

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TCL INDUSTRIES HOLDINGS CO., INC.
Petitioner
v.

ATI TECHNOLOGIES ULC,
Patent Owner.

IPR2024-00366
Patent 8,760,454 B2

Before JAMES P. CALVE, BRIAN J. McNAMARA, and
KEVIN W. CHERRY, *Administrative Patent Judges*.

McNAMARA, *Administrative Patent Judge*.

ORDER
Granting Petitioner's Motion For Joinder
37 C.F.R. § 42.122(b)

TCL Industries Holing Co., Ltd. (TCL) filed a petition challenging claims 1–11 of U.S. Patent No. 8,760,454 B2. Paper 1. With its Petition TCL filed a Motion For Joinder (Paper 3, “Motion” or “Mot.”) to join this proceeding with *Realtek Semiconductor Corp v. ATI Technologies ULC* IPR2023-00922 (“the Realtek IPR”).

TCL’s Motion For Joinder states that its Petition relies on the identical arguments and grounds and the same expert opinions and testimony as those asserted by the petitioner (Realtek) in the petition filed in the Realtek IPR. Mot. 3–4. In the Realtek IPR, we entered a Decision to Institute a trial (Paper 10) on December 1, 2023 (Paper 10). On December 5, 2023, we entered a Scheduling Order (Paper 11) in the Realtek IPR.

In its Motion For Joinder TCL agrees that, unless the petitioner in the Realtek IPR ceases its participation, TCL will assume an “understudy” role that will not impact the schedule, create any additional burdens, or affect the cost of the proceeding for either of the Realtek IPR parties. *Id.* at 4–5.

ATI Technologies, Inc (Patent Owner) states that, in view of TCL’s agreement to assume an understudy role, it does not oppose the joinder. Paper 7. In a separate Decision on Institution, we instituted a trial in this proceeding.

In consideration of the above it is:

ORDERED that Petitioner’s Motion for Joinder is granted;

FURTHER ORDERED that IPR2024-00366 is hereby instituted and joined with IPR2023-00922;

FURTHER ORDERED that the grounds on which IPR2023-00922 was instituted are unchanged and no other grounds are included in the joined proceeding;

IPR2024-00366
Patent 8,760,454 B2

FURTHER ORDERED that the Scheduling Order entered in IPR2023-00922 remains unchanged and shall govern the schedule of the joined proceedings;

FURTHER ORDERED that, throughout the joined proceeding, Realtek and TCL will file all papers jointly in the joined proceeding as consolidated filings, and will identify each such paper as “Consolidated,” except that papers filed on behalf of a single party need not be marked Consolidated;

FURTHER ORDERED that, unless Realtek ceases to participate in the IPR, TCL may not conduct discovery separately from discovery conducted by Realtek or rely on any separate expert opinion;

FURTHER ORDERED that in the event of an irreconcilable divergence in interest between Realtek and TCL or other special circumstances requiring TCL to file a separate substantive paper or take any action independent of Realtek, TCL shall contact the Board for authorization before filing such a paper or taking such action;

FURTHER ORDERED that IPR2024-00366 is terminated under 37 C.F.R. § 42.72 and all further filings in the joined proceedings are to be made in IPR2023-00922;

FURTHER ORDERED that a copy of this Decision will be entered into the record of IPR2023-00922; and

FURTHER ORDERED that the case caption in IPR2023-00922 shall be changed to reflect joinder with this proceeding in accordance with the attached example.

IPR2024-00366
Patent 8,760,454 B2
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IPR2024-00366
Patent 8,760,454 B2

Example Case Caption for Joined Proceeding

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TCL INDUSTRIES HOLDINGS CO., INC.
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v.

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IPR2023-00922
Patent 8,760,454 B2¹

¹ Joinder with IPR2024-00366