

Filed on behalf of: ecobee Technologies ULC

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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ECOBEE TECHNOLOGIES ULC,  
Petitioner,

v.

OLLNOVA TECHNOLOGIES LTD  
Patent Owner.

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IPR2024-00131  
U.S. Patent No. 7,746,887

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**MOTION FOR JOINDER TO *INTER PARTES* REVIEW IPR2023-00626**

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## I. STATEMENT OF THE PRECISE RELIEF REQUESTED

ecobee Technologies ULC (“ecobee”) respectfully submits this Motion for Joinder, with a Petition (“the Petition”) for *inter partes* review of U.S. Patent No. 7,746,887 (“the ’887 patent”), filed concurrently herewith.

Pursuant to 35 U.S.C. § 315(c), 37 C.F.R. §§ 42.22 and 42.122(b), Petitioner requests institution of an *inter partes* review and joinder with *Copeland Comfort Control LP f/k/a Emerson Electric Co. v. Ollnova Technologies LTD.*, IPR2023-00626 (“the Copeland IPR”), which the Board instituted on October 2, 2023. The Copeland IPR concerns the same claims (1, 3-8, 14, 15, and 18) of the ’887 patent at issue in the current Petition. This request is being submitted within the one-month time limit set forth in 37 C.F.R. § 42.122(b).

Petitioner submits that the request for joinder is consistent with the policy objectives surrounding *inter partes* reviews, as it is the most expedient way “to secure the just, speedy, and inexpensive resolution of every proceeding.” *See* 37 C.F.R. § 42.1(b); *see also HTC v. Parthenon Unified Memory Architecture LLC.*, IPR2017-00512, Paper 12 at 5-6 (Jun. 1, 2017). The present Petition and the Copeland IPR Petition are substantively identical with respect to the asserted grounds, based on the same prior art combinations and supporting evidence, and asserted against the same claims. Further, upon joining the Copeland IPR, Petitioner will act as an “understudy” and will not assume an active role unless

Copeland ceases to participate in the instituted IPR. Accordingly, the proposed joinder will not unduly complicate the Copeland IPR nor adversely impact its schedule. As such, the requested joinder will promote judicial efficiency in determining the patentability of the '887 patent without prejudice to Patent Owner. Moreover, Petitioner has spoken with Copeland's counsel of record in IPR2023-00626, and Copeland does not oppose this requested joinder.

## II. STATEMENT OF MATERIAL FACTS

1. The '887 is currently the subject of the following district court litigations: *Ollnova Technologies Ltd. v. ecobee, Inc.*, No. 2-22-cv-00072 (E.D. Tex., filed 3/8/2022) ("ecobee Litigation"), and *Ollnova Technologies Ltd. v. Emerson Electric Co. et al.*, No. 4-22-cv-01387 (E.D. Mo.) (transferred to E.D. Mo. 12/29/2022 after originally being filed 4/5/2022 in W.D. Tex.) ("Emerson Litigation"). The '887 was also the subject of the following district court litigations that have since been terminated: *Ollnova Technologies Ltd. v. Google LLC*, No. 6-22-00246 (W.D. Tex., filed 3/8/2022) ("Google Litigation"), *Ollnova Technologies Ltd. v. Carrier Global Corp.*, No. 9-22-cv-80388 (S.D. Fla., filed 3/11/2022) ("Carrier Litigation"), *Ollnova Technologies Ltd. v. Resideo Technologies, Inc.*, No. 6-22-cv-00390 (W.D. Tex., filed 4/15/2022) ("Resideo Litigation").

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