

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SONY MOBILE COMMUNICATIONS AB, SONY MOBILE
COMMUNICATIONS, INC., SONY ELECTRONICS INC., and SONY
CORPORATION,
Petitioner,

v.

ANCORA TECHNOLOGIES, INC.,
Patent Owner.

IPR2021-00663
Patent 6,411,941 B1

Before THU A. DANG, JONI Y. CHANG, and KEVIN W. CHERRY,
Administrative Patent Judges.

CHANG, *Administrative Patent Judge.*

DECISION
Granting Institution of *Inter Partes* Review
35 U.S.C. § 314

Granting Motion for Joinder
35 U.S.C. § 315(c); 37 C.F.R. § 42.122

I. INTRODUCTION

Sony Mobile Communications AB, Sony Mobile Communications, Inc., Sony Electronics Inc., and Sony Corporation (collectively, “Petitioner Sony”) filed a Petition requesting an *inter partes* review (“IPR”) of claims 1–3, 6–14, and 16 (“the challenged claims”) of U.S. Patent No. 6,411,941 B1 (Ex. 1001, “the ’941 patent”). Paper 1 (“Pet.”). Petitioner Sony also filed a Motion for Joinder (Paper 4, “Mot.”), seeking to join as a party to *TCT Mobile (US) Inc. v. Ancora Technologies, Inc.* IPR2020-01609 (the “TCT IPR”), and a Reply (Paper 14, “Reply”). Ancora Technologies, Inc. (“Patent Owner”) filed an Opposition to Petitioner Sony’s Motion for Joinder (Paper 10, “Opp.”), a Preliminary Response (Paper 13, “Prelim. Resp.”), and a Sur-reply (Paper 16, “Sur-reply”).

For reasons discussed below, we institute an *inter partes* review of the challenged claims and grant Petitioner Sony’s Motion for Joinder.

A. Related Matters

The parties indicate that the ’941 patent is involved in the following district court proceedings: *Ancora Technologies, Inc. v. TCT Mobile (US) Inc.*, No. 8:19-cv-02192 (C.D. Cal.); *Ancora Technologies, Inc. v. Lenovo Group Limited*, No. 1:19-cv-01712 (D. Del.); *Ancora Technologies, Inc. v. Sony Corp.*, No. 1:19-cv-01703 (D. Del.) (the “Sony case”); *Ancora Technologies, Inc. v. LG Electronics, Inc.*, No. 1:20-cv-00034 (W.D. Tex.) (the “LG case”); *Ancora Technologies, Inc. v. Samsung Electronics Co.*, No. 6:19-cv-00385 (W.D. Tex.); and *Ancora Technologies, Inc. v. HTC America, Inc.*, No. 2:16-cv-01919 (W.D. Wash.). Pet. 3–4; Paper 9, 1–2.

The '941 patent also was involved in *ex parte* Reexamination No. 90/010,560. Ex. 1001, 8–9 (*Ex Parte* Reexamination Certificate issued on June 1, 2010, confirming the patentability of claims 1–19 and indicating that no amendments have been made to the patent).

In addition, the '941 patent was involved in the following proceedings: *Apple Inc. v. Ancora Technologies, Inc.*, CBM2016-00023 (Institution Denied); *HTC America, Inc. v. Ancora Technologies, Inc.*, CBM2017-00054 (Institution Denied); and *Samsung Electronics Co., Ltd. v. Ancora Technologies, Inc.*, IPR2020-01184 (Institution Denied).

The '941 patent is currently involved in the following: *TCT Mobile (US) Inc. v. Ancora Technologies, Inc.*, IPR2020-01609; *HTC Corporation v. Ancora Technologies, Inc.*, IPR2021-00570; *LG Electronics, Inc. v. Ancora Technologies, Inc.*, IPR2021-00581; and *Samsung Electronics Co. v. Ancora Technologies, Inc.*, IPR2021-00583.

B. The '941 patent

The '941 patent discloses a method of restricting software operation within a license limitation that is applicable for a computer having a first non-volatile memory area, a second non-volatile memory area, and a volatile memory area. Ex. 1001, (57). According to the '941 patent, the method includes the steps of selecting a program residing in the volatile memory, setting up a verification structure in the non-volatile memories, verifying the program using the structure, and acting on the program according to the verification. *Id.*

Figure 1 of the '941 patent is reproduced below.

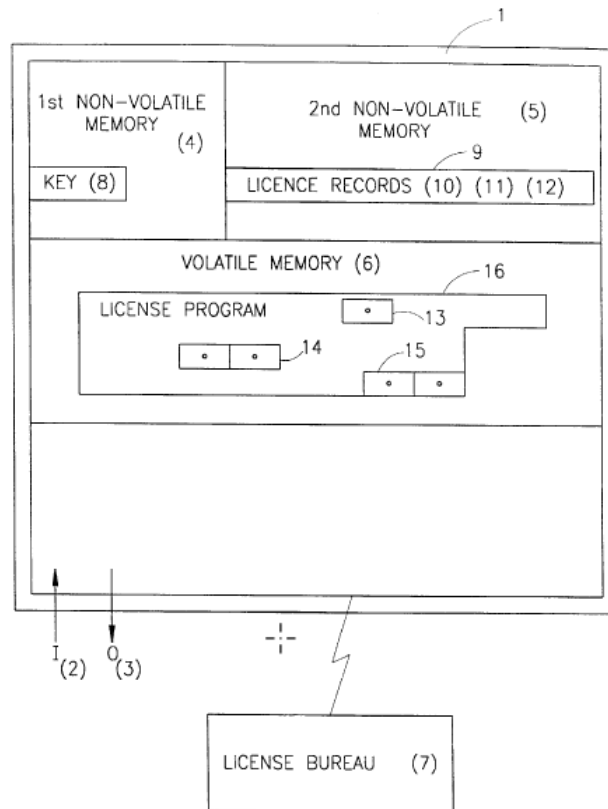


Figure 1 above shows a schematic diagram of computer processor 1 and license bureau 7. *Id.* at 5:9–19. Computer processor 1 is associated with input operations 2 and output operations 3. *Id.* Computer processor 1 contains first non-volatile memory area 4 (e.g., the ROM section of the Basic Input / Output System (“BIOS”)), second non-volatile memory area 5 (e.g., the E²PROM section of the BIOS), and volatile memory area 6 (e.g., the internal RAM memory of the computer). *Id.*

C. Illustrative Claim

Of the challenged claims, only claim 1 is independent. Claims 2, 3, 6–14, and 16 directly or indirectly depend from claim 1. Claim 1 is illustrative:

1. A method of restricting software operation within a license for use with a computer including an erasable, non-volatile memory area of a BIOS of the computer, and a volatile memory area; the method comprising the steps of:

selecting a program residing in the volatile memory,

using an agent to set up *a verification structure in the erasable, non-volatile memory of the BIOS, the verification structure accommodating data that includes at least one license record,*

verifying the program using at least the verification structure from the erasable non-volatile memory of the BIOS, and

acting on the program according to the verification.

Ex. 1001, 6:59:67–7:4 (emphasis added).

D. Prior Art and Other Evidence Relied Upon

Petitioner Sony relies upon the references listed below (Pet. 5):

Reference	Date	Exhibit No.
Hellman, U.S. Patent No. 4,658,093	Apr. 14, 1987	Ex. 1004
Chou, U.S. Patent No. 5,892,906	Apr. 6, 1999	Ex. 1005
Schneck, U.S. Patent No. 5,933,498	Aug. 3, 1999	Ex. 1006

Petitioner Sony also relies upon the Declaration of Erez Zadok, Ph.D. Ex. 1015. Dr. Zadok testifies that he agrees with the facts, analysis, and conclusions in the Declaration of Andrew Wolfe, Ph.D. (Ex. 1003), and he adopts the testimony in sections I.C–IV of Dr. Wolfe’s Declaration as his own for purposes of this proceeding. Ex. 1015 ¶ 33.

E. Asserted Grounds of Unpatentability

Petitioner Sony asserts the following grounds of unpatentability (Pet. 6):

Claims Challenged	35 U.S.C. § ¹	References
1, 2, 11, 13	103(a)	Hellman, Chou
1–3, 6–14, 16	103(a)	Hellman, Chou, Schneck

II. DISCRETIONARY DENIAL

“To join a party to an instituted IPR, the plain language of § 315(c) requires two different decisions.” *Facebook, Inc. v. Windy City Innovations, LLC*, 973 F.3d 1321, 1332 (Fed. Cir. 2020). First, we “determine whether the joinder applicant’s petition for IPR ‘warrants’ institution under § 314.” *Id.* Second, if the petition warrants institution, we then “decide whether to ‘join as a party’ the joinder applicant.” *Id.* In short, before determining whether to join Petitioner Sony as a party to the TCT IPR, we first determine whether the petition warrants institution under § 314(a).

Institution of an *inter partes* review is discretionary. 35 U.S.C. § 314(a). The Supreme Court of the United States has explained that, because § 314 includes no mandate to institute review, “the agency’s decision to deny a petition is a matter committed to the Patent Office’s discretion.” *Cuozzo Speed Techs., LLC v. Lee*, 136 S. Ct. 2131, 2140

¹ The Leahy-Smith America Invents Act (“AIA”), Pub. L. No. 112-29, 125 Stat. 284, 287–88 (2011), amended 35 U.S.C. § 103. Because the ’941 patent was filed before March 16, 2013, the effective date of the relevant amendment, the pre-AIA version of § 103 applies.

(2016); *see also Harmonic Inc. v. Avid Tech., Inc.*, 815 F.3d 1356, 1367 (Fed. Cir. 2016) (explaining that under § 314(a), “the PTO is permitted, but never compelled, to institute an IPR proceeding”). The Director has delegated his authority under § 314(a) to the Board. 37 C.F.R. § 42.4(a) (“The Board institutes the trial on behalf of the Director.”).

As the Consolidated Trial Practice Guide (“Consolidated Practice Guide”)² at 56 noted, the AIA was “designed to establish a more efficient and streamlined patent system that will improve patent quality and limit unnecessary and counterproductive litigation costs.” H.R. Rep. No. 112–98, pt. 1, at 40 (2011), *reprinted in* 2011 U.S.C.C.A.N. 67, 69 (Post grant reviews were meant to be “quick and cost effective alternatives to litigation”); *see also* S. Rep. No. 110–259, at 20 (2008). The Board recognized these goals of the AIA, but also “recognize[d] the potential for abuse of the review process by repeated attacks on patents.” *Gen. Plastic Indus. Co. v. Canon Kabushiki Kaisha*, IPR2016-01357, Paper 19 at 16–17 (PTAB Sept. 6, 2017) (§ II.B.4.i designated precedential).

A. General Plastic Factors

In this proceeding, Patent Owner argues that we should exercise our discretion to deny this Petition by applying the *General Plastic* factors. Opp. 11–15; Sur-reply 2–3. For the reasons set forth below, we decline to exercise our discretion to deny institution under *General Plastic* factors.

² Available at <https://www.uspto.gov/TrialPracticeGuideConsolidated>; *see also* 84 Fed. Reg. 64,280 (Nov. 21, 2019).

In *General Plastic*, the Board articulated a list of non-exclusive factors to be considered in determining whether to exercise discretion under § 314(a) to deny a petition:

1. whether the same petitioner previously filed a petition directed to the same claims of the same patent;
2. whether at the time of filing of the first petition the petitioner knew of the prior art asserted in the second petition or should have known of it;
3. whether at the time of filing of the second petition the petitioner already received the patent owner's preliminary response to the first petition or received the Board's decision on whether to institute review in the first petition;
4. the length of time that elapsed between the time the petitioner learned of the prior art asserted in the second petition and the filing of the second petition;
5. whether the petitioner provides adequate explanation for the time elapsed between the filings of multiple petitions directed to the same claims of the same patent;
6. the finite resources of the Board; and
7. the requirement under 35 U.S.C. § 316(a)(11) to issue a final determination not later than 1 year after the date on which the Director notices institution of review.

General Plastic, Paper 19 at 16 (citing *NVIDIA Corp. v. Samsung Elec. Co.*, IPR2016-00134, Paper 9 at 6–7 (PTAB May 4, 2016)). In our analysis below, we address each of these factors in turn.

Factor 1: “whether the same petitioner previously filed a petition directed to the same claims of the same patent”

The *General Plastic* analysis applies to multiple petitions filed by different petitioners that have a “significant relationship,” challenging the same claims of the same patent. *Valve Corp. v. Elec. Scripting Prods., Inc.*,

IPR2019-00062, Paper 11 at 9–10 (PTAB Apr. 2, 2019) (precedential) (holding that the petitioner and the prior petitioner have a “significant relationship” because they “were co-defendants in the District Court litigation and were accused of infringing the [challenged] patent based on the [same] devices”).

Here, Patent Owner acknowledges that Petitioner Sony did not previously file a petition directed to the ’941 patent. Opp. 13. Nevertheless, Patent Owner argues that other accused infringers had filed prior petitions challenging the ’941 patent—namely, Apple in CBM2016-00023, HTC in CBM2017-00054, and Samsung in IPR2020-01184. *Id.* Patent Owner contends that “[t]hese accused infringers sell similar, competing products and are consequently motivated to pursue similar approaches to invalidating the ’941 patent—as evidenced by the flurry of me-too petitions filed after institution of IPR2021-01609.” *Id.*

In its Reply, Petitioner Sony counters that this factor weighs in favor of institution because the number of petitions filed by other petitioners challenging the ’941 patent is the result of Patent Owner’s litigation activity. Reply 4. Petitioner Sony also argues that it “is neither a co-defendant with any other petitioners nor has it contributed to or coordinated with their IPR filings.” *Id.* at 3.

In its Sur-reply, Patent Owner argues that this factor weighs against institution because Petitioner Sony did not timely file a petition within the one-year statutory deadline under § 315(b) and Petitioner Sony has had the benefit of reviewing several prior petitions. Sur-reply 2.

Based on the evidence of record, we find that Factor 1 of *General Plastic* weighs against denying institution because Petitioner Sony did not

file a prior petition challenging the '941 patent, nor does it have a significant relationship with any of the prior petitioners. As Patent Owner admits, Petitioner Sony did not previously file a petition directed to the '941 patent. Opp. 13. The instant Petition is the first petition filed by Petitioner Sony challenging the '941 patent, and Petitioner Sony has not filed a second petition challenging the same patent. There is no evidence on this record that Petitioner Sony has used the review process as tools for harassment through repeated attacks on the same patent. The efficiency and fairness concerns that underlie the *General Plastic* analysis are not implicated in this proceeding.

Furthermore, unlike *Valve*, Petitioner Sony does not have a significant relationship with the prior petitioners (Apple, HTC, and Samsung) challenging the '941 patent. Notably, Patent Owner sued Petitioner Sony separately from its competitors, Apple, HTC, and Samsung in different forums. Ex. 2007 (Complaint against Sony only). Patent Owner also admits that Petitioner Sony and the other prior petitioners sell “competing products,” not the same product. Opp. 13. Further, we agree with Petitioner Sony that the number of petitions filed by other petitioners challenging the '941 patent is the result of Patent Owner’s litigation activity in that it has sued more than ten different parties in lawsuits staggered over twelve years. Reply 4; Opp. 2–6. Each prior petitioner filed a petition in response to Patent Owner’s lawsuit for infringement. Opp. 2–6. A common desire to challenge the validity of the asserted patent without more is insufficient to establish that Petitioner Sony has a significant relationship with the other prior petitioners. As Petitioner Sony notes, it “is neither a co-defendant with any other petitioners nor has it contributed to or coordinated with their IPR

filings.” Reply 3. In short, we find that Petitioner Sony does not have a significant relationship with the other petitioners.

In addition, we are not persuaded by Patent Owner’s argument that Petitioner Sony did not timely file a petition with the one-year statutory deadline under § 315(b). Sur-reply 2. That time limitation does not apply to this proceeding because the Petition is accompanied by a request for joinder and joinder is granted. *See* 35 U.S.C. § 315(b) (stating that “[t]he time limitation set forth in the preceding sentence shall not apply to a request for joinder”); 37 C.F.R. § 42.122(b); *see also Facebook*, 973 F.3d at 1333 (“Beginning with the statutory language, § 315(b) articulates the time-bar for when an IPR ‘may not be instituted.’ 35 U.S.C. § 315(b). But § 315(b) includes a specific exception to the time bar. By its own terms, ‘[t]he time limitation . . . shall not apply to a request for joinder under subsection (c).’ *Id.*”). Unlike *Apple Inc. v. Uniloc 2017 LLC*, IPR2020-00854, Paper 9 at 2 (PTAB Oct. 28, 2020) (precedential) (“*Uniloc*”), where the petitioner had filed a prior petition before filing a joinder petition, Petitioner Sony here has not filed a prior petition challenging the ’941 patent.

In light of the foregoing, we determine that Factor 1 of *General Plastic* weighs in favor of institution.

Factor 2: “whether at the time of filing of the first petition the petitioner knew of the prior art asserted in the second petition or should have known of it”

Patent Owner argues that “Sony knew or should have known long ago about the art” because the “public record from *Ancora v. Apple* makes clear that the Hellman and Chou references were publicly available and were

likely known when Sony served its invalidity contentions.” Opp. 13–14; Sur-reply 2–3.

Patent Owner’s argument is unavailing. It is irrelevant that Petitioner Sony knew of the prior art asserted in this proceeding when Petitioner Sony served its invalidity contentions. This factor is based on whether the petitioner knew of the prior art asserted in the *second petition* at the time of filing of the *first petition*. *General Plastic*, Paper 19 at 16.

Patent Owner improperly presumes the instant Petition is Petitioner Sony’s second petition challenging the ’941 patent. As discussed above, the instant Petition is Petitioner Sony’s *first petition* challenging the ’941 patent, not the second. Patent Owner admits that Petitioner Sony did not previously file a petition directed to the ’941 patent. Opp. 13. Unlike *Valve*, Petitioner Sony does not have a significant relationship with other prior petitioners challenging the same patent. Therefore, this case is distinguished on its facts from those facts decisive in *General Plastic* and *Valve*. See *Netflix, Inc. v. Broadcom Corp.*, IPR2020-01423, Paper 7 at 5–6 (PTAB Mar. 11, 2021) (a prior petition filed by an unrelated petitioner is not a basis for denial of institution).

In light of the foregoing, we find that Factor 2 of *General Plastic* weighs strongly in favor of institution.

Factor 3: “whether at the time of filing of the second petition the petitioner already received the patent owner’s preliminary response to the first petition or received the Board’s decision on whether to institute review of the first petition”

Patent Owner argues that this factor weighs against institution because Petitioner “Sony has benefitted from petitions and corresponding responses filed in prior proceedings.” Opp. 14; Sur-reply 2.

Patent Owner’s argument is unavailing. This factor is based on whether the petitioner already received the patent owner’s preliminary response or the decision on institution to the *first petition* at the time of filing of the *second petition*. *General Plastic*, Paper 19 at 16. As discussed above, this instant Petition is Petitioner Sony’s *first petition* challenging the ’941 patent, and Petitioner Sony has not filed a second petition challenging the same patent. Unlike *Valve*, Petitioner Sony does not have a significant relationship with other petitioners that filed prior petitions challenging the ’941 patent. Patent Owner improperly presumes that the instant Petition is Petitioner Sony’s second petition challenging the ’941 patent. Patent Owner also improperly presumes that the prior petitions filed by other petitioners are Petitioner Sony’s first petition.

In light of the foregoing, we find that Factor 3 of *General Plastic* weighs strongly in favor of institution.

Factor 4: “the length of time that elapsed between the time the petitioner learned of the prior art asserted in the second petition and the filing of the second petition”

Patent Owner argues that this factor weighs against institution. Opp. 14–15. According to Patent Owner, Petitioner Sony was first served with a complaint alleging infringement of the ’941 patent on September 11,

2019, more than 18 months before filing this Petition. *Id.* Patent Owner avers that the asserted prior art, Hellman and Chou, were available and known to accused infringers of the '941 patent as early as August 2015. *Id.* (citing Ex. 2004 (Apple's Invalidity Contentions)); Sur-reply 2–3.

Again, Patent Owner improperly presumes that the instant Petition is Petitioner Sony's second petition challenging the '941 patent. This factor is based on the elapsed time between the time of the petitioner learned of the prior art asserted in the *second petition* and the filing of the *second petition*. As discussed above, this instant Petition is Petitioner Sony's *first petition* challenging the '941 patent, and there is no filing of a second petition challenging the same patent by Petitioner Sony. Unlike *Valve*, Petitioner Sony does not have a significant relationship with the other petitioners.

In light of the foregoing, we find that Factor 4 of *General Plastic* weighs strongly in favor of institution.

Factor 5: “whether the petitioner provides adequate explanation for the time elapsed between filings of multiple petitions directed to the same claims of the same patent”

Patent Owner argues that this factor is neutral because the instant Petition is time barred. Opp. 15; Sur-reply 2. That argument is unavailing. As discussed above, the one-year statutory time period under § 315(b) does not apply to this proceeding because the Petition is accompanied by a request for joinder and joinder is granted. *See* 35 U.S.C. § 315(b); 37 C.F.R. § 42.122(b); *Facebook*, 973 F.3d at 1333. Unlike *Uniloc* where the petitioner had filed a prior petition before filing a joinder petition, Petitioner Sony here did not file a prior petition challenging the '941 patent. *Uniloc*,

Paper 9 at 2. In light of the foregoing, we determine that Factor 5 of *General Plastic* weighs strongly in favor of institution.

Factor 6: “the finite resources of the Board”

Patent Owner argues that the resources spent by the Board on the Petition would duplicate the district court’s efforts because the court’s trial in the Sony case is set to occur beginning October 17, 2022. Opp. 15–16 (citing Ex. 2001 at 25). Patent Owner also contends that the Board “will have to address the contrasting positions Dr. Zadok (Sony’s expert) is attempting to take to support Sony’s joinder motion.” Sur-reply 3.

We find Factor 6 of *General Plastic* weighs against exercising discretion to deny the Petition. Petitioner Sony filed a Motion for Joinder, seeking to join as a party to IPR2020-01609, the only prior petition that has been instituted. Other joinder petitions in IPR2021-00570, IPR2021-00581, and IPR2021-00583 also seek to join with IPR2020-01609. Other prior petitions in CBM2016-00023, CBM2017-00054, and IPR2020-01184 have been denied institution. The Board’s finite resources would not be strained to maintain only one proceeding challenging the ’941 patent. And we have addressed Patent Owner’s argument regarding the allegedly inconsistent testimonial evidence below. Moreover, unlike *Uniloc* where the petitioner had filed a prior petition before filing a joinder petition, Petitioner Sony here has not filed a prior petition challenging the ’941 patent.

In addition, we instituted the trial in IPR2020-01609 on February 16, 2021, and a Final Written Decision is currently due on February 16, 2022, more than eight months before the parallel district court trial begins.

Resolving the validity issue of the challenged claims of the '941 patent in IPR2020-01609 would simplify the issues in the parallel district court trial.

In light of the foregoing, we determine that Factor 6 of *General Plastic* weighs in favor of institution.

Factor 7: “the requirement under 35 U.S.C. § 316(a)(11) to issue a final determination not later than 1 year after the date on which the Director notices institution of review”

Patent Owner argues that this factor weighs against institution because “the only way to conduct a trial in this proceeding is to delay the Original Proceeding by at least two months and likely more.” Opp. 16; Sur-reply 3. As discussed above, Petitioner Sony filed a Motion for Joinder under § 315(c), seeking to join as a party to IPR2020-01609. The one-year statutory requirement under § 316(a)(11) to issue a final determination may be adjusted in the case of joinder under § 315(c), as here. 35 U.S.C. § 316(a)(11). As such, we determine that Factor 7 of *General Plastic* weighs in favor of institution.

Conclusion on the General Plastic Factors

As discussed above, all of the *General Plastic* factors weigh strongly in favor, or in favor, of institution. Based on the particular facts of this proceeding, we conclude that the *General Plastic* factors do not weigh in favor of exercising discretion to deny institution.

B. Fintiv Factors

In this proceeding, Patent Owner also argues that each of the factors identified in *Apple Inc. v. Fintiv, Inc.*, IPR2020-00019, Paper 11 (PTAB Mar. 20, 2020) (precedential) (“*Fintiv*”), weighs in favor of denying

institution. Opp. 16–22. For the reasons set forth below, we decline to exercise our discretion to deny institution under the *Fintiv* factors.

In *Fintiv*, the Board ordered supplemental briefing on a nonexclusive list of factors for consideration in analyzing whether the circumstances of a parallel district court action are a basis for discretionary denial of trial institution under *NHK Spring Co. v. Intrix-Plex Techs., Inc.*, IPR2018-00752, Paper 8 (PTAB Sept. 12, 2018) (precedential). *Fintiv*, Paper 11 at 5–16.

Those factors include:

1. whether the court granted a stay or evidence exists that one may be granted if a proceeding is instituted;
2. proximity of the court’s trial date to the Board’s projected statutory deadline for a final written decision;
3. investment in the parallel proceeding by the court and the parties;
4. overlap between issues raised in the petition and in the parallel proceeding;
5. whether the petitioner and the defendant in the parallel proceeding are the same party; and
6. other circumstances that impact the Board’s exercise of discretion, including the merits.

Id. at 5–6. Here, we consider these *Fintiv* factors to determine whether we should exercise discretion to deny institution. In evaluating the factors, we take a holistic view of whether efficiency and integrity of the system are best served by denying or instituting review. *Id.* at 6.

Factor 1: whether the court granted a stay or evidence exists that one may be granted if a proceeding is instituted

Patent Owner argues that this factor is neutral because no stay has been requested in the district court proceeding. Opp. 18; Sur-reply 3.

Petitioner Sony counters that the parallel district court proceeding is in an early stage such that there is a good chance a stay would be granted. Reply 5–6 (citing Ex. 2001 (Scheduling Order), 26–27). On the record before us, neither party has produced evidence that a stay has been requested or that the district court has considered a stay in the parallel litigation. Accordingly, we find that Factor 1 of *Fintiv* is neutral.

Factor 2: proximity of the court’s trial date to the Board’s projected statutory deadline for a final written decision

It is undisputed that the parallel district court trial will not occur until October 2022. Opp. 5. Nevertheless, Patent Owner argues that this factor weighs against institution because “the majority of the Sony’s validity arguments will happen in the district court litigation before a final written decision in this proceeding.” Opp. 18–19; Sur-reply 3–4. Petitioner Sony counters that the parallel district court trial is not scheduled until October 17, 2022, and a final decision in this IPR proceeding would occur well before any trial. Reply 6. According to the Scheduling Order of the parallel litigation, the district court trial is scheduled to begin on October 17, 2022, which is about eight months *after* a Final Written Decision would be due on February 16, 2022 in the joined proceeding, IPR2020-01609. Ex. 2001, 27. Even assuming a modest schedule adjustment is needed to accommodate joinder, we do not foresee an adjustment more than eight months. Most likely, our Final Written Decision in the joined IPR proceeding will be entered before the district court trial begins on October 17, 2022, which will simplify or fully resolve the overlapping invalidity issues for the district court trial. Therefore, we find that Factor 2 of *Fintiv* weighs in favor of institution.

Factor 3: investment in the parallel proceeding by the court and the parties

Patent Owner argues that the claim construction in the parallel district court proceeding will be fully briefed before a final decision in this IPR proceeding, and that the claim construction ruling will be issued before our issuance of an institution decision in this IPR proceeding. Opp. 19–20; Sur-reply 3–4. Petitioner Sony counters that the parallel district court proceeding is in an early stage in that the *Markman* hearing is four months away, no depositions have been noticed, fact discovery closes in October 2021, and expert discovery closes April 1, 2022. Reply 6–7 (citing Ex. 2001).

Based on the present record, we are persuaded by Petitioner Sony’s showing that the district court and the parties have not invested substantially in the merits of the invalidity positions. There is no indication in the record that the parties have completed significant discovery on the merits. We agree with Petitioner Sony that the district court proceeding remains at the very early stages and a significant portion of work still remains to be done in the district court proceeding—e.g., filing joint claim construction brief (June 29, 2021), *Markman* hearing (August 10, 2021), the completion of fact discovery (October 31, 2021), opening expert reports (December 21, 2021), expert discovery (April 1, 2022), and dispositive motion deadline (May 20, 2022). Ex. 2001, 26–27. Therefore, weighing the facts in this particular case, including the time invested by the parties and the district court in the parallel litigation, and the extent to which the investment in the district court proceeding relates to issues of patent validity, we find that Factor 3 of *Fintiv* weighs in favor of institution.

Factor 4: overlap between issues raised in the petition and in the parallel proceeding

Patent Owner argues that Petitioner Sony has “asserted grounds of invalidity based on Hellman in combination with Chou—just like its petition here.” Opp. 20 (citing Ex. 2002 (Sony’s Invalidity Contentions); Ex. 2003 (Appendices A–E to Sony’s Invalidity Contentions), 14–15). Patent Owner also contends that Petitioner Sony has not entered any stipulation to mitigate the overlap between the Petition and the parallel district court proceeding. *Id.* at 20–21. Petitioner Sony counters that it asserted invalidity based on numerous additional, non-overlapping references in the parallel district court proceeding. Reply 7.

As discussed above, the district court trial will begin about eight months after the due date for the Final Written Decision in the joined proceeding. Ex. 2001, 27. Most likely, we will address the overlapping validity issues prior to the district court trial, and our Final Written Decision will simplify or fully resolve the issues for the district court trial. *See, e.g., GAF Materials LLC v. Kirsch Research and Dev., LLC*, IPR2021-00192, Paper 14 at 14–15 (PTAB May 25, 2021) (“[I]f the Board will address the overlapping validity issues prior to the district court reaching them at trial, the Board’s final written decision will simplify or fully resolve the issues for trial in the litigation.”); *see also MED-EL Elektromedizinische Geraete GmbH v. Sonova AG*, IPR2020-00176, Paper 13 at 15 (PTAB June 3, 2020) (“As to the fourth factor, the parties do not dispute that overlap exists between the invalidity issues in this case and in the district court. This overlap may inure to the district court’s benefit, however, by simplifying issues for trial should we reach our determination on the challenges raised in

the Petition before trial.”). Therefore, we determine that Factor 4 of *Fintiv* weighs in favor of institution.

Factor 5: whether the petitioner and the defendant in the parallel proceeding are the same party

It is undisputed that Petitioner Sony is a defendant in the parallel litigation. Opp. 21; Reply 7. Because we will issue a Final Written Decision prior to the conclusion of the parallel district court proceeding, this factor weighs in favor of instituting *inter partes* review.

Factor 6: other circumstances that impact the Board’s exercise of discretion, including the merits.

The final *Fintiv* factor is a catch-all that takes into account any other relevant circumstances. The decision whether to exercise discretion to deny institution is based on “a balanced assessment of all relevant circumstances in the case, including the merits.” Consolidated Trial Practice Guide November 2019 at 58, *available at* <https://www.uspto.gov/TrialPracticeGuideConsolidated>. “For example, if the merits of a ground raised in the petition seem particularly strong on the preliminary record, . . . the institution of a trial may serve the interest of overall system efficiency and integrity because it allows the proceeding to continue in the event that the parallel proceeding settles or fails to resolve the patentability question presented in the PTAB proceeding.” *Fintiv*, Paper 11 at 14–15. A full merits analysis is not necessary as part of deciding whether to exercise discretion not to institute, but rather the parties may point out, as part of the factor-based analysis, particular “strengths or weaknesses” to aid the Board

in deciding whether the merits tip the balance one way or another. *Id.* at 15–16.

Patent Owner argues that, by adopting the expert declaration filed in IPR2020-01609, Petitioner Sony’s expert, Dr. Zadok, would “have to go against his own prior testimony” as to how the term “agent” should be construed. Opp. 21–22 (citing Ex. 2011 ¶¶ 54–60). Patent Owner contends that “[w]eaknesses in the petition also merit discretionary denial.” *Id.*

Petitioner Sony counters that the merits favor institution in view of the institution in IPR2020-01609. Reply 7. Petitioner Sony argues that its expert “stated no terms other than ‘license record’ needed construction in view of the institution decision,” and the expert’s prior declaration in the LG case regarding the term “agent” was not accepted by the court in that case in August 2020, seven months before institution in IPR2020-01609. *Id.* (citing Ex. 1013; Ex. 1015 ¶ 33).

Patent Owner’s argument regarding conflicting expert testimony is unavailing. Based on this current record, we find Dr. Zadok’s testimony submitted in this proceeding is consistent with the court’s claim construction order entered on August 19, 2020, in the LG case. Ex. 1013 (Supplemental Claim Construction Order in the LG case), 34–36. Dr. Zadok’s prior testimony (Ex. 2011 ¶¶ 54–60) that the term “agent” should be construed pursuant to 35 U.S.C. § 112, ¶ 6, was not accepted by the district court. Ex. 1013, 34–36. Dr. Zadok’s testimony in this IPR proceeding merely reflects the district court’s claim construction regarding the term “agent.”

Furthermore, we address each of Patent Owner’s arguments regarding the asserted grounds of unpatentability below (Section III). As discussed below, on this record, we determine that Petitioner Sony has demonstrated

sufficiently for purposes of this Decision that the challenged claims of the '941 patent are unpatentable, and Patent Owner's arguments do not undermine Petitioner Sony's showing at this time. Based on this preliminary record and absence of substantive argument highlighting any particular strengths of the challenge, we find that Factor 6 of *Fintiv* is neutral.

Conclusion on the Fintiv Factors

As noted in *Fintiv*, we consider the above six factors when taking "a holistic view of whether efficiency and integrity of the system are best served by denying or instituting review." *Fintiv*, Paper 11 at 6.

Under the particular circumstances of this case, we are not persuaded that the interests of efficiency and integrity of the system would be best served by invoking our authority under § 314(a) to deny institution of a potentially meritorious Petition.

III. INSTITUTION OF *INTER PARTES* REVIEW

The instant Petition is a "copycat" petition, substantively identical to the TCT's petition, challenging the same claims of the same patent based on the same grounds of unpatentability and essentially supported by the same expert declaration. *Comparing* Pet. 5–61, with IPR2020-01609, Paper 1 at 5–64; Mot. 1. In the TCT IPR, we instituted a review as to all of the challenged claims and all of the grounds asserted in the TCT's petition. IPR2020-01609, Paper 7 (Decision Granting Institution), 5–23. In view of the identity of the grounds in the instant Petition and in the TCT's petition, we determine that Petitioner Sony has established sufficiently that instituting an *inter partes* review is warranted for the same reasons stated in our Decision Granting Institution in the TCT IPR. *Id.*

In its Preliminary Response, Patent Owner advances several arguments. Prelim. Resp. 6–34. For the reasons discussed below, we determine that Patent Owner’s arguments do not undermine Petitioner Sony’s showing at this time for purposes of instituting a review. We address each of Patent Owner’s arguments in turn below.

First, Patent Owner argues that the instant Petition should be denied because Petitioner Sony’s claim construction position in this proceeding is inconsistent with Petitioner Sony’s proposed claim construction in the parallel district court litigation. Prelim. Resp. 13–14 (citing Ex. 2012).

Patent Owner’s argument is unavailing. In the instant Petition, Petitioner Sony makes clear that “[b]ased on the similarities between the claims of the ’941 Patent and the prior art cited” in this proceeding, Petitioner Sony “does not believe that any claim constructions are needed for the purposes of this review.” Pet. 19. Upon consideration of the Petitioner Sony’s prior art arguments and supporting evidence in the present record, we find Petitioner Sony’s claim construction position in its Petition to be reasonable. *See Nidec Motor Corp. v. Zhongshan Broad Ocean Motor Co.*, 868 F.3d 1013, 1017 (Fed. Cir. 2017) (quoting *Vivid Techs., Inc. v. Am. Sci. & Eng’g, Inc.*, 200 F.3d 795, 803 (Fed. Cir. 1999)) (noting that “we need only construe terms ‘that are in controversy, and only to the extent necessary to resolve the controversy’”).

In addition, Patent Owner does not explain meaningfully how the allegedly inconsistent position would impact our preliminary claim construction set forth in our Institution Decision in the TCT IPR. In our Decision, we determined that it was necessary to construe only the claim term “license record” expressly for purposes of the instituting a review,

because we declined to adopt Patent Owner's proposed claim construction of the term "license record," as it would improperly import a limitation (requiring "license record" to be formed from a licensed program) from a preferred embodiment disclosed in the Specification into the claims. IPR2020-01609, Paper 7, 5–9. Therefore, Patent Owner's argument that Petitioner Sony takes an inconsistent claim construction position is unavailing.

Second, Patent Owner argues that the Hellman and Chou combination is cumulative of Schwartz (Ex. 1005 in IPR2020-01184) and the combination of Misra (Ex. 2022) and Ewetz (Ex. 2023), which have already been considered by the Office. Prelim. Resp. 14–23.

However, Patent Owner fails to recognize the advancements in BIOS EEPROM storage devices disclosed in Chou. As Petitioner Sony points out (Pet. 25–26), Chou discloses that, at the time of its invention, "[r]ecent changes in the computer BIOS memory storage devices permit writing data to the BIOS memory, offering the opportunity to provide password protection within the same memory which stores the BIOS routines." Ex. 1005, 1:63–66. Chou also discloses "EEPROM flash devices may be programmed with BIOS routines which permit the user to enter data without requiring the computer to be returned to the manufacture." *Id.* at 2:2–4. Chou further discloses that its "invention makes use of these new BIOS memory devices for effecting security measures which discourage theft." *Id.* at 2:4–7. Chou teaches storing security routines in the BIOS EEPROM to prevent tampering by a user. *Id.* at 3:52–62. Patent Owner does not explain where in Schwartz or the combination of Misra and Ewetz teaches these advancements in BIOS EEPROM storage devices. Prelim. Resp. 14–23. In

short, Patent Owner's argument that the Hellman and Chou combination is cumulative of art already considered by the Office is unavailing.

Third, Patent Owner argues that Hellman and Chou "disclose incompatible (and thus un-combinable) techniques for storing critical data," citing to the Declaration of David Martin, Ph.D., for support. Prelim. Resp. 23–24 (citing Ex. 2015 ¶¶ 106–107).

Patent Owner's argument is conclusory. To support Patent Owner's argument, Dr. Martin testifies that "[i]f BIOS memory . . . is also taken to be addressable by hash values and used for storage of authorization counts based solely on the output of a hashing algorithm (hash value H), then the purchase of a software package with an unfortunate hash value H *could cause* a base unit to overwrite the BIOS instructions or other critical BIOS information." Ex. 2015 ¶ 107 (emphasis added). Dr. Martin's testimony is speculative and unsupported. Dr. Martin's testimony also does not take into account Chou's teachings that storing sensitive information, such as security routines, in the BIOS EEPROM reduces the risk of tampering. Ex. 1005, Abstract, 1:54–2:7, 3:52–62. Therefore, Patent Owner's argument that Hellman and Chou are incompatible and un-combinable is conclusory.

Fourth, Patent Owner argues that it would not have been obvious to modify Hellman to include the recited BIOS memory because one of ordinary skill in the art "would have understood that BIOS is simply irrelevant to the goals and objectives of Hellman's invention" and "Hellman mentions neither BIOS nor an operating system." Prelim. Resp. 25–28 (citing Ex. 2015 ¶¶ 99–106).

However, Patent Owner admitted that "all computers must have a BIOS" during prosecution. Ex. 1002, 51. As noted above, Chou teaches

storing sensitive information, such as security routines, in the BIOS EEPROM to reduce the risk of tampering with that information. Ex. 1005, Abstract, 1:54–2:7, 3:52–62. Dr. Wolfe testifies that, in light of Chou, one of ordinary skill in the art would have been motivated to store Hellman’s license information in the BIOS EEPROM, in order to discourage users from tampering the license information and to provide extra protection to the sensitive information. Ex. 1003 ¶¶ 112–116.

In addition, attacking Hellman individually does not undermine Petitioner Sony’s obviousness showing that is based on a combination of Hellman and Chou. Non-obviousness cannot be established by attacking references individually where, as here, the ground of unpatentability is based upon a combination of references. *In re Keller*, 642 F.2d 413, 426 (CCPA 1981). Rather, the test for obviousness is whether the combination of references, taken as a whole, would have suggested the claimed subject matter to one of ordinary skill in the art. *In re Merck & Co., Inc.*, 800 F.2d 1091, 1097 (Fed. Cir. 1986). Therefore, Patent Owner’s argument that it would not have been obvious to modify Hellman fails to take into account the teachings of Chou and is unavailing for purposes of instituting a review.

Fifth, Patent Owner argues that “Hellman is a *hardware* device and does not disclose an OS-level *software* ‘agent’ for setting up a verification structure as Claim 1 requires.” Prelim. Resp. 28–34 (emphases added). According to Patent Owner, “[b]ased on Hellman’s disclosure (and its embodiment with respect to the record industry), a [person of ordinary skill in the art] would [have understood] the base unit is not a general-purpose computer and that the *agent* is implemented exclusively in specialized *hardware*.” *Id.* at 33 (the first emphasis is ours).

Patent Owner admits that Hellman discloses an agent and does not dispute that Hellman's agent performs the claimed function "to set up a verification structure in the erasable, non-volatile memory." *Id.* Patent Owner improperly presumes that Hellman's agent is "implemented *exclusively* in specialized *hardware*." *Id.* (emphases added).

Dr. Wolfe testifies that a person of ordinary skill in the art would have recognized that Hellman's "update unit 36 would have been implemented by a software routine, potentially along with a hardware module," and that "authorization and billing unit 13 may cooperate with the update unit 36 to act as the 'agent.'" Ex. 1003 ¶¶ 137–138. According to Dr. Wolfe, Hellman discloses that "authorization and billing unit 13 stores a table of software in memory 19 that allows it to determine a software package 21 from the software name provided in the request, and software package 21 is identical to software package 17." *Id.* ¶ 138 (citing Ex. 1004, 6:16–30). Dr. Wolfe explains that "[b]ecause authorization and billing unit 13 generates the authorization A that leads to the updating of the authorized use value M in the non-volatile memory 37, a [person of ordinary skill in the art] would have recognized that the authorization and billing unit 13 may be considered an agent." *Id.* As such, the evidence in this current record suggests that Hellman's agent is a combination of software and hardware implementation.

At this stage, we decline to import a negative limitation into the claim term "agent" to exclude a combination of software and hardware. Patent Owner has submitted several district court claim constructions, but has not proffered arguments as to why we should adopt any specific district court constructions. Prelim. Resp. 6–13. Apart from the claims, the Specification of the '941 patent does not use the term "agent," much less sets forth a

definition for the term “agent” that excludes an implementation of software and hardware. The term “agent” was added during prosecution. Ex. 1013 (District Court Claim Construction Order entered in the LG case), 29.

Although the claim does not describe how the “agent” fits in structurally with the other components of the system, Patent Owner argued in the LG case that “E2PROM manipulation commands as an example of ‘how [the agent] accomplished operation’” of setting up a verification structure in the EEPROM. *Id.* at 30. However, the Specification does not disclose any EEPROM manipulation commands. Therefore, Patent Owner’s argument that Hellman does not disclose a software “agent” is unavailing at this time for purposes of institution.

For the foregoing reasons, we determine that Petitioner Sony has established sufficiently that instituting an *inter partes* review is warranted.

IV. GRANT OF MOTION FOR JOINDER

Joinder in *inter partes* review is subject to the provisions of § 315(c):

(c) JOINDER.—If the Director institutes an *inter partes* review, the Director, in his or her discretion, may join as a party to that *inter partes* review any person who properly files a petition under section 311 that the Director, after receiving a preliminary response under section 313 or the expiration of the time for filing such a response, determines warrants the institution of an *inter partes* review under section 314.

“Any request for joinder must be filed, as a motion under § 42.22, no later than one month after the institution date of any *inter partes* review for which joinder is requested.” 37 C.F.R. § 42.122(b). As the moving party, Petitioner Sony bears the burden of proving that it is entitled to the requested relief. 37 C.F.R. § 42.20(c). A motion for joinder should: (1) set forth the

reasons joinder is appropriate; (2) identify any new grounds of unpatentability asserted in the petition; (3) explain what impact (if any) joinder would have on the trial schedule for the existing review; and (4) addresses specifically how briefing and/or discovery may be simplified. *See* Frequently Asked Question H5, <https://www.uspto.gov/patents-application-process/patent-trial-and-appeal-board/ptab-e2e-frequently-asked-questions>; *see also Kyocera Corp. v. SoftView LLC*, IPR2013-00004, Paper 15 at 4 (PTAB Apr. 24, 2013) (representative) (Order Authorizing Third Party to File Motion for Joinder).

Factor 1: Reasons Joinder is Appropriate

Petitioner Sony asserts that its Motion for Joinder is submitted timely within the time set forth in 37 C.F.R. § 42.122(b), not later than one month after institution of the TCT IPR. Mot. 3–4. Petitioner Sony avers that joinder with the TCT IPR is appropriate because this Petition challenges the same claims of the '941 patent on identical grounds to those in the TCT IPR. *Id.* at 5. According to Petitioner Sony, there are no substantive differences between this Petition and TCT's Petition, and Petitioner Sony relies on substantially the same supporting evidence as that in the TCT IPR. *Id.* Petitioner Sony argues that a consolidated proceeding will therefore be more efficient and less wasteful. *Id.* at 5–6. We agree.

Patent Owner argues that it has settled with TCT, and that we should terminate the TCT IPR completely, which would moot Petitioner Sony's Motion for Joinder. Opp. 6–9.

As Patent Owner acknowledges (Opp. 8), the decision to terminate an IPR proceeding with respect to both parties after the parties file a settlement

agreement is discretionary. 35 U.S.C. § 317(a); 37 C.F.R. § 42.72.

The decision to grant joinder also is discretionary. 35 U.S.C. § 315(c).

The Board decides those motions on a case-by-case basis upon consideration of the totality of the circumstances.

Here, Petitioner Sony's Motion for Joinder was timely filed in accordance with 35 U.S.C. § 315(c), 37 C.F.R. §§ 42.22, and 42.122(b), prior to the filing of the joint Motion to Terminate in the TCT IPR. Petitioner Sony's Petition is a "copycat" petition, challenging the same claims of the same patent based on the same grounds of unpatentability and essentially supported by the same expert declaration. Thus, there are no new grounds of unpatentability or new evidence asserted in the Petition. Also, we expect the impact of joinder on the existing schedule, briefing, and discovery to be minimal.

As the AIA legislative history explained:

The Office anticipates that *joinder will be allowed as of right*—if an inter partes review is instituted on the basis of a petition, for example, a party that files *an identical petition will be joined to that proceeding*, and thus allowed to file its own briefs and make its own arguments.

157 Cong. Rec. S1376 (daily ed. Mar. 8, 2011) (statement of Sen. Kyl) (emphases added).

Petitioner Sony filed its Petition and Motion for Joinder prior to Patent Owner's Motion to Terminate the TCT IPR. Thus, continuation of the TCT IPR was foreseeable and any prejudice to Patent Owner due to continuation is not undue.

In light of the foregoing, we determine that the first factor weighs in favor of joinder.

Factor 2: Any New Grounds of Unpatentability

Petitioner Sony asserts that its Petition is substantively identical to the petition in the TCT IPR. Mot. 4, 6–7. Indeed, as noted above, Petitioner Sony presents the same grounds of unpatentability, the same prior art, and essentially the same declarant testimony as the petition in the TCT IPR. *Compare* Pet. 5–61, with IPR2020-01609, Paper 1 at 5–64. Petitioner Sony does not assert any new ground of unpatentability that is not already being considered in the TCT IPR, relying on substantially the same arguments and evidence. Accordingly, we determine that the second factor weighs in favor of joinder.

Factor 3: What Impact Joinder Would Have on the Trial Schedule

Patent Owner argues that undue delay in the original proceedings alternatively requires denying Petitioner Sony’s Motion for Joinder. Opp. 9–11. Petitioner Sony asserts that joinder would not affect the schedule in any forthcoming trial and its participation should result in no changes to the schedule. Mot. 7–8. We agree with Petitioner Sony. Joinder will have minimal impact, if any, on the TCT IPR trial schedule because the instant Petition presents no new issues or grounds of unpatentability and Petitioner Sony consents to the existing trial schedule in the TCT IPR. *Id.* Accordingly, we determine that the third factor weighs in favor of joinder.

Factor 4: How Briefing and/or Discovery May be Simplified

Petitioner Sony has agreed, as long as TCT remains as a party to the TCT IPR, to take an “understudy” role, which will simplify briefing and discovery. Mot. 8–10. We agree with Petitioner Sony that joinder would

simplify briefing and discovery because Petitioner Sony agrees to an “understudy” role and consents to the current trial schedule set forth in the TCT IPR. Accordingly, we determine that the fourth factor weighs in favor of joinder.

Conclusion on Motion for Joinder

For the reasons stated above, we determine granting Petitioner Sony’s Motion for Joinder is warranted.

IV. ORDER

In view of the foregoing, it is

ORDERED that, pursuant to 35 U.S.C. § 314(a), an *inter partes* review is hereby instituted for the following grounds of unpatentability:

Claims Challenged	35 U.S.C. §	References
1, 2, 11, 13	103(a)	Hellman, Chou
1–3, 6–14, 16	103(a)	Hellman, Chou, Schneck

FURTHER ORDERED that Petitioner Sony’s Motion for Joinder with IPR2020-01609 is *granted*; and Petitioner Sony is joined as a party to IPR2020-01609;

FURTHER ORDERED that the grounds on which trial in IPR2020-01609 were instituted are unchanged, and no other grounds are added in IPR2020-01609;

FURTHER ORDERED that the Scheduling Order entered in IPR2020-01609 (Paper 8) and schedule changes agreed to by the parties in

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IPR2020-01609 (pursuant to the Scheduling Order) shall govern the trial schedule in IPR2020-01609;

FURTHER ORDERED that, throughout the trial, all filings in IPR2020-01609 will be consolidated, and no filing by Petitioner Sony alone will be considered without prior authorization by the Board;

FURTHER ORDERED that a copy of this Decision will be entered into the record of IPR2020-01609;

FURTHER ORDERED that the instant proceeding is terminated under 37 C.F.R. § 42.72 and all further filings shall be made in IPR2020-01609; and

FURTHER ORDERED that the case caption in IPR2020-01609 shall be changed to reflect joinder with the instant proceeding in accordance with the attached example.

PETITIONER:

Gregory Gewirtz
Jonathan David

LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK, LLP
litigation@lernerdavid.com
ggewirtz@lernerdavid.com
jdavid@lernerdavid.com

PATENT OWNER:

Nicholas Peters
David Gosse
Paul Henkelmann

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FITCH, EVEN, TABIN & FLANNERY LLP
ntpete@fitcheven.com
dgosse@fitcheven.com
phenkelmann@fitcheven.com

John Rondini
John LeRoy
Marc Lorelli

BROOKS KUSHMAN P.C.
jrondini@brookskushman.com
mlorelli@brookskushman.com
ancc0120IPR@brookskushman.com

Example Case Caption for Joined Proceeding

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TCT MOBILE (US) INC.,
HUIZHOU TCL MOBILE COMMUNICATION CO. LTD., SHENZHEN
TCL CREATIVE CLOUD TECHNOLOGY CO., LTD.,
SONY MOBILE COMMUNICATIONS AB, SONY MOBILE
COMMUNICATIONS, INC., SONY ELECTRONICS INC., and
SONY CORPORATION,
Petitioner,

v.

ANCORA TECHNOLOGIES, INC.,
Patent Owner.

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³ Sony Mobile Communications AB, Sony Mobile Communications, Inc., Sony Electronics Inc., and Sony Corporation who filed a petition in IPR2021-00663 have been joined with this proceeding.