

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LG ELECTRONICS, INC., LG ELECTRONICS U.S.A. INC.,
LG ELECTRONICS MOBILECOMM U.S.A. INC.,
LG ELECTRONICS MOBILE RESEARCH U.S.A. LLC, and
LG ELECTRONICS ALABAMA, INC.
Petitioner,

v.

FUNDAMENTAL INNOVATION SYSTEMS INTERNATIONAL LLC,
Patent Owner.

Case IPR2018-00460
Patent 8,624,550 B2

Before RAE LYNN P. GUEST, JO-ANNE M. KOKOSKI, and
JON B. TORNQUIST, *Administrative Patent Judges*.

TORNQUIST, *Administrative Patent Judge*.

DECISION
Denying *Inter Partes* Review and
Dismissing Motion for Joinder
35 U.S.C. §§ 314(a), 315(c); 37 C.F.R. § 42.122(b)

I. INTRODUCTION

LG Electronics, Inc., LG Electronics U.S.A. Inc., LG Electronics Mobilecomm U.S.A. Inc., LG Electronics Mobile Research U.S.A. LLC, and LG Electronics Alabama, Inc. (collectively, “Petitioner”) filed a Petition (Paper 1, “Pet.”) requesting *inter partes* review of claims 1–18 of U.S. Patent No. 8,624,550 B2 (Ex. 1001). Petitioner also concurrently filed a Motion for Joinder seeking to join, as a Petitioner, in *ZTE (USA) Inc., Samsung Electronics Co., Ltd., and Samsung Electronics America, Inc. v. Fundamental Innovation Systems International LLC*, IPR2018-00110 (“ZTE/Samsung IPR”) (Paper 3, “Motion for Joinder” or “Mot.”). Fundamental Innovation Systems International LLC (“Patent Owner”) filed a Preliminary Response to the Petition (Paper 8) and an Opposition to Petitioner’s Motion for Joinder (Paper 7).

For the reasons set forth below, we deny the Petition and dismiss the Motion for Joinder as moot.

II. DENYING INSTITUTION OF *INTER PARTES* REVIEW

Petitioner represents that the current Petition includes the same grounds, arguments, and supporting evidence as the petition in the ZTE/Samsung IPR. Pet. 2 (“This petition is substantially identical to IPR2018-00110.”); Mot. 1 (“[Petitioner’s] Petition is substantively identical to the petition in the ZTE/Samsung IPR—challenging the same claims of the ’550 Patent on the same grounds while relying on the same prior art, arguments, and evidence.”). On May 8, 2018, we denied institution in the ZTE/Samsung IPR. ZTE/Samsung IPR, Paper 12, 13. In view of the identity of the challenge between the present Petition and that filed in the ZTE/Samsung IPR, and for the reasons set forth in the decision denying

institution in the ZTE/Samsung IPR, which we hereby incorporate by reference, we likewise do not institute *inter partes* review in this proceeding. *See id.* at 7–13.

III. DISMISSING MOTION FOR JOINDER

As noted above, Petitioner seeks to join, as a Petitioner, in the ZTE/Samsung IPR. Mot. 1. Because the ZTE/Samsung petition was denied, however, Petitioner’s Motion for Joinder is moot. *See* 35 U.S.C. § 315(c).

IV. ORDER

It is hereby:

ORDERED that the Petition is *denied* as to all challenged claims and no trial is instituted; and

FURTHER ORDERED that Petitioner’s Motion for Joinder is *dismissed* as moot.

IPR2018-00460
Patent 8,624,550 B2

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