

Case No. IPR2024-00461
Patent No. 7,230,931

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NOKIA OF AMERICA CORPORATION
Petitioner

v.

GENERAL ACCESS SOLUTIONS, LTD.
Patent Owner

Case No. IPR2024-00461
Patent No. 7,230,931

MOTION FOR JOINDER TO *INTER PARTES* REVIEW IPR2023-00978

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I. INTRODUCTION

Nokia of America Corporation (“Nokia” or “Petitioner”) respectfully submit this Motion for Joinder, concurrently with a Petition (“Nokia’s Petition”) for *inter partes* review of U.S. Patent No. 7,230,931 (“the ’931 Patent”).

Pursuant to 35 U.S.C. ¶ 315(c) and 37 C.F.R. §§ 42.22 and 42.122(b), Nokia requests institution of *inter partes* review and joinder with IPR2023-00978 (“Verizon IPR”), which was instituted on December 14, 2023. *Cellco Partnership d/b/a Verizon Wireless v. General Access Solutions, Ltd. f/k/a Access Solutions, Ltd.*, IPR2023-00978, Paper 20 (PTAB December 14, 2023). The instant Petition is substantially identical to the Verizon Petition; it involves the same claims of the same patent, the same grounds of unpatentability, and the same supporting evidence. Nokia is not time barred from requesting this proceeding, and this Motion for Joinder and Nokia’s Petition are timely because they are being filed less than one month after the December 14, 2023¹, decision instituting trial in the Verizon IPR. See 37 C.F.R. § 42.122(b); *see also* 35 U.S.C. §§ 315(b)-(c).

¹ The current petition and motion for joinder are timely filed on January 16, 2024 as it is the first business day following the January 14, 2024 deadline. See 35 U.S.C. § 21(b).

Nokia's Petition and Motion for Joinder are being filed to ensure that a petitioner remains to complete the trial if Celco Partnership d/b/a Verizon Wireless ("Verizon") reaches a settlement with the Patent Owner or is otherwise terminated from the proceeding. Upon joining the Verizon IPR proceeding, Nokia will act as an "understudy" and will not assume an active role unless Verizon ceases to participate. No new grounds are being raised by Nokia, and no alteration of the Verizon IPR schedule will be necessary due to the joinder of Nokia. The joinder will promote judicial efficiency in determining the patentability of the '931 Patent without prejudice to the Patent Owner.

Nokia has notified counsel for Verizon and counsel for Patent Owner regarding the subject of this motion. Counsel for Verizon indicated that Verizon will not oppose this motion. Counsel for Patent owner has not responded as of the filing of this motion.

In light of the similarities of the proceedings, the potential benefit to the public and the Board that would accrue by Nokia's participation in the Verizon IPR proceeding in the event that Verizon's participation terminates unexpectedly, and the lack of prejudice to Patent Owner, Petitioner respectfully requests that the Board join Nokia as a party to the Verizon IPR.

II. STATEMENT OF REASONS FOR RELIEF REQUESTED

A. Legal Standard

Per 35 U.S.C. § 315(c), the Board may grant a motion for joining a petitioner for *inter partes* review to another *inter partes* review proceeding. See 35 U.S.C. § 315(c). In determining whether to exercise its discretion to grant a motion for joinder, the Board considers: (1) reasons why joinder is appropriate; (2) any new grounds of unpatentability asserted in the petition; (3) what impact (if any) joinder would have on the trial schedule for the existing review; and (4) specifically how briefing and discovery may be simplified. See, e.g., *Kyocera Corp. v. Softview LLC*, Case IPR2013-00004, slip op. at 4 (PTAB Apr. 24, 2013) (Paper 15); see also *Dell, Inc. v. Network-1 Security Solutions, Inc.*, IPR2013-00385, Paper 17 at 3 (July 29, 2013). Nokia addresses each of these points below.

A petitioner may request joinder, without prior authorization, up to one month after the institution date of the proceeding to which joinder is requested. 37 C.F.R. § 42.122(b); *Taiwan Semiconductor Mfg. Co., Ltd. v. Zond LLC*, IPR2014-00781 and IPR2014-00782, Paper 5 at 3 (PTAB May 29, 2014). Nokia's Petition and this motion are being filed within one month of the Board's decision instituting trial in the Verizon IPR on December 14, 2023. This motion is therefore timely. See, e.g., *Biotronik, Inc. v. Atlas IP LLC*, IPR2015-00534, Paper 10 (PTAB Feb. 25, 2015) (granting motion for joinder filed concurrently with institution of IPR review); see also 37 CFR § 1.7.

B. The Four Factors Favor Joinder

Each of the four factors weigh in favor of granting Nokia’s Motion for Joinder. Nokia’s Petition is substantively identical to the petition in the Verizon IPR. Nokia’s Petition does not present any new grounds of unpatentability. And because Nokia agrees to take on an “understudy” role in the Verizon IPR proceeding, joinder will have minimal or no impact on the pending schedule of the Verizon IPR. *See Sony Corp. v. Memory Integrity, LLC.*, IPR2015-01353, Paper No. 11 at 6-9 (PTAB Oct. 5, 2015) (granting motion for joinder where petitioner agreed to an “understudy” role). Moreover, the briefing and discovery will be simplified by resolving all issues in a single proceeding.

1. Reasons Why Joinder is Appropriate

Nokia seeks to join the Verizon IPR proceeding in order to ensure that a party with an active interest in the proceeding remains a party to this Trial in the event that Verizon’s participation is terminated prior to completion. Accordingly, joining Nokia to the Verizon IPR proceeding is the most practical way to secure the just, speedy, and inexpensive resolution of the challenge to the ’931 Patent. *See* 37 C.F.R. § 42.1(b).

Joinder is appropriate because Nokia’s Petition does not raise any new grounds of unpatentability and does not create any issues that might complicate or delay the Verizon IPR proceeding. The Board “routinely grants motions for joinder

where the party seeking joinder introduces identical arguments and the same grounds raised in the existing proceeding.” *Samsung Elecs. Co., Ltd. v. Raytheon Co.*, IPR2016-00962, Paper 12 at 9 (PTAB Aug. 24, 2016) (internal quotations and citations omitted). Here, joinder with the Verizon IPR is appropriate because Nokia’s Petition includes identical arguments and the same grounds raised in the existing Verizon IPR proceeding (*i.e.*, challenges the same claims of the same patent, relies on the same expert declaration, and is based on the same grounds and combinations of prior art submitted in the Verizon Petition). Therefore, good cause exists for joining Nokia to the Verizon IPR proceeding so that the Board can efficiently “secure the just, speedy, and inexpensive resolution” of Nokia’s and Verizon’s petitions in a single proceeding. *See* 37 C.F.R. § 42.1(b).

2. Petitioners Do Not Propose New Grounds of Unpatentability

Nokia’s Petition is substantially identical to the petition in the Verizon IPR. Nokia challenges the same claims of the ’931 Patent, based on the same invalidity grounds, and the same arguments. The same expert declarant is used, and the expert’s declarations in the two cases are identical. Further, unity of exhibits and exhibit numbering with the Verizon IPR has also been maintained. Accordingly, no new grounds are being introduced and no disruption to the Verizon IPR schedule is necessary to resolve the issues raised in Nokia’s Petition. *See Sony Corp. v. Memory*

Integrity, LLC., IPR2015-01353, Paper No. 11 at 5-6 (PTAB Oct. 5, 2015) (granting motion for joinder where petitioners relied “on the same prior art, same arguments, and same evidence, including the same expert and a substantively identical declaration”).

3. Joinder Will Not Negatively Impact the Verizon IPR Schedule

This motion is being filed within one month of the institution of the Verizon IPR, and Nokia agrees to adhere to all applicable deadlines set forth in the Verizon IPR Scheduling Order. The Patent Owner’s Response will not be negatively impacted because the issues in Nokia’s Petition are identical to the issues presented in the Verizon IPR petition. Patent Owner will thus not be required to provide any additional analysis or arguments beyond what it will already provide in response to the petition in the Verizon IPR proceeding. Nokia is introducing no additional evidence or witnesses. Thus, no additional depositions will be needed. Accordingly, the trial schedule for the Verizon IPR should not be adversely impacted by Nokia’s joinder.

4. Discovery and Briefing Can Be Simplified

Petitioner agrees to take an “understudy” role, which will simplify briefing and discovery. In this “understudy” role, Nokia agrees to the following conditions upon joining the Verizon IPR proceeding (*i.e.*, IPR2023-00978) so long as Verizon

remains an active party in that proceeding:

(a) Nokia shall not make any substantive filing and shall be bound by the filings of Verizon, unless a filing concerns termination and settlement, or issues solely involving Nokia;

(b) Nokia shall not present any argument or make any presentation at oral hearing on issues not solely involving Nokia;

(c) Nokia shall not seek to cross-examine or defend the cross-examination of any witness, unless the topic of cross-examination concerns issues solely involving Nokia; and

(d) Nokia shall not seek discovery from Patent Owner on issues not solely involving Nokia. *See, e.g., Noven Pharm., Inc. v. Novartis AG*, IPR2014-00550, Paper 38 at 5 (PTAB April 10, 2015). Unless and until the current petitioner in IPR2023-00978 ceases to participate in the instituted Verizon IPR proceeding, Nokia will not assume an active role therein.²

Accordingly, due to Nokia taking only an “understudy” role, Patent Owner and Verizon can comply with the existing trial schedule without needing any duplicative efforts by the Board or the Patent Owner. These steps will minimize or

² For clarity, should Verizon’s participation in this IPR proceeding terminate, Nokia would take over responsibility for subsequent filings and discovery.

eliminate any potential complications or delay that could potentially result from joinder. *See Sony Corp. v. Memory Integrity, LLC.*, IPR2015-01353, Paper No. 11 at 6-7 (PTAB Oct. 5, 2015) (granting motion because “joinder would increase efficiency by eliminating duplicative filings and discovery, and would reduce costs and burdens on the parties as well as the Board” where second petitioner agreed to “understudy” role). Nokia will also abide by any additional conditions the Board deems appropriate for an “understudy” role.

5. Joinder Will Result in No Prejudice to Patent Owner

As noted above, Nokia’s joining of the Verizon IPR proceeding should not result in any prejudice to Patent Owner.³ No additional grounds or arguments are being introduced, no new evidence or issues are being added, and no additional briefing should be necessary as a result of Nokia’s joinder. Thus, the Patent Owner would not need to expend any additional resources above and beyond those required in the current Verizon IPR proceeding.

³ Any argument that joinder may frustrate settlement between Verizon and Patent Owner would not be a basis to deny joinder because the same possibility would exist in any joinder situation. *Global Foundries U.S. Inc. v. Godo Kaisha IP Bridge 1*, IPR2017-00925 and IPR2017-00926, Paper 13 at 10 (PTAB Jun. 9, 2017).

III. CONCLUSION

For the reasons given above, Nokia respectfully requests that its Petition for *Inter Partes* Review of the '931 Patent be instituted and that Nokia be joined to the Verizon IPR proceeding IPR2023-00978.

Dated: January 16, 2024

Respectfully submitted,

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CERTIFICATE OF SERVICE

In accordance with 37 C.F.R. §§ 42.6(e), the undersigned certifies that on the 16th day of January, 2024, a complete and entire copy of PETITIONER’S MOTION FOR JOINDER was served on Patent Owner via UPS Next Day Air at the following correspondence addresses:

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Dated: January 16, 2024

Respectfully submitted,

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