

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

T-MOBILE USA, INC., AT&T SERVICES INC.,
AT&T MOBILITY LLC, AT&T CORPORATION,
CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS,
NOKIA OF AMERICA CORPORATION, ERICSSON INC.,
SAMSUNG ELECTRONICS AMERICA, INC. and
SAMSUNG ELECTRONICS CO., LTD.,¹
Petitioner,

v.

COBBLESTONE WIRELESS, LLC,
Patent Owner.

IPR2024-00137
Patent 9,094,888 B2

Before BARBARA A. PARVIS, NATHAN A. ENGELS, and
RUSSELL E. CASS, *Administrative Patent Judges*.

PARVIS, *Administrative Patent Judge*.

ORDER
Conduct of the Proceeding
37 C.F.R. § 42.5

¹ Samsung Electronics America, Inc. and Samsung Electronics Co., Ltd. were joined as petitioners in these proceedings based on a petition and motion for joinder filed in IPR2024-00315, which were granted.

IPR2024-00137
Patent 9,094,888 B2

Cobblestone Wireless, LLC (“Patent Owner”) is the owner of U.S. Patent 9,094,888 B2 (“the ’888 patent”). Paper 9, 1.² On November 22, 2023, T-Mobile USA, Inc., AT&T Services Inc., AT&T Mobility LLC, AT&T Corporation, Cellco Partnership d/b/a Verizon Wireless, Nokia of America Corporation, and Ericsson Inc. (“the Carriers”) filed a Petition for *inter partes* review challenging the patentability of claims 9, 10, 12, 20, 21 and 23 of the ’888 patent. Paper 1. On December 18, 2023, Samsung Electronics America, Inc. and Samsung Electronics Co., Ltd. (collectively, “Samsung”) filed a petition for *inter partes* review challenging the patentability of claims 9, 10, 12, 20, 21, and 23 of the ’888 patent in *Samsung Electronics America, Inc. et al. v. Cobblestone Wireless, LLC*, IPR2024-00315 (“the ’315 IPR”). ’315 IPR, Paper 3.

We instituted review in the instant proceeding on May 22, 2024. Paper 15. With our authorization, Samsung filed a Motion for Joinder in the ’315 IPR, which we granted on June 24, 2024. Paper 18. We explained that Samsung’s “role” in the instant proceeding “shall be limited” to an understudy role unless the Carriers cease to participate. *Id.* at 14–15. Also, the ’315 IPR was terminated. *Id.*

On June 28, 2024, Samsung emailed the Board requesting that we expunge Paper 8 in the ’315 IPR and we allow Samsung to file a further paper in the ’315 IPR. Ex. 3003. More specifically, Samsung’s email included a subject “Re: IPR2024-00315” and indicated that

[p]ursuant to the Board’s Institution Decision in the above-captioned matter (Paper 14), [Samsung] request[s] that its *Sotera*

² Herein citations are to papers and exhibits in the instant proceeding, unless otherwise noted.

Stipulation (Paper 8) be expunged. [Samsung] further request[s] that, consistent with the Board’s order that the Board will “treat Petitioner as being bound by the Carriers’ *Sand Revolution* stipulation in IPR2024-00137” (Paper 14 at 15), the Board grant Petitioners permission to file the same *Sand Revolution*-style stipulation filed with the Petition in IPR2024-00137, Paper 1 at 62.

Id. Later Patent Owner emailed the Board stating “Patent Owner opposes expunging the *Sotera* stipulation, which should remain public record.” *Id.* Patent Owner’s email also states that “Petitioner did not meet and confer about this.” *Id.*³

Starting with Samsung’s request to expunge, prior to institution, we authorized and Samsung filed a Motion to Withdraw (’315 IPR, Paper 10) its *Sotera* stipulation (’315 IPR, Paper 8), which we granted. Paper 18. Samsung, however, did not request that we expunge its *Sotera* stipulation (’315 IPR, Paper 10) and we did not indicate that the paper would be expunged. Paper 18. Importantly, Samsung’s email was sent after the ’315 IPR was terminated. *Id.* at 15. Furthermore, we discuss Samsung’s *Sotera* stipulation in our Decision to Institute (*id.* at 8–10) so the record is clearer by maintaining the *Sotera* stipulation in the record. Accordingly, we deny Samsung’s request to expunge its *Sotera* stipulation (’315 IPR, Paper 8).

We next turn to Samsung’s request to file a *Sand Revolution*-style stipulation. In its Motion for Joinder, Samsung stated the following:

³ We remind the parties that requests for a conference call should indicate “whether the opposing party opposes any relief requested” and “if opposed, either certify that the parties have met and conferred” or “explain why such meet and confer did not occur.” Paper 16, 2. Also, we remind the parties that “all parties” should be copied on email requests (*id.*) and Samsung agreed to an understudy role in the instant proceeding. *See, e.g.*, ’315 IPR, Paper 11, 6.

To maintain consistency between the two proceedings, Petitioners have filed a motion to withdraw its *Sotera* stipulation (Paper 8) and replace it with the same *Sand[] Revolution*-style stipulation made by the Carriers, specifically that, if this proceeding is instituted, Petitioners “will not pursue invalidity against the asserted claims in the district court using the specific combination of prior art references set forth in the grounds presented in this Petition for purposes of establishing obviousness.”

’315 IPR, Paper 11, 1.

We treated the aforementioned statement as Samsung’s *Sand Revolution* stipulation. For example, we stated that “we consider the parties’ discretionary denial arguments in light of the Carriers’ *Sand Revolution* stipulation without considering [Samsung’s] prior *Sotera* stipulation.” Paper 18, 9–10. Because we treated Samsung’s statement in its Motion for Joinder (’315 IPR Paper 11, 1) as its stipulation, Samsung need not file a further paper. Accordingly, we deny Samsung’s request to file a *Sand Revolution* stipulation in the ’315 IPR.

ORDER

Accordingly, it is:

ORDERED that Samsung’s request that we expunge its *Sotera* stipulation (IPR2024-00315, Paper 8) is *denied*; and

FURTHER ORDERED that Samsung’s request to file a *Sand Revolution*-style stipulation in IPR2024-00315 is *denied*.

IPR2024-00137
Patent 9,094,888 B2

FOR PETITIONER:

John D. Haynes
David S. Frist
Michael C. Deane
ALSTON & BIRD LLP
john.haynes@alston.com
david.frist@alston.com
michael.deane@alston.com

James Glass
Quincy Lu
QUINN EMANUEL URQUHART & SULLIVAN, LLP
jimglass@quinnemanuel.com
quincylu@quinnemanuel.com

FOR PATENT OWNER:

Reza Mirzaie
Amy Hayden
Neil Rubin
Qi Tong
RUSS, AUGUST & KABAT
rmirzaie@raklaw.com
ahayden@raklaw.com
nrubin@raklaw.com
ptong@raklaw.com