

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FORD MOTOR COMPANY,
Petitioner,

v.

NEO WIRELESS, LLC,
Patent Owner.

IPR2023-00766
Patent 10,075,941 B2

Before HYUN J. JUNG, JO-ANNE M. KOKOSKI, and
MATTHEW S. MEYERS, *Administrative Patent Judges*.

MEYERS, *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

A. *Background and Summary*

Ford Motor Company (“Petitioner” or “Ford”) filed a Petition (Paper 1, “Pet.”) requesting institution of an *inter partes* review of claims 1–14 of U.S. Patent No. 10,075,941 B2 (Ex. 1001, “the ’941 patent”). Concurrently, Petitioner filed a Motion for Joinder seeking to be joined as a party to *Volkswagen Group of America, Inc. v. Neo Wireless, LLC*, IPR2022-01537 (“Volkswagen IPR”). Paper 3 (“Motion” or “Mot.”). Neo Wireless LLC (“Patent Owner”) filed a Preliminary Response (Paper 14, “Prelim. Resp.”) and a Response to Petitioner’s Motion for Joinder (Paper 7, “Opp.”). Petitioner subsequently filed a Reply in Support of its Motion for Joinder. Paper 10 (“Mot. Reply”).

Under 35 U.S.C. § 314, an *inter partes* review may not be instituted “unless . . . there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.” For the reasons that follow, we determine that institution of *inter partes* review is warranted on the same grounds instituted in the Volkswagen IPR and grant Petitioner’s Motion for Joinder.

B. *Real Parties in Interest*

The parties identify themselves as real parties in interest. Pet. 4; Paper 5, 1.

C. *Related Matters*

Petitioner lists several civil actions in which Neo Wireless, LLC is the plaintiff and the ’941 patent is involved. Pet. 4–5; Mot. 2–4. Patent Owner lists ten current proceedings involving the challenged patent and seventeen proceedings that, according to Patent Owner, have been terminated. Paper 5, 1–4. The current proceedings include:

In Re: Neo Wireless, LLC Patent Litigation, No. 2:22-md-03034 (E.D. Mich.);

Neo Wireless LLC v. American Honda Motor Co., Inc., No. 2:22-cv-11403 (E.D. Mich.);

Neo Wireless, LLC v. Ford Motor Co., No. 2:22-cv-11402 (E.D. Mich.);

Neo Wireless, LLC v. Tesla Inc., No. 2:22-cv-11408 (E.D. Mich.);

Neo Wireless, LLC v. General Motors Co., No. 2:22-cv-11407 (E.D. Mich.);

Neo Wireless LLC v. Toyota Motor North America, Inc., No. 2:22-cv-11406 (E.D. Mich.);

Neo Wireless, LLC v. Volkswagen Group of America, Inc., No. 2:22-cv-11404 (E.D. Mich.);

Neo Wireless, LLC v. Nissan North America Inc., No. 2:22-cv-11405 (E.D. Mich.);

Neo Wireless, LLC v. Mercedes-Benz USA, LLC, No. 2:22-cv-11769 (E.D. Mich.); and

Neo Wireless, LLC v. FCA US LLC, No. 2:22-cv-11770 (E.D. Mich.).
Id. at 1–2.

Petitioner identifies that the '941 patent was the subject of *Dell Inc. v. Neo Wireless LLC*, IPR2021-01468 (institution denied), and is currently the subject of the Volkswagen IPR, in which review was instituted. Pet. 5; Volkswagen IPR, Paper 8 (PTAB May 5, 2023) (Decision Granting Institution). Patent Owner also identifies IPR2023-00791.¹ Paper 5, 1.

¹ IPR2023-00791 also challenges the '941 patent and includes a motion for joinder by petitioner American Honda Motor Co., Inc. ("Honda").

D. The '941 Patent (Ex. 1001)

The '941 patent is titled “Methods and Apparatus for Multi-Carrier Communication Systems with Adaptive Transmission and Feedback.” Ex. 1001, code (54). The '941 patent describes various methods to improve the performance of a wireless system, such as adaptive modulation and coding (“AMC”), channel estimation, transmission power control (“TPC”), and the adjustment of a subchannel configuration in accordance with the state of a communication channel. *Id.* at 1:34–48. The '941 patent, however, states that “[t]he subchannel configuration is normally defined and fixed in an operation, and it is usually not considered an adjustable function of the system to be adapted to the user profile and/or operational environment.” *Id.* at 2:4–7.

The '941 patent describes a method for adaptive transmission of wireless communication signals in which modulation and coding schemes (“MCS”), coding rates, training pilot patterns, TPC levels, and subchannel configurations “are jointly adjusted to adapt to the channel conditions.” Ex. 1001, 2:33–38. Figure 4 of the '941 patent is reproduced below.

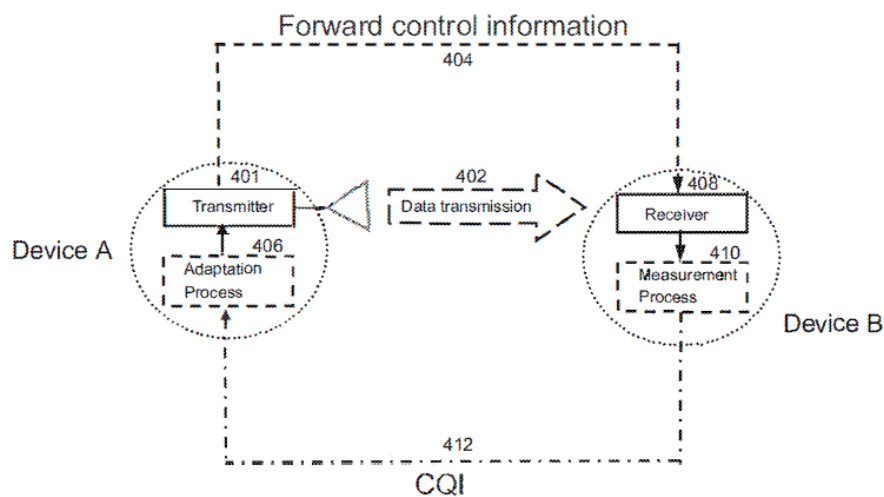


FIG. 4

Figure 4 shows an example of a control process between Device A and Device B. Ex. 1001, 2:17–18. Device A and Device B may be a base station and a mobile station that use adaptive transmission. *Id.* at 4:14–17. Specifically, based on output from adaptation process 406, Device A’s transmitter 401 transmits data 402 and control information 404 to Device B. *Id.* at 4:17–19. Device B’s receiver 408 receives data 402 and control information 404, whereas measurement process 410 measures channel conditions and feeds channel quality information (“CQI”) 412 back to Device A. *Id.* at 4:20–24.

According to the ’941 patent, “[t]he underlying principles of adaptive transmission and feedback are both to increase the degree of freedom of a transmission process and to supply information for the adaptation process of a communication system.” Ex. 1001, 3:63–66. The ’941 patent explains that when adaptive modulation, coding, training, and power control (“AMCTP”) is used, a transmitter relies on CQI to select an appropriate AMCTP scheme for transmitting the next packet or retransmitting a previously failed packet. *Id.* at 4:46–49. The ’941 patent states that “[t]he adaptation process adjusts the allocated modulation schemes, coding rates, pilot patterns, power levels, spatial processing schemes, subchannel configurations, etc. in accordance with the transmission channel state and condition, for improving system performance and/or capacity.” *Id.* at 3:66–4:4.

E. Illustrative Claim

Petitioner challenges claims 1–14 of the ’941 patent. Pet. 1. Claims 1, 6, 8, and 13 are the independent challenged claims. Claim 1, reproduced below with Petitioner’s bracketed labels, is representative.

1. [1A] A link adaptation method by a base station serving a plurality of mobile stations in an Orthogonal Frequency Division Multiplexing (OFDM) communication system, the communication system utilizing a transmission structure with time slots in the time domain and frequency subchannels in the frequency domain, the method comprising:

[1B] transmitting a control message to a mobile station over a control channel, wherein:

[1C] the control message contains transmission parameters allocated to the mobile station for a subsequent transmission of data by the base station over a frequency subchannel to the mobile station in a time slot; and

[1D] the mobile station-specific transmission parameters indicate an antenna transmission scheme and

[1E] a corresponding subchannel configuration,

[1F] the antenna transmission scheme comprising a transmission diversity scheme or a multiple-input multiple-output (MIMO) scheme and

[1G] the corresponding subchannel configuration characterized by distributed subcarriers or localized subcarriers in the frequency domain; and

[1H] transmitting a data packet to the mobile station over the frequency subchannel in accordance with the mobile station-specific transmission parameters.

Ex. 1001, 9:5–31; Pet. 113–118.

F. Asserted Prior Art and Proffered Testimonial Evidence

Petitioner identifies the following references as prior art in the asserted grounds of unpatentability:

Name	Reference	Exhibit
802.16a-2001	IEEE Std 802.16-2001, “802.16-2001 - IEEE Standard for Local and Metropolitan Area Networks - Part 16: Air Interface for Fixed Broadband Wireless Access Systems”	1005
802.16a-2003	IEEE Std 802.16-2003, “802.16a-2003 - Standard for Amendment to IEEE Standard for Local and Metropolitan Area Networks - Part 16: Air Interface for Fixed Broadband Wireless Access Systems - Medium Access Control Modifications and Additional Physical Layer Specifications for 2-11 GHz”	1006
Heath	US 6,937,592 B1, issued Aug. 30, 2005	1007
Walton040	US 2003/0125040 A1, published July 3, 2003	1008
Li017	US 2002/0147017 A1, published Oct. 10, 2002	1009
Tufvesson	F. Tufvesson et al., “Pilot Assisted Channel Estimation for OFDM in Mobile Cellular Systems,” 1997 IEEE 47th Vehicular Technology Conf. Tech. in Motion, May 4–7, 1997	1010

Pet. 7–8. Petitioner states that “all references relied upon in this Petition qualify as prior art with respect to the February 13, 2004 priority.” *Id.* at 7. According to Petitioner, 802.16a-2003 is prior art under, at least, pre-AIA 35 U.S.C. § 102(a); Heath is prior art under, at least, pre-AIA 35 U.S.C. § 102(e); Walton040 is prior art under, at least, pre-AIA 35 U.S.C. §§ 102(a) and (e); and 802.16a-2001, Li017, and Tufvesson are prior art under, at least, pre-AIA 35 U.S.C. § 102(b).² *Id.* at 7–8.

² The relevant sections of the Leahy-Smith America Invents Act (“AIA”), Pub. L. No. 112–29, 125 Stat. 284 (Sept. 16, 2011), took effect on March 16, 2013. Because the ’941 patent claims priority as a continuation to an

Petitioner also provides a Declaration of Dr. Todor Cooklev. Ex. 1046. Petitioner states that it cites to the Declaration which “adopt[s] the opinions set forth in Ex. 1003, the declaration of Dr. Sarah Kate Wilson submitted in [the Volkswagen IPR],” and Petitioner “notes there are corresponding, identical opinions in Dr. Wilson’s declaration at the same paragraph numbers.” Pet. 3. Petitioner also provides a Declaration from Dr. Ingrid Hsieh-Yee “who prepared a librarian declaration that, like Ms. Fields’s declaration” submitted in the Volkswagen IPR. *Id.* (citing Ex. 1034). Petitioner notes that, like Mr. Fields’s Declaration, Dr. Hsieh-Yee’s Declaration “establishes the public availability of Tufvesson.” *Id.* According to Petitioner, Volkswagen Group of America, Inc. (“Volkswagen”) “refused to share experts for the purposes of this IPR.” *Id.* Patent Owner provides a Declaration of William P. Alberth Jr. from the Volkswagen IPR. Ex. 2001.

G. Asserted Grounds

Petitioner asserts that claims 1–14 are unpatentable on the following grounds:

application filed before March 16, 2013, we apply the pre-AIA versions of the statutory bases for unpatentability. *See* Ex. 1001, code (63). *See also* Pet. 7 (stating but not conceding that “[t]he earliest effective priority date of the ’941 patent is February 13, 2004.”).

Claims Challenged	35 U.S.C. §	References/Basis
1–14	103(a)	802.16a-2001, 802.16a-2003, Heath
1, 3–8, 10–14	103(a)	Walton040, Li017
2, 9	103(a)	Walton040, Li017, Tufvesson

Pet. 8–9.

II. ANALYSIS

Joinder for purposes of an *inter partes* review is governed by 35 U.S.C. § 315(c), which states:

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.

“To join a party to an instituted [*inter partes* review (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, the statute requires that the Director (or the Board acting through a delegation of authority) . . . determine whether the joinder applicant’s petition for IPR ‘warrants’ institution under § 314.” *Id.* “Second, to effect joinder, § 315(c) requires the Director to exercise his discretion to decide whether to ‘join as a party’ the joinder applicant.” *Id.*

A. *Whether the Petition Warrants Institution*

Petitioner states that its “Petition is substantively identical to the Volkswagen Petition—in fact, it is a verbatim copy of Volkswagen’s

Petition, with the exception of administrative portions (e.g., mandatory notices, petitioner and counsel identity, etc.) and the discussion of *Apple Inc. v. Fintiv, Inc.*, IPR2020-00019, Paper 11 (Mar. 11, 2020).” Mot. 2.

Petitioner also states that Dr. Cooklev’s “declaration is a verbatim copy of Volkswagen’s declaration from Dr. Wilson, with the exception of the expert’s qualifications and personal information.” *Id.* at 7 n.2. Petitioner further states that it “will rely on its own declarations only if Volkswagen is not party to this IPR.” *Id.*

Patent Owner states that the “Petition is a copycat petition seeking joinder to a case in which institution has already been granted” and “notes for the panel’s convenience that the non-institution arguments in this Preliminary Response essentially repeat the non-institution arguments that were raised in the already-instituted target case.” Prelim. Resp. 1. Patent Owner, nonetheless, filed a response “to protect Patent Owner’s rights.” *Id.* In that context, Patent Owner responds that “much as the Petition in this case repeats the same grounds as those set forth in [the Volkswagen IPR], the present preliminary response repeats the same reasons and same supporting evidence set forth in Patent Owner’s preliminary response in that case.” *Id.* at 2–3. *see also id.* at 6–8 (repeating arguments from the Volkswagen IPR, Paper 7, regarding claim construction), 8–39 (repeating prior arguments, for the first ground, that Petitioner fails to show a “a ‘control message’ with ‘transmission parameters allocated to the mobile station,’” “mobile station-specific transmission parameters,” and “the mobile station-specific transmission parameters indicate an antenna transmission scheme and a corresponding subchannel configuration . . . the corresponding subchannel configuration characterized by distributed subcarriers or localized subcarriers”), 39–57 (repeating prior arguments, for the second and third

grounds, that Petitioner fails to show ““station-specific transmission parameters”” that ““indicate . . . the corresponding subchannel configuration”” that one of ordinary skill in the art “at the time of the invention would [not] have been motivated to replace Walton040’s existing subchannel configuration method with Li017’s subchannel assignment method, as Grounds 2 and 3 require”). “Patent Owner understands that the petition in [the Volkswagen IPR] has already been granted over its [Preliminary Response] arguments” and “respectfully disagrees with the decision to institute.” *Id.* at 2.

We instituted an *inter partes* review in the Volkswagen IPR. *See* IPR2022-01537, Paper 8 (“1537 Dec. on Inst.”). We incorporate our previous analysis regarding the asserted grounds of unpatentability and conclude that Petitioner has demonstrated a reasonable likelihood of prevailing with respect to at least one claim of the ’941 patent challenged in the Petition for the same reasons. *See* 1537 Dec. on Inst. 14–63. Therefore, we determine that the Petition warrants institution of *inter partes* review on all claims and all grounds asserted in the Petition. 37 C.F.R. § 42.108(a) (“When instituting . . . review, the Board will authorize the review to proceed on all of the challenged claims and on all grounds of unpatentability asserted for each claim.”); *see also SAS Inst. Inc. v. Iancu*, 138 S. Ct. 1348, 1359–60 (2018).

B. Whether to Join Petitioner as a Party to the Volkswagen IPR

Joinder may be authorized when warranted, but the decision to grant joinder is discretionary. *See* 35 U.S.C. § 315(c); 37 C.F.R. § 42.122. We determine whether to grant joinder on a case-by-case basis, taking into account the particular facts of each case, substantive and procedural issues, and other considerations. When exercising that discretion, we are mindful

that patent trial regulations, including the rules for joinder, must be construed to secure the just, speedy, and inexpensive resolution of every proceeding. *See* 35 U.S.C. § 316(b); 37 C.F.R. § 42.1(b).

Any motion for joinder must be filed “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). Petitioner filed its Petition and Motion for Joinder before we decided whether to institute review in the Volkswagen IPR, and, thus, the Motion is timely.

As the moving party, Petitioner has the burden of proof in establishing entitlement to the requested relief. 37 C.F.R. §§ 42.20(c), 42.122(b). A motion for joinder should: (1) set forth the reasons why 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) address specifically how briefing and discovery may be simplified. *See Kyocera Corp. v. SoftView LLC*, IPR2013-00004, Paper 15 at 4 (PTAB Apr. 24, 2013).

1. Motion for Joinder

Petitioner argues that “joinder is appropriate because there are no substantive differences between the Petition and the Volkswagen IPR” and “[b]oth petitions have identical unpatentability arguments, grounds and supporting evidence, and challenge the same claims.” Mot. 5. Petitioner also argues that it “may be prejudiced if it is not permitted to join the IPR” because the ’941 patent has been asserted against it in related litigation and, thus, it should be “allowed to continue the proceedings should Volkswagen settle.” *Id.* at 6. Petitioner further argues that granting joinder would “ensure that the patentability of the challenged claims will ultimately be decided by the Board, efficiently protecting the public and providing the

patent owner with predictable and reliable expectations regarding its patent rights.” *Id.*

According to Petitioner, its “Petition does not include any new grounds of unpatentability” and “the Petition and its accompanying expert declaration are substantively identical to the Volkswagen IPR and its accompanying expert declaration.” Mot. 7. Petitioner argues that granting joinder would not affect the trial schedule because it “does not seek to introduce any new grounds or challenge any new claims,” and “Patent Owner will not require any discovery beyond what it will need in the previously filed IPR.” *Id.* at 8. Petitioner states that it “will remain in the understudy role so long as Volkswagen remains in the proceeding,” and, therefore, granting joinder would not affect the trial schedule. *Id.*

Turning to briefing and discovery, Petitioner argues that granting joinder “should not require any additional briefing or discovery” because its “Petition adds no new issues whatsoever” and it “agrees to take an understudy role, which will simplify briefing and discovery.” Mot. 8–9. “By Petitioner accepting an ‘understudy’ role,” Petitioner contends that “the parties can comply with the trial schedule assigned to the Volkswagen IPR without any duplicative efforts by the Board or the Patent Owner.” *Id.* at 9.

“Petitioner is further willing to agree to any other reasonable conditions the Board deems necessary.” Mot. 9. Petitioner notes that, “[i]n opposing a similar joinder motion filed by Mercedes, Patent Owner argue[d] that several preconditions should be met prior to joinder.” Mot. 9 (citing *Mercedes-Benz USA, LLC. v. Neo Wireless LLC*, IPR2023-00079, Paper 7, 2 (Jan. 20, 2023)). Here, Petitioner preemptively “agrees with them only to the extent the Board deems them necessary for joinder.” *Id.* at 10.

Petitioner reiterates that it “has agreed to assume and remain in the understudy role unless Volkswagen is not participating in the joined proceedings.” *Id.*

Petitioner argues that it “will rely on the testimony of each of its declarants (Dr. Cooklev and Dr. Hsieh-Yee) if, and only if, . . . Volkswagen is not participating in the joined proceeding[] and Volkswagen’s corresponding declarant(s) have not yet been deposed and the time to take their depositions has not expired.” Mot. 10. Petitioner also “agrees to rely entirely on, and be bound by, the declaration and deposition of Volkswagen’s expert declarants in the joined IPR, so long as Volkswagen remains a party until its experts are deposed.” *Id.* at 11. Petitioner, thus, argues that granting joinder “presents no risk of duplicative declarations, depositions, or other evidence.” *Id.*

2. *Patent Owner’s Response to Petitioner’s Motion for Joinder*

Patent Owner responds that “joinder should only be granted with additional conditions limiting [Petitioner’s] participation as joined understudy petitioner.” Opp. 1. Patent Owner notes that Petitioner “concedes that measures limiting its joined participation are appropriate, and pre-emptively ‘agrees’ to several such limits.” *Id.* at 2 (citing Mot. 2, 8–9, 11).

Patent Owner, however, contends that Petitioner does not make clear what its “understudy” role entails. Opp. 2 (citing Mot. 1). In Patent Owner’s view, the Board should make explicit that the “understudy” role means that Petitioner will not make any substantive filing, will not make any oral hearing presentation, will not seek cross-examination testimony, and will not seek other discovery. *Id.* “Unless the promised ‘understudy role’ is

expressly clarified as discussed below, Patent Owner respectfully opposes granting the subject joinder request.” *Id.*

Patent Owner argues that joinder should only be granted with the further conditions that Petitioner “be denied any right to participate in the joined proceeding, including filing papers, engaging in discovery, or participate in depositions and oral argument, jointly or otherwise, without first obtaining authorization from the Board,” its “exhibits, including its separate expert declaration (Ex. 10[46]) and librarian declaration (Ex. 10[48]), not be added to the record of this case,” and it “have no right as understudy petitioner to submit any separate exhibits or other materials.” Opp. 3. Patent Owner also argues that joinder should only be granted if Petitioner “is given no right thereby to participate, as a joined party, without express prior Board authorization.” *Id.*; *see also id.* at 4–7 (arguing similarly with citations to past Board proceedings).

According to Patent Owner, there is no proof that Volkswagen agreed to Petitioner’s limitations on its participation. Opp. 4 (citing Mot. 2). Patent Owner also argues that Petitioner’s conditions on its participation are vague and leave open a possibility that Petitioner can insert itself unilaterally, contrary to past Board conditions on joinder. *Id.* at 8–10 (citing Mot. 2, 7–8 n.2, 9).

Patent Owner contends that Petitioner “has not promised not to submit its own separate evidence” and has done so already by submitting its own expert declaration. Opp. 4; *see also id.* at 8 (citing Ex. 1046). Patent Owner also contends that allowing Petitioner to present its own separate, different evidence would hinder a “just, speedy, and inexpensive resolution” of the joined proceeding. *Id.* at 8. Patent Owner further contends that Petitioner’s exhibits should not become exhibits in the Volkswagen IPR. *Id.* at 7.

According to Patent Owner, Petitioner admits that its Petition is not identical to Volkswagen's because of its *Fintiv* discussion. Opp. 4 (citing Mot. 2). Patent Owner notes that Exhibits 1001–1045 “appear identical to exhibits Volkswagen has previously filed” and argues that our rules “generally deny parties the right to the filing of duplicative exhibits without express Board authorization.” *Id.* at 10 (citing 37 C.F.R. § 42.6(d)).

3. *Petitioner's Reply in Support of its Motion for Joinder*

Petitioner replies that Patent Owner “fails to appropriately consider Petitioner's express statements that it, if joined, would take an inactive understudy role,” and that “Petitioner being joined as an inactive understudy would not present any additional burden on the Patent Owner.” Mot. Reply 2 (citing Mot. 2). Petitioner reiterates that it “will have no substantive role in that proceeding unless the petitioner in the Volkswagen IPR ceases its own participation.” *Id.* at 1–2 (citing Mot. 5, 7–8).

Petitioner also replies that “Patent Owner's supposed ‘further conditions,’ are essentially duplicative of the restrictions that Petitioner already proposes on its participation in the Volkswagen IPR and thus are unnecessary.” Mot. Reply 2. Petitioner confirms that “it will not raise new grounds or introduce its own arguments or discovery and that it will not submit any filing unless the filing solely involves Petitioner.” *Id.*

Petitioner further replies that compelling the withdrawal of Dr. Cooklev's Declaration “would be inappropriate and premature at this stage” because the Declaration does not introduce new or additional arguments and Petitioner “agreed to rely entirely on, and be bound by, the expert declaration and deposition of Dr. Wilson and the librarian declaration of Ms. Fields in the Volkswagen IPR.” Mot. Reply 2–3.

4. *Determining that Joinder is Appropriate*

Upon considering the parties' arguments and the evidence presented, we are persuaded that it is appropriate under these circumstances to join Petitioner to the Volkswagen IPR. Petitioner challenges the same claims that are challenged in the Volkswagen IPR on the same grounds using the same prior art and evidence. Petitioner explicitly agrees that it will take an "understudy role" in the Volkswagen IPR, and has shown that the trial schedule will not be affected at all by joinder. *See* Mot. 8–11; Mot. Reply 2; *see also* Opp. 2 (citing Mot. 2) ("[Petitioner] has said it 'will remain in the understudy role' until the target IPR petitioner is no longer a party in the proceeding.").

At this stage, Patent Owner's additional conditions are not necessary. *See* Opp. 2–3. If Petitioner fails to abide by its own conditions, then Patent Owner should meet and confer with Petitioner and contact the Board, if the parties cannot come to an agreement.

For the reasons discussed above, joinder to the Volkswagen IPR would result in the just, speedy, and inexpensive resolution of Petitioner's challenge. *See* 37 C.F.R. § 42.1(b). Accordingly, we grant Petitioner's Motion for Joinder and join Petitioner as a party to the Volkswagen IPR.

III. ORDER

In consideration of the foregoing, it is hereby:

ORDERED that, pursuant to 35 U.S.C. § 314(a), an *inter partes* review of claims 1–14 of U.S. Patent No. 10,075,941 B2 is instituted with respect to all grounds set forth in the Petition;

FURTHER ORDERED that, pursuant to 35 U.S.C. § 314(c) and 37 C.F.R. § 42.4(b), *inter partes* review of U.S. Patent No. 10,075,941 B2

shall commence on the entry date of this Decision, and notice is hereby given of the institution of a trial;

FURTHER ORDERED that Petitioner's Motion for Joinder (Paper 3) with IPR2022-01537 is *granted*, and Petitioner is hereby joined as a petitioner in IPR2022-01537;

FURTHER ORDERED that the grounds on which trial in IPR2022-01537 were instituted are unchanged, and no other grounds are added in IPR2022-01537;

FURTHER ORDERED that the Scheduling Order entered in IPR2022-01537 (Paper 9) shall govern the trial schedule in IPR2022-01537;

FURTHER ORDERED that Petitioner's role in IPR2022-01537 shall be limited as stated by Petitioner in the Motion for Joinder (Paper 3) unless and until Volkswagen is terminated from that proceeding;

FURTHER ORDERED that the case caption in IPR2022-01537 shall be changed to reflect joinder of Ford Motor Company as petitioner in accordance with the attached example;

FURTHER ORDERED that a copy of this Decision be entered into the record of IPR2022-01537; and

FURTHER ORDERED that all further filings shall be made in IPR2022-01537.

IPR2023-00766
Patent 10,075,941 B2

For PETITIONER:

John S. LeRoy
Christopher Smith
Kyle G. Konz
BROOKS KUSHMAN P.C.
FPGP0141IPR@brookskushman.com

For PATENT OWNER:

Kenneth J. Weatherwax
Parham Hendifar
LOWENSTEIN & WEATHERWAX
weatherwax@lowensteinweatherwax.com
hendifar@lowensteinweatherwax.com

Hamad M. Hamad
CALDWELL, CASSADY, & CURRY P.C.
hhamad@caldwelcc.com

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

VOLKSWAGEN GROUP OF AMERICA, INC., and
FORD MOTOR COMPANY,¹
Petitioner,

v.

NEO WIRELESS, LLC,
Patent Owner.

IPR2022-01537
Patent 10,075,941 B2

¹ Ford Motor Company filed a motion for joinder and a petition in IPR2023-00766, which were granted, and, therefore, has been joined as petitioner in this proceeding.