UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

INTEL CORPORATION, LENOVO (UNITED STATES) INC., and MOTOROLA MOBILITY LLC,
Petitioners,

v.

COLLISION COMMUNICATIONS, INC.,
Patent Owner.

Case No. IPR2025-00302
U.S. Patent No. 7,920,651

PETITIONERS' REPLY IN SUPPORT OF THEIR MOTION FOR JOINDER UNDER 35 U.S.C. § 315(c), 37 C.F.R. §§ 42.22 AND 42.122(b)

Intel Corporation ("Intel"), Lenovo (United States) Inc. ("Lenovo"), and Motorola Mobility LLC ("Motorola") (collectively, "Petitioners") hereby respond to Patent Owner's Corrected Opposition (Paper 8, "Opp.") to Petitioners' Motion for Joinder (Paper 2, "Mot.") that requests joinder with any *inter partes* review that is instituted as to U.S. Patent No. 7,920,651 (the "'651 Patent") in *Samsung Electronics America, Inc., et al. v. Collision Communications, Inc.*, IPR2025-00011 (the "Samsung IPR"). This reply is timely under 37 C.F.R. § 42.25(a)(2).

Notably, Patent Owner does not dispute that the Petition for *inter partes* review in this case is substantively the same as the Samsung IPR petition because it challenges the same claims, on the same grounds, and relies on the same prior art as the Samsung IPR petition. Patent Owner only opposes joinder on two non-substantive grounds. *See* Opp. at 3–4. It argues that the Motion is premature, failing to acknowledge that the Motion is expressly contingent on the Board instituting the Samsung IPR. Patent Owner also argues that, despite committing to an understudy role in the Samsung IPR, *see* Mot. at 7–9, Lenovo must further enter into a *Sotera* stipulation to "fully" commit to such a role, *see* Opp. at 1–3.[1] Patent Owner is wrong on both counts.

[1] Lenovo is the only Petitioner that is a defendant in district court against Patent Owner's infringement claims for the '651 Patent. Patent Owner does not take any issue with the understudy role that the other Petitioners—Intel and Motorola—have committed to. *See* Opp. at 1 n.1.

First, Petitioners' Motion is not premature. Under the plain language of 37 C.F.R. § 42.122(b), "[t]he only timing requirement for a motion for joinder is that it be filed '*no later than one month after the institution date* of any *inter partes* review for which joinder is requested.'" *Cent. Sec. Grp. - Nationwide, Inc. v. Ubiquitous Connectivity, LP*, IPR2019-01609, Paper 11 at 8–9 (PTAB Feb. 26, 2020) (quoting 37 C.F.R. § 42.122(b)) (emphasis in original); *see Blue Coat Sys., Inc. v. Finjan, Inc.*, IPR2016-00480, Paper 9 at 7 (PTAB Jun. 24, 2016) ("The plain language of the rule does not forbid a request for joinder that is filed before the *inter partes* review is instituted."). Petitioners complied with this timing requirement. In addition, Patent Owner's argument ignores the fact that the Motion is conditional, requesting that action on it "be held in abeyance until, and the motion be granted if, the Samsung IPR is instituted." Mot. at 1. The Board routinely waits until institution of an earlier-filed IPR to grant motions for joinder filed prior to institution. *See, e.g.*, *Apple Inc. v. Proxense LLC*, IPR2025-00075, Paper 7 (PTAB Jan. 16, 2025); *DIRECTV, LLC v. Entropic Commc'ns, LLC*, IPR2024-01060, Paper 7 (PTAB Dec. 23, 2024); *NXP USA, Inc. v. ParkerVision, Inc.*, IPR2024-01068, Paper 10 (PTAB Dec. 19, 2024); *Gen. Motors LLC v. Neo Wireless LLC*, IPR2023-00962, Paper 18 (PTAB Sept. 12, 2024); *Mercedes-Benz USA, LLC v. Neo Wireless, LLC*, IPR2023-00079, Paper 11 (PTAB May 5, 2023).

Patent Owner mentions in passing that it believes Petitioners should have arranged a conference call with the Board, Patent Owner, and Samsung IPR petitioners ("Samsung") within five days of filing the Motion. *See* Opp. at 3 (citing Patent Trial and Appeal Board Consolidated Trial Practice Guide (Nov. 2019) ["Trial Practice Guide"] at 76). Here, a pre-institution teleconference would be inefficient, as the panel in the Samsung IPR has not decided whether to institute the Samsung IPR and has not set a schedule. *See* Trial Practice Guide at 76 ("The purpose of the conference call is for the panel to timely manage the proceedings."); *cf. AO Kaspersky Lab v. Open Text Inc.*, IPR2023-01334, Paper 9 at 6 (PTAB Dec. 21, 2023) (observing that, even for post-institution joinder motions, the "Trial Practice Guide does not *require* Petitioner to arrange a conference call . . . ; rather, it recommends arranging such a conference call" for the panel to timely manage the proceedings) (emphasis in original).[2]

In any event, Patent Owner has not shown, and cannot show, any prejudice from the timing of Petitioners' Motion. The Motion provides a more complete picture at an early stage for the Board, all involved parties, and the public as to both the relationship between this case and the Samsung IPR and the impact of joinder. Deciding the Motion if and when the Samsung IPR is instituted would be more

[2] Petitioners are willing to meet and confer with the Board and all involved parties regarding the conduct of a joined proceeding, if necessary.

efficient than denying it now and requiring Petitioners to refile it if the Samsung IPR is instituted.

Second, Patent Owner's argument that Lenovo must file a *Sotera* stipulation in order to fully commit to an understudy role is unavailing. Patent Owner fails to cite any authority to support its position. Indeed, the Board has held the opposite when instituting and joining an understudy's IPR: given potential differences in the *Fintiv* analysis, there is "no unfairness or prejudice in the fact that [petitioner in the earlier proceeding] has submitted a *Sotera* stipulation but [petitioner seeking joinder as an understudy] has not." *Amazon Web Servs. Inc. v. Zentian Ltd.*, IPR2023-01195, Paper 10 at 11–12 (PTAB Jan. 10, 2024). Here, for instance, due to an unusually long delay in serving the Complaint against Lenovo Group Limited ("Lenovo Group"), the trial date in the associated district court case is close in time to the deadline for a final written decision, with time-to-trial statistics and other evidence indicating that additional delays are likely. *See* Petition (Paper 3) at 63–64. The associated district court case also remains in the very early stages of litigation, as Lenovo Group's challenge to the district court's jurisdictional authority is still pending. *Id.* at 64.

Additionally, as Patent Owner acknowledges, Samsung has not even entered into a *Sotera* stipulation regarding the '651 Patent.

For the foregoing reasons, and the reasons provided in Petitioners' Motion, Petitioners respectfully request *inter partes* review of U.S. Patent No. 7,920,651 and joinder with *Samsung Electronics America, Inc., et al. v. Collision Communications, Inc.*, IPR2025-00011, if it is instituted.

Respectfully submitted,

Date: February 13, 2025

/s/ Vincent Y. Ling

Vincent Y. Ling, Reg. No. 67,145
Heather Takahashi, Reg. No. 78,418
Adam Kwon, Reg. No. 75,653
MUNGER, TOLLES & OLSON, LLP
350 South Grand Ave., 50th Floor
Los Angeles, CA 90071
Tel: (213) 683-9100
Fax: (213) 687-3702

Counsel for Petitioner Intel Corporation

Timothy Riffe, Reg. No. 43,881
Jennifer Huang, Reg. No. 64,297
Whitney Reichel, Reg. No. 59,173
Lawrence Jarvis, Reg. No. 74,636
Fish & Richardson P.C.
60 South Sixth Street, Suite 3200
Minneapolis, MN 55402
T: 202-783-5070
F: 877-769-7945

Counsel for Petitioners Lenovo (United States) Inc. and Motorola Mobility LLC

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing document was served by electronic mail on the following counsel of record:

William A. Meunier (Reg. No. 41,193)
Michael T. Renaud (Reg. No. 44,299)
Kevin C. Amendt (Reg. No. 69,361)
MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO, P.C.
One Financial Center
Boston, MA 02111
Telephone: 617-348-1793
Facsimile: 617-542-2241
WAMeunier@mintz.com
MTRenaud@mintz.com
KCAmendt@mintz.com
Mintz-Collision-IPRs@mintz.com

Date: February 13, 2025

/s/ Vincent Y. Ling
Vincent Y. Ling, Reg. No. 67,145