

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AMAZON WEB SERVICES, INC.,
Petitioner,

v.

ZIKLAG IP LLC,¹
Patent Owner.

IPR2026-00047
Patent 6,182,128 B1

Before HUNG H. BUI, SCOTT A. DANIELS, and
KARA L. SZPONDOWSKI, *Administrative Patent Judges*.

BUI, *Administrative Patent Judge*.

DECISION

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

¹ The Petition (Paper 2) lists TOUCHMUSIC ENTERTAINMENT LLC as the Patent Owner, but Patent Owner's Mandatory Notice (Paper 6) indicates that "Ziklag IP LLC . . . is the real party-in-interest as the owner of United States Patent No. 6,182,128 pursuant to an assignment of the patent from Touchmusic Entertainment LLC to Ziklag IP LLC on April 18, 2024."

INTRODUCTION

On October 10, 2025, Amazon Web Services, Inc. (“Petitioner”) filed a Petition (Paper 2, “Pet.”), seeking an *inter partes* review of claims 1–4, 6, 9–14, and 17 of U.S. Patent No. 6,182,128 B1 (Ex. 1001, “the ’128 patent”).

Along with the Petition, Petitioner also filed a Motion for Joinder, seeking to join as a party to *Apple Inc. v. Ziklag IP LLC*, IPR2025-00700 (the “Apple IPR”²). Paper 3 (“Motion” or “Mot.”). Ziklag IP LLC (“Patent Owner”) did not oppose the joinder Motion (and Petitioner also states that “Patent Owner Ziklag IP LLC . . . does not oppose this [joinder] motion,” *see* Mot. 2, 10).

The Director granted institution of *inter partes* review (Paper 7). As explained below, we *grant* Petitioner’s unopposed Motion for Joinder (Paper 3).

DISCUSSION

Joinder in an *inter partes* review is subject to the provisions of 35 U.S.C. § 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.

In the earlier Apple IPR, Apple filed a petition for an *inter partes* review, challenging claims 1–4, 6, 9–14, and 17 of the ’128 patent.

² The Petitioner in the Apple IPR is Apple Inc. (“Apple”).

IPR2025-00700, Paper 2. The Board instituted trial in that case. IPR2025-00700, Paper 8.

To join Petitioner to the instituted Apple IPR, the Board first determines whether the Petition “warrants” institution under § 314. *See Facebook, Inc. Windy City Innovations, LLC*, 973 F.3d 1321, 1332 (Fed. Cir. 2020). As noted, the Director granted institution of *inter partes* review. *See* Paper 7. The Board then determines whether to exercise “discretion to decide whether to ‘join as a party’ the joinder applicant,” who is the Petitioner in this proceeding. *See Facebook*, 973 F.3d at 1332. Petitioner in this case timely filed the Petition and the Motion for Joinder on October 10, 2025, which was no later than one month after the institution of the Apple IPR on September 17, 2025. *See* Papers 2, 3; Apple IPR, Paper 8; 37 C.F.R. § 42.122(b) (“[a]ny request for joinder must be filed ‘no later than one month after the institution date of any inter partes review for which joinder is requested.’”).

As the moving party, Petitioner 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; and (3) explain what impact (if any) joinder would have on the trial schedule for the existing review. *See Kyocera Corp. v. SoftView, LLC*, IPR2013-00004, Paper 15 at 4 (PTAB Apr. 24, 2013).

We determine that Petitioner has met its burden of showing that joinder is appropriate. Petitioner represents, and Patent Owner does not dispute, that both the Petition and the supporting declaration (Andrew B. Lippman, Ph.D., Ex. 1003) in this proceeding are “substantively identical” to

those in the Apple IPR. Mot. 1, 3–6 (“In short, the Amazon Petition is substantively identical to the Apple Petition. The Amazon Petition copies verbatim the challenges set forth in the Apple Petition and relies on an identical expert declaration.”).

Petitioner also represents that joinder will not impact the Apple IPR schedule. *See, e.g.*, Mot. 7 (“Joinder will not unduly burden Patent Owner. There are no new issues for Patent Owner to address because the Amazon Petition presents the same grounds and arguments as the Apple Petition,” moreover, “joinder will not negatively impact the Apple IPR trial schedule. Amazon expressly consents to the existing Apple IPR trial schedule. Further . . . Amazon agrees to take an ‘understudy’ role in the joined proceeding, so long as Apple remains an active party in the joined proceeding.”), 8 (“the Amazon Petition relies on the same technical expert declaration. Assuming the Apple Petitioner does not terminate their IPR before their expert is deposed, Amazon agrees to rely entirely on, and be bound by, the expert declaration(s) and deposition(s) in the Apple IPR” such that “joinder will not increase the complexity of the proceeding and will not affect the Board’s ability to complete its review and final decision”).

Additionally, as noted (*id.*), Petitioner represents that it is willing to accept a limited, “‘understudy’ role” to Apple (the petitioner in the Apple IPR) such that Petitioner “would assume a primary role only if Apple ceased participation in the [Apple IPR] proceeding. Otherwise, Amazon would remain in its ‘understudy’ role throughout the proceeding.” Mot. 8–9; *see id.* at 1 (“In the event the Apple IPR is terminated with respect to the Apple petitioner, only then does Amazon intend to materially participate in the joined proceedings.”). Specifically, Petitioner represents that in its

understudy role:

Amazon agrees to the following conditions regarding the joined proceeding, so long as Apple remains an active party in the joined proceeding:

- All filings by Amazon in the joined proceeding shall be consolidated with the filings of Apple unless a filing solely concerns issues that do not involve Apple;
- Amazon shall not be permitted to raise any new grounds not already instituted by the Board in the Apple IPR, or introduce any argument or discovery not already introduced by Apple;
- Amazon shall be bound by any agreement between Patent Owner and Apple concerning discovery and/or depositions; and
- At deposition, Amazon shall not receive any direct examination, cross examination, or redirect time beyond that permitted in this proceeding for Apple alone under either 37 C.F.R. § 42.53 or any agreement between Patent Owner and Apple.

Mot. 8–9.

Petitioner further represents that the original petitioner (Apple) in the Apple IPR does not oppose Petitioner’s motion to join the Apple IPR in an “understudy” role. Mot. 2. As indicated above, Patent Owner did not file an opposition to the Motion, and Petitioner also states that “Patent Owner Ziklag IP LLC . . . does not oppose this [joinder] motion.” *See* Mot. 2, 10; 37 C.F.R. § 42.23 (setting default filing times).

Under these circumstances, we agree with Petitioner that joinder is appropriate and will not unduly impact the ongoing trial in the Apple IPR. Moreover, joinder promotes economy and efficiency, thereby reducing the burden on the Patent Owner and on the limited resources of the Board, as compared to distinct, parallel proceedings.

We limit Petitioner’s participation in the Apple IPR as follows: (1)

the original petitioner in the Apple IPR (Apple) is responsible for all petitioner filings in the proceeding until such time that it is no longer an entity in the proceeding, and (2) Petitioner is bound by all filings by Apple in the proceeding, except for (a) filings regarding termination or settlement, and (b) filings where Petitioner receives permission to file an independent paper. Petitioner must obtain prior Board authorization to file any paper or take any action on its own in the proceeding, so long as Apple remains as a non-terminated petitioner in the proceeding. This arrangement promotes the just and efficient administration of the ongoing trial in the Apple IPR, and protects the interests of Apple as original petitioner in IPR2025-00700 and of Patent Owner.

ORDER

Accordingly, it is

ORDERED that Petitioner's Motion for Joinder (Paper 3) is granted, and Petitioner is hereby joined as a petitioner in Apple IPR2025-00700;

FURTHER ORDERED that the Scheduling Order entered in IPR2025-00700 (Paper 9), including any schedule changes allowed by the Scheduling Order and agreed to by the original parties in that proceeding, shall continue to govern the trial schedule in IPR2025-00700;

FURTHER ORDERED that all further filings shall be made only in IPR2025-00700;

FURTHER ORDERED that Petitioner's role in IPR2025-00700 shall be limited as stated in Petitioner's Motion for Joinder (Paper 3) unless and until Apple Inc. is terminated from IPR2025-00700;

FURTHER ORDERED that the case caption in IPR2025-00700 for all

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further submissions shall be changed to add Amazon Web Services, Inc. as a named Petitioner, and to indicate by footnote the joinder of Amazon Web Services, Inc. to IPR2025-00700, as indicated in the attached sample;

FURTHER ORDERED that a copy of this Decision shall be entered into the record of IPR2025-00700; and

FURTHER ORDERED that IPR2026-00047 is hereby terminated pursuant to 37 C.F.R. § 42.72.

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Sample Case Caption

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³ Amazon Web Services, Inc. filed a petition and a motion for joinder in IPR2026-00047, and has been joined as a petitioner in this proceeding.