Motion should be granted, without imposing Patent's Owner's unnecessary conditions.

First, the Response fails to appropriately consider Petitioner's express statements that it, if joined, would take an inactive understudy role. (Motion at 2.) Petitioner being joined as an inactive understudy would not present any additional burden on the Patent Owner. As described in Petitioner's Motion, the grounds presented here by Petitioner are the same as the grounds presented in the Volkswagen IPR, and Petitioner will have no substantive role in that proceeding unless the petitioner in the Volkswagen IPR (either Volkswagen or Mercedes) ceases its own participation. (Motion at 7–8 and 10.)

Second, Patent Owner's supposed "further conditions," are essentially duplicative of the restrictions that Petitioner already proposes on its participation in the Volkswagen IPR and thus are unnecessary. Petitioner's Motion makes clear that, if joined, it will not raise new grounds or introduce its own arguments or discovery and that it will not submit any filing unless the filing solely involves Petitioner. These restrictions are adequate to eliminate the chance of duplicative briefing and any additional burden in the Volkswagen IPR. *See, e.g., Mercedes-Benz Grp. AG v. Arigna Tech. Ltd.*, No. IPR2022-00776, Paper 8 at 11 (P.T.A.B.).

And although Patent Owner urges Petitioner be compelled to withdraw the

declaration of Dr. Cooklev, that would be inappropriate and premature at this stage. The cases relied upon by Patent Owner involve situations where joining petitioners sought to introduce expert declarations with *new* or additional arguments or otherwise did not agree to rely solely on the declaration of first petitioner's expert and are inapplicable here. The Board regularly permits joinder of petitioners who relied on different declarants, when, as is the case here, the joining petitioner's expert presents the same opinions as the earlier-filed IPR. *See, e.g., Everlight Elecs. Co., Ltd. v. Document Sec. Sys., Inc.*, No. IPR2018-01225, Paper 14, at 5-9 (P.T.A.B. Sept. 27, 2018); *see also Pfizer Inc. v. Sanofi-Aventis Deutschland GmbH*, No. IPR2019-00981, Paper 12, at 4 (P.T.A.B. Aug. 15, 2019); *Microsoft Corp. v. Koninklijke Philips N.V.*, No. IPR2017-01754, Paper 16, at 6 (P.T.A.B. Nov. 29, 2017); *Qualcomm Inc. v. DSS Tech. Mgmt., Inc.*, No. IPR2016-01314, Paper 8, at 2 n.1, 3 (P.T.A.B. Aug. 29, 2016).

As explained in the Motion, Ford agreed to rely entirely on, and be bound by, the declaration and deposition of Volkswagen's (or Mercedes's) expert declarant in the joined IPR, so long as Volkswagen (or Mercedes) remains a party until its expert is deposed. *See Everlight Elecs.*, No. IPR2018-01225, Paper 14 at 6. And, if Volkswagen and Mercedes are not parties in the IPR, Petitioner will rely on Dr. Cooklev's substantively identical declaration and the Patent Owner can depose Dr. Cooklev. (Motion at 11.) Joinder accordingly presents no risk of duplicative

declarations, depositions, or other evidence.

Like Mercedes, Ford filed a copycat Petition and Expert Declaration and agreed to an understudy role in the Volkswagen IPR. Therefore, the Board should reject Patent Owner's additional conditions for joinder for the same reasons as the Mercedes IPR and the reason presented above. For the foregoing reasons, and the reasons provided in Petitioner's Motion, Petitioner respectfully requests *inter partes* review of U.S. Patent No. 10,965,512 and joinder with *Volkswagen Group of America, Inc. v. Neo Wireless, LLC*, No. IPR2022-01539.

Respectfully submitted,

Dated: May 24, 2023

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