

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

**LG ELECTRONICS INC.,**  
Petitioner,

v.

**JAWBONE INNOVATIONS, LLC,**  
Patent Owner.

---

IPR2023-01248  
U.S. Patent No. 8,467,543

---

**MOTION FOR JOINDER TO AND CONSOLIDATION WITH  
RELATED *INTER PARTES* REVIEW IPR2023-00275  
PURSUANT TO 35 U.S.C. § 315(c) AND 37 C.F.R. § 42.122(b)**

**Table of Contents**

I.	INTRODUCTION .....	1
II.	STATEMENT OF FACTS .....	2
III.	STATEMENT OF REASONS FOR RELIEF REQUESTED .....	2
	A. Legal Standard.....	2
	B. Petitioner's Motion for Joinder Is Timely.....	3
	C. The Board Should Permit Joinder .....	3
	1. Joinder Is Appropriate for Several Reasons. ....	4
	2. Petitioner Proposes No New Grounds of Unpatentability.....	5
	3. Joinder Will Not Unduly Burden or Negatively Impact the Amazon IPR Trial Schedule. ....	5
	4. How Briefing and Discovery May Be Simplified .....	6
	D. <i>General Plastic</i> Is Inapplicable .....	8
IV.	CONCLUSION.....	11

## I. INTRODUCTION

LG Electronics Inc. (“Petitioner”) respectfully submits this Motion for Joinder, together with a Petition for *Inter Partes* Review (“IPR”) of U.S. Patent No. 8,467,543 (“the ’543 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 IPR2023-00275 (“the Amazon IPR”). That IPR challenges the same claims and was instituted on July 10, 2023.

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). Petitioners’ Petition and the Amazon Petition are substantively identical—they contain the same grounds, based on the same prior art combinations against the same claims. Thus, joinder would neither unduly complicate the Amazon IPR nor delay its schedule.

To streamline discovery and briefing, Petitioner agrees to take an “under-study” role, actively participating substantively in the Amazon IPR only if Amazon terminates its involvement after joinder. (If Amazon were to terminate its involvement prior to this motion being granted, then Petitioner would withdraw this motion so that Petitioner’s timely-filed Petition could 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. (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 also asserted against Samsung. (Case Nos. 6:21-cv-00985, E.D. Tex., and 6:21-cv-00984, W.D. Tex.) Patent Owner filed suit against Amazon on Nov. 29, 2021, and has asserted the same nine patents. (Case No. 2:21-cv-00435, E.D. Tex., transferred to Case No. 5:22-cv-06727, N.D. Cal.) Patent Owner filed suit against Petitioner on February 28, 2023, asserting eight of the nine patents it previously asserted against Apple, Google, and Amazon. Also on February 28, 2023, Patent Owner filed suit against Sony, HTC, OPPO, Panasonic, ZTE Corp., and Meta. Apple, Google, and Amazon have filed IPR Petitions against each of the patents asserted against them.

For some of the patents asserted against it, including the '543 Patent, Petitioner is filing substantively identical petitions to those previously filed and is seeking joinder.

## 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 (P.T.A.B., 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 (P.T.A.B. Feb. 26, 2020).

This motion for joinder is timely. Amazon's Petition was filed November 28, 2022, and IPR was instituted on July 10, 2023. Thus, Petitioner is filing its motion for joinder within the time limit enumerated 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 schedule for the existing review; and (4) how briefing and discovery may be simplified. *Kyocera Corp.*, IPR 2013-00004, Paper 15 at 4 (April 24, 2013). Here, each of the four factors weighs in favor of joinder.

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.