

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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SAMSUNG ELECTRONICS AMERICA, INC. and SAMSUNG  
ELECTRONICS CO., LTD.,  
Petitioner,

v.

COBBLESTONE WIRELESS, LLC,  
Patent Owner.

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IPR2024-00315  
Patent 9,094,888 B2

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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*

IPR2024-00315  
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 5, 1.<sup>1</sup> 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. filed a petition for *inter partes* review challenging the patentability of claims 9, 10, 12, 20, 21 and 23 of the ’888 patent in *T-Mobile USA, Inc. et al. v. Cobblestone Wireless, LLC*, IPR2024-00137 (“the ’137 IPR”). 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. Paper 3. In its Petition, Samsung indicated that it intended “to move for joinder” if the ’137 IPR is instituted.<sup>2</sup> Paper 3, 1. Patent Owner filed a Preliminary Response on March 28, 2024 (Paper 7) and Petitioner filed a “*Sotera* Stipulation” (Paper 8) on May 7, 2024.

We instituted review in IPR2024-00137 on May 22, 2024. On May 31, 2024, a call was scheduled with the parties in the instant proceeding to discuss a schedule relating to Petitioner’s possible Motion for Joinder. Ex. 3001. On June 4, 2024, Petitioner emailed the Board to request leave to file a motion to join IPR2024-00315 to IPR2024-00137. Ex. 3002. Petitioner’s email indicated that

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<sup>1</sup> Herein citations are to papers and exhibits in the instant proceeding, unless otherwise noted.

<sup>2</sup> The Petition indicates that “[i]f IPR2024-00135 is instituted, Petitioners intend to move for joinder.” Paper 3, 1. We understand this statement to list IPR2024-00135 in error because it is IPR2024-00137 that challenges the ’888 patent.

[t]he motion to join will agree to take an understudy role and, in order to maintain consistency between the proceedings, will agree to be bound by both the schedule and the prior art stipulation the Petitioners filed in the -00137 proceeding (IPR2024-00137, Paper 1 at 62). This stipulation will replace the one Samsung filed in the -00315 proceeding (IPR2024-00315, Paper 8).

*Id.* Petitioner’s email also, “Patent Owner does not oppose joinder of IPR2024-00315 with IPR2024-00137, so long as Petitioner is limited to an understudy role and agrees to be bound by the [the ’137 IPR] schedule.” *Id.* Petitioner’s email also stated “Patent Owner does, however, ask the Board to consider whether Petitioner may withdraw its *Sotera* stipulation (Paper 8) that is already for record including whether Petitioner must seek permission from the Court or from the Board to do so.” *Id.*

On June 5, 2024, Judges Parvis and Cass conducted a conference call with counsel for both parties to discuss Petitioner’s request to file a motion for joinder in the instant case and its desire to withdraw its *Sotera* stipulation (Paper 8). During the call, Patent Owner indicated that it did not plan to file an Opposition to Petitioner’s Motion for Joinder, but Patent Owner would like the opportunity to file an Opposition to Petitioner’s Motion to Withdraw its *Sotera* stipulation.

Having heard the parties’ respective arguments, the Board decided to authorize Petitioner to file its Motion for Joinder. The Board also determined that further briefing regarding Petitioner’s desire to withdraw its *Sotera* stipulation would be helpful in this case and authorized the parties to file additional briefing under the following accelerated briefing schedule:

Paper Authorized	Due Date	Page Limit
Petitioner's Motion for Joinder	Due June 10, 2024 <sup>3</sup>	No more than 15 pages <sup>4</sup>
Petitioner's Motion to Withdraw its <i>Sotera</i> stipulation (Paper 8)	Due June 10, 2024	No more than 5 pages
Patent Owner's Opposition to Petitioner's Motion to Withdraw its <i>Sotera</i> stipulation (Paper 8)	Due June 14, 2024	No more than 5 pages
Petitioner's Reply in Support of its Motion to Withdraw its <i>Sotera</i> stipulation (Paper 8) <sup>5</sup>	Due June 18, 2024	No more than 5 pages

The Board also directed Petitioner to clearly indicate whether its Motion for Joinder is contingent upon its Motion to Withdraw its *Sotera* stipulation (Paper 8).

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<sup>3</sup> The due date differs from a previously-authorized due date of Friday June 7, 2024.

<sup>4</sup> See Consolidated Trial Practice Guide (“Consolidated Practice Guide”) at 38, available at <https://www.uspto.gov/TrialPracticeGuideConsolidated>; see also 84 Fed. Reg. 64,280 (Nov. 21, 2019)).

<sup>5</sup> Petitioner's Reply is limited to responding to arguments in Patent Owner's Opposition.

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ORDER

Accordingly, it is:

ORDERED that Petitioner's request to file a motion to join IPR2024-00315 to IPR2024-00137 is *granted*;

FURTHER ORDERED that Petitioner shall file its motion to join IPR2024-00315 to IPR2024-00137 no later than June 10, 2024;

FURTHER ORDERED that Petitioner may file a motion to withdraw its *Sotera* stipulation (Paper 8) of no more than five (5) pages by June 10, 2024;

FURTHER ORDERED that Patent Owner is authorized to file an opposition to Petitioner's motion to withdraw its *Sotera* stipulation (Paper 8) of no more than five (5) pages by June 14, 2024;

FURTHER ORDERED that Petitioner is authorized to file a reply in of no more than five (5) pages by June 18, 2024 and limited to responding to Patent Owner's opposition;

FURTHER ORDERED that the parties are not authorized to file any other papers including that no sur-replies are authorized at this time.

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