

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD.,
Petitioner,

v.

ALMONDNET, INC. AND INTENT IQ, LLC,
Patent Owner.

IPR2024-00701
Patent 10,715,878 B2

Before KRISTEN L. DROESCH, STACEY G. WHITE, and
SCOTT B. HOWARD, *Administrative Patent Judges*.

WHITE, *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

Petitioner Samsung Electronics Co. Ltd. (“Samsung”), filed a Petition requesting an *inter partes* review (“IPR”) of claims 1–4 and 6–23 of U.S. Patent No. 10,715,878 B2 (Ex. 1001, “the ’878 patent”). Paper 3 (“Petition” or “Pet.”). Samsung concurrently filed a Motion for Joinder requesting that we join Samsung as a party with *Meta Platforms, Inc. v. AlmondNet, Inc., LLC*, IPR2023-01281 (“the Meta IPR”), which also challenges claims 1–4 and 6–23 of the ’878 patent. Paper 2 (“Joinder Mot.”); *see* Meta IPR, Paper 7 (“Meta IPR Dec. on Inst.”). Samsung asserts that “Samsung petition and the petition in the Meta IPR Proceeding are substantively identical; they contain the same grounds (based on the same prior art combinations and supporting evidence) against the same claims.” Joinder Mot. 1–2; *Compare* Meta IPR, Paper 1 (“Meta IPR Petition”), 1–70, *and* Exs. 1001–1019, *with* Pet. 1–70, *and* Exs. 1001–1019; *see also* Ex. 1020 (redline comparison of Petition and Meta IPR Petition). Samsung also represents that, if it is allowed to join the Meta IPR, it will assume an “understudy” role (i.e., a passive role) and will assume an active role only in the event that the current petitioner ceases to participate in the Meta IPR.¹ Joinder Mot. 7–9. AlmondNet, Inc. and Intent IQ, LLC (collectively “Patent Owner”) did not file an opposition to Samsung’s Motion for Joinder or a Preliminary Response.

Under 35 U.S.C. § 314(a), an IPR may not be instituted unless the information presented in the Petition shows “there is a reasonable likelihood

¹ For example, in its understudy role, Samsung may not file any paper or exhibit in the Meta IPR separate and apart from Meta, absent our express authorization.

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 Meta IPR, and we grant Petitioner’s Motion.

II. INSTITUTION OF IPR

In the Meta IPR, we instituted an *inter partes* review as to claims 1–4 and 6–23 of the ’878 patent based on the asserted grounds set forth in the table below. Meta IPR Dec. on Inst. 23–24.

Challenged Claim(s)	35 U.S.C. §	Reference(s)/Basis
1, 2, 8–10, 13, 14, 19, 22	103	Baig, ² Laidlaw, ³ Sitaraman, ⁴ Hahn ⁵
3, 4, 15, 16	103	Baig, Laidlaw, Sitaraman, Hahn, Xu ⁶
6, 7, 17, 18	103	Baig, Laidlaw, Sitaraman, Hahn, Gerace ⁷
11, 12, 20, 21, 23	103	Baig, Laidlaw, Sitaraman, Hahn, Xu, Gerace

As we indicated above, the Petition and supporting evidence filed in this proceeding are substantially identical to the Meta IPR Petition and

² U.S. Pat. Pub. 2008/0113674 A1, published May 15, 2008 (Ex. 1003, “Baig”).

³ U.S. Pat. Pub. 2004/0128547 A1, published July 1, 2004 (Ex. 1006, “Laidlaw”).

⁴ U.S. Pat. No. 6,427,170 B1, issued July 30, 2002 (Ex. 1007, “Sitaraman”).

⁵ Harley Hahn, *The Internet Complete Reference* (2d ed. 1996) (Ex. 1008, “Hahn”).

⁶ U.S. Pat. No. 7,730,030 B1, issued June 1, 2010 (Ex. 1009, “Xu”).

⁷ U.S. Pat. Pub. 2006/0282328 A1, published Dec. 14, 2006 (Ex. 1010, “Gerace”).

supporting evidence filed in the Meta IPR, and Samsung is not proposing any new grounds be added to the Meta IPR. Joinder Mot. 10–11.

We incorporate our previous analysis in our Decision on Institution in IPR2023-01281 regarding the asserted grounds of unpatentability, and conclude that Samsung has demonstrated a reasonable likelihood of prevailing with respect to at least one claim of the '878 patent challenged in the Petition for the same reasons. *See* Meta IPR Dec. on Inst. 23–24. Accordingly, we determine that Samsung has met its burden of showing that joinder is appropriate, and that the Petition warrants institution of *inter partes* review on all claims and all challenges asserted in the Petition.

III. SAMSUNG’S MOTION FOR JOINDER

Based on authority delegated to us by the Director, we have discretion to join a petitioner requesting an IPR as a party to another IPR, subject to certain exceptions not present here. 35 U.S.C. § 315(c). The regulatory provisions governing an IPR address the appropriate timeframe for filing a motion for joinder. Section 42.122(b) of Title 37 of the Code of Federal Regulations provides, in relevant part, “[a]ny 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.”

The Petition in this proceeding was accorded a filing date of March 18, 2024 (Paper 4 (“Notice of Filing Date Accorded to Petition and Time for Filing Patent Owner Preliminary Response), 1), and the Motion for Joinder was filed on the same day. As such, Samsung’s Motion for Joinder was timely, because joinder was requested no later than one month after February 21, 2024, the institution date of the Meta IPR. *See* Meta IPR Dec. on Inst.

In its Motion for Joinder, Samsung contends that joinder is appropriate because this proceeding and the Meta IPR are substantively identical (i.e., they involve the same claims, the same patent, the same prior art references, the same expert declaration, and the same arguments and evidence). *See* Joinder Mot. 1–2; *see also* Ex. 1020 (comparing Petition and Meta IPR Petition). Stated differently, Samsung asserts that the Petition and supporting evidence filed in this proceeding do not raise any new substantive or procedural issues. *See id.* Samsung further argues that, because it is willing to work with counsel for Meta (i.e., as an understudy) to consolidate all filings and discovery, joinder will not impact the schedule of the Meta IPR, thereby allowing us to complete a single consolidated proceeding in a timely manner. *Id.* at 4–9. Samsung also argues that, if it is joined as a party with the Meta IPR, Patent Owner will not suffer any prejudice because granting joinder under these circumstances will not add new issues for consideration by or costs to Patent Owner above and beyond those already presented in the Meta IPR, nor will granting joinder affect the issues, briefing, or discovery in the Meta IPR, as they will remain the same. *Id.*

Given that Patent Owner did not file an opposition to Samsung’s Motion for Joinder, and Samsung agrees to consolidate all filings and discovery with Meta (Joinder Mot. 4–9), Samsung has demonstrated that joinder will not unduly complicate or delay the Meta IPR. *See* 37 C.F.R. § 42.1(b) (providing for “the just, *speedy*, and inexpensive resolution of *every proceeding*” (emphases added)). We, therefore, grant Samsung’s Motion for Joinder and, as a result, join Samsung as a party with the Meta IPR.

IV. CONCLUSION

We determine that the Petition warrants institution under § 314, and that Samsung should be joined as a party with IPR2023-01281, the Meta IPR.

V. ORDER

In consideration of the foregoing, it is hereby:

ORDERED that, pursuant to 35 U.S.C. § 314(a) and 37 C.F.R. § 42.4, an IPR is instituted as to claims 1–4 and 6–23 of the '878 patent;

FURTHER ORDERED that Samsung's Motion for Joinder is *granted*, and Samsung is joined as a party with IPR2023-01281;

FURTHER ORDERED that the grounds on which an IPR was instituted in IPR2023-01281 remain unchanged, and no other grounds are instituted in the joined proceedings;

FURTHER ORDERED that IPR2024-00701 is instituted, joined with IPR2023-01281, and all further filings in these joined proceedings shall be made in IPR2023-01281;

FURTHER ORDERED that the Scheduling Order entered in IPR2023-01281 (Paper 8) shall govern the schedule of these joined proceedings;

FURTHER ORDERED that Samsung's participation in the briefing, depositions, and oral argument of these joined proceedings shall be subject to Meta's acquiescence to Samsung's participation and, absent our express authorization, Samsung shall not file papers or exhibits separate and apart from Meta;

FURTHER ORDERED that the roles of Meta and Patent Owner in these joined proceedings remain unchanged;

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FURTHER ORDERED that the case caption in IPR2023-01281 shall be changed to reflect that Samsung has been joined as a party in accordance with the attached example; and

FURTHER ORDERED that a copy of this Decision be entered into the file of IPR2023-01281.

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

META PLATFORMS, INC., ROKU, INC., and SAMSUNG
ELECTRONICS CO., LTD.,
Petitioners,

v.

ALMONDNET, INC. and INTENT IQ, LLC,
Patent Owner.

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¹ Roku, Inc. filed a petition in IPR2024-00666 and was joined as petitioner in this proceeding. Samsung Electronics, Co., Ltd. filed a petition in IPR2024-00701 and was joined as a petitioner in this proceeding.