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Filed on behalf of Meta Platforms, Inc.

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

META PLATFORMS, INC.,
Petitioner,

v.

JAWBONE INNOVATIONS, LLC,
Patent Owner.

IPR2023-01130
U.S. Patent No. 11,122,357

**MOTION FOR JOINDER TO AND CONSOLIDATION WITH
RELATED *INTER PARTES* REVIEW IPR2023-00251
PURSUANT TO 35 U.S.C. § 315(c) AND 37 C.F.R. § 42.122(b)**

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I. INTRODUCTION

Meta Platforms, Inc. (“Petitioner”) respectfully submits this Motion for Joinder, together with a Petition for *Inter Partes* Review (“IPR”) of U.S. Patent No. 11,122,357 (“the ‘357 Patent”) filed contemporaneously herewith. Pursuant to 35 U.S.C. § 315(c) and 37 C.F.R. § 42.122(b), Petitioner requests institution of this IPR, and joinder and consolidation with IPR2023-00251 (“the Amazon IPR”). That IPR presents identical grounds for the challenged claims as Petitioner’s IPR and it was instituted less than one month ago, on June 1, 2023 (IPR2023-00251, Paper 7).

Joinder here would be consistent with the overarching policy of securing “the just, speedy, and inexpensive resolution” of every IPR proceeding. 37 C.F.R. § 42.1(b). Petitioner’s Petition and the Amazon petition contain identical grounds for the challenged claims including the same prior art combinations. Thus, joinder would neither unduly complicate the Amazon IPR nor delay its schedule.

To streamline discovery and briefing, Petitioner agrees to take an “understudy” role should this Motion be granted, actively participating substantively in the Amazon IPR only if Amazon terminates its involvement after joinder.¹

¹ If Amazon terminates its involvement prior to this Motion being granted, then Petitioner requests this Motion be withdrawn as moot so that Petitioner’s timely-filed Petition may be considered on its merits.

Because joinder would promote judicial efficiency in determining patentability without prejudicing Patent Owner, the Board should grant this Motion.

II. STATEMENT OF FACTS

Patent Owner filed suit against Samsung on May 27, 2021, asserting seven patents, including the '357 patent. (Case No. 2:21-cv-00186, E.D. Tex.) Patent Owner filed suits against Apple and Google on September 23, 2021, and has asserted nine patents against each of them, including the seven patents asserted against Samsung. (Case Nos. 6:21-cv-00985 and 6:21-cv-00984, W.D. Tex.) Patent Owner filed suit against Amazon on Nov. 29, 2021, asserting the same nine patents. (Case No. 2:21-cv-00435, E.D. Tex., transferred to Case No. 3:22-cv-06727, N.D. Cal.) Patent Owner filed suit against Petitioner on Feb. 28, 2023, asserting eight of these same patents including the '357 patent. (Case No. 6:23-cv-00158, W.D. Tex.) The patents asserted by Jawbone all relate to microphone arrays and noise filters.

Samsung, Apple, Google, and Amazon filed IPR Petitions against each of the patents asserted against them. Petitioner is filing a petition asserting identical grounds for the challenged claims to those previously filed by Amazon against the '357 patent, and is seeking joinder to Amazon's IPR.

III. STATEMENT OF REASONS FOR RELIEF REQUESTED

A. Legal Standard

The Board has the authority to join Petitioner as a party to the Amazon IPR. 35 U.S.C. § 315(c); *see also* 35 U.S.C. § 315(d) (Board also has the authority to consolidate proceedings). Whether a request for joinder should be granted is discretionary. *Kyocera Corp. v. Softview LLC*, IPR2013-00004, Paper 15 at 4 (PTAB, April 24, 2013).

B. Petitioner’s Motion for Joinder is Timely.

A petitioner may request joinder “no later than one month after the institution date” of the original IPR. 37 C.F.R. § 42.122(b). This is the “only timing requirement for a motion for joinder.” *Central Security Group — Nationwide, Inc. v. Ubiquitous Connectivity, LP*, IPR2019-01609, Paper 11, at 8-9 (PTAB Feb. 26, 2020).

This Motion for Joinder is timely. Amazon’s petition was instituted on June 1, 2023, and this motion is being filed less than one month later. Thus, Petitioner is filing its motion for joinder within the time limit set forth in 37 C.F.R. § 42.122(b).

C. The Board Should Permit Joinder

In deciding whether to exercise its discretion and permit joinder, the Board considers: (1) why joinder is appropriate; (2) whether the new petition presents any new grounds of unpatentability; (3) any impact joinder would have on the trial

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