

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

EBURY PARTNERS UK LTD.,

Petitioner,

v.

INTERCURRENCY SOFTWARE LLC,

Patent Owner.

IPR2026-00152

U.S. Patent No. 11,620,701 B1

**CONDITIONAL MOTION FOR JOINDER
UNDER 35 U.S.C. § 315(c), 37 C.F.R. §§ 42.22, AND 42.122(b)**

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EXHIBIT LIST

Exhibit #	Description
1001	U.S. Patent No. 11,620,701 to Jacky Benmoha (“the ’701 Patent”)
1002	Prosecution File History for the ’701 Patent
1003	Declaration of Marc Reid
1004	U.S. Patent App. Pub. No. 2002/0087454 A1 to Bea Calo et al. (“ <i>Calo</i> ”)
1005	U.S. Patent App. Pub. No. 2006/0095361 A1 to Michael Rude (“ <i>Rude</i> ”)
1006	U.S. Patent App. Pub. No. 2004/0236664 A1 to Lars-Ivar Sellberg et al. (“ <i>Sellberg</i> ”)
1007	U.S. Patent App. Pub. No. 2002/0023053 A1 to Ronald Szoc et al. (“ <i>Szoc</i> ”)
1008	U.S. Patent App. Pub. No. 2004/0267655 A1 to James Davidowitz et al. (“ <i>Davidowitz</i> ”)
1009	Original Complaint, <i>Intercurrency Software LLC v. Ebury Partners UK Ltd.</i> , No. 2-25-cv-01030 (E.D. Tex. Oct. 9, 2025), Dkt. 1
1010	Claim Listing of the ’701 Patent
1011	<i>Askeladden L.L.C. v. Intercurrency Software LLC</i> , IPR2024-00375, Paper 17 (PTAB July 1, 2025)
1012	<i>Askeladden L.L.C. v. Intercurrency Software LLC</i> , IPR2024-00376, Paper 16 (PTAB July 14, 2025)
1013	<i>Askeladden L.L.C. v. Intercurrency Software LLC</i> , IPR2024-00377, Paper 16 (PTAB July 14, 2025)
1014	<i>Askeladden L.L.C. v. Intercurrency Software LLC</i> , IPR2024-00378, Paper 17 (PTAB July 1, 2025)

1015	Dagfinn Rime, <i>New Electronic Trading Systems in Foreign Exchange Markets</i> , New Economy Handbook, Chapter 21, pp. 469-504 (2003)
1016	Lawrence J. Gitman & Michael D. Joehnk, <i>Fundamentals of Investing</i> (5th ed. 1993)
1017	Peter Rosenstreich, <i>FOREX Revolution, An Insider's Guide to the Real World of Foreign Exchange Trading</i> 24-25 (1995). Library of Cong.: Cat. No. 2005921697
1018	Cornelius Luca, <i>Trading in the Global Currency Markets, An Insider's Guide to the Real World of Foreign Exchange Trading</i> (2005). Library of Cong.: ISBN 0-13-293424-8, HG3851.L83 1995.
1019	Traders Magazine, <i>OMS Solutions: The Buysides Key to the Trading Highway</i> , Editorial Staff, July 5, 2006

I. STATEMENT OF PRECISE RELIEF REQUESTED

Ebury Partners UK Ltd. (“Ebury” or “Petitioner”) submits this Conditional Motion for Joinder (“Motion”) concurrently with a petition for *inter partes* review (“Petition”) of claims 1-16 of U.S. Patent No. 11,620,701 B1 (the “’701 Patent”) (EX1001), under 35 U.S.C. § 315(c) and 37 C.F.R. §§ 42.22 and 42.122(b).

Intercurrency Software LLC (“Intercurrency” or “Patent Owner”) filed a complaint against Ebury alleging infringement of the ’701 Patent on October 9, 2025. EX1009. The district court has not set a date for a scheduling conference and the case is in the earliest stages. The lawsuit against Ebury is one of nearly thirty cases brought by Intercurrency alleging infringement of the ’701 Patent, many of which have settled early in the course of litigation. Since the filing of the complaint, Ebury has worked diligently to prepare and file the accompanying Petition promptly within approximately two months of the complaint being filed in order to ensure that the Board has an opportunity to address the invalidity challenges presented in the Petition before the district court considers the validity of the ’701 Patent’s claims, and to minimize the potential for duplication of efforts across the two proceedings. At present, and not including the Petition submitted concurrently with this Motion, one petition for *inter partes* review (“IPR”) of the ’701 Patent is pending. On October 7, 2025, Nium Pte. Ltd. (“Nium”) filed a petition for IPR of claims 1-16 of

the '701 Patent in IPR2025-01586. In IPR2025-01586, no institution decision has issued yet.

Accordingly, to eliminate any inefficiency there otherwise could be with multiple IPR petitions pending, Ebury conditionally seeks party joinder to IPR2025-01586, if that IPR has been instituted and is still pending when the Board reaches this Motion. If IPR2025-01586 is not pending when the Board reaches this Motion, this Motion is moot, and Petitioner respectfully asks the Board to consider the Petition on its merits.

This conditional request for joinder is timely under 37 C.F.R. § 42.122(b) as it is submitted no later than one month after any institution decision in IPR2025-01586, as the Board has not yet issued any such decision. Further, and as discussed below, Petitioner would remain in an understudy role, following the common PTAB practice, unless and until Nium is no longer a party to the proceeding. While in an understudy role, Petitioner agrees to allow Nium to lead the joined proceedings, absent settlement or termination for some other reason.

Joinder would not prejudice either Patent Owner or Nium. The Petition is substantively identical to the petition in IPR2025-01586 and introduces no new grounds. Nium has stated that it does not oppose joinder.

II. BACKGROUND AND RELATED PROCEEDINGS

The '701 Patent is assigned to Intercurrency Software LLC. Patent Owner

has asserted the '701 Patent against Petitioner and numerous other parties. At the time of filing this Motion, and to the best knowledge of Petitioner, the '701 Patent is the subject of the following pending civil actions:

- *Intercurrency Software LLC v. Gate Tech. Inc. d/b/a Gate.io*, No. 2-24-cv-00254 (E.D. Tex. Apr. 17, 2024);
- *Intercurrency Software LLC v. MoneyMovr Ltd.*, No. 2-24-cv-01012 (E.D. Tex. Dec. 9, 2024);
- *Intercurrency Software LLC v. TTT Moneycorp Ltd.*, No. 2-25-cv-00056 (E.D. Tex. Jan. 21, 2025);
- *Intercurrency Software LLC v. CurrencyFair Ltd.et al.*, No. 2-25-cv-00083 (E.D. Tex. Jan. 28, 2025);
- *Intercurrency Software LLC v. Nium Pte. Ltd.*, No. 2-25-cv-00701 (E.D. Tex. Jul. 9, 2025);
- *Intercurrency Software LLC v. WorldRemit Ltd.*, No. 2-25-cv-00703 (E.D. Tex. Jul. 10, 2025);
- *Intercurrency Software LLC v. The Currency Cloud Ltd.*, No. 2-25-cv-01023 (E.D. Tex. Oct. 7, 2025);
- *Intercurrency Software LLC v. Interpay Ltd. (d/b/a TransferMate)*, No. 2-25-cv-01022 (E.D. Tex. Oct. 7, 2025);

- *Intercurrency Software LLC v. Finastra Ltd.*, No. 2-25-cv-01027 (E.D. Tex. Oct. 8, 2025);
- *Intercurrency Software LLC v. CoinJar Australia Pty Ltd.*, No. 2-25-cv-01033 (E.D. Tex. Oct. 9, 2025);
- *Intercurrency Software LLC v. bitFlyer Inc.*, No. 2-25-cv-01032 (E.D. Tex. Oct. 9, 2025);
- *Intercurrency Software LLC v. Rapyd Payments Ltd.*, No. 2-25-cv-01031 (E.D. Tex. Oct. 9, 2025);
- *Intercurrency Software LLC v. Ebury Partners UK Ltd.*, No. 2-25-cv-01030 (E.D. Tex. Oct. 9, 2025);
- *Intercurrency Software LLC v. Thunes Asia Pte Ltd.*, No. 2-25-cv-01029 (E.D. Tex. Oct. 9, 2025); and
- *Intercurrency Software LLC v. Paysafe Grp. Holdings II Ltd.*, No. 2-25-cv-01143 (E.D. Tex. Nov. 21, 2025).¹

Ebury is a named party only in *Intercurrency Software LLC v. Ebury Partners UK Ltd*, No. 2-25-cv-01030 (E.D. Tex.) (the “District Court Litigation”).

¹ At the time of filing this Motion, and to the best knowledge of Petitioner, Patent Owner has asserted the ’701 Patent in at least twelve other matters that are no longer pending.

As noted above, the '701 Patent is also the subject of IPR2025-01586, initiated by Nium. The '701 Patent was also at issue in IPR2025-01045 and IPR2025-01446, both of which were terminated due to settlement before the Board issued an institution decision.

III. STATEMENT OF REASONS FOR THE RELIEF REQUESTED

A. Legal Standards and Applicable Rules

The Board has discretion to join a properly filed petition for IPR to an existing IPR proceeding. *See* 35 U.S.C. § 315(c); 37 C.F.R. § 42.122(b); *see also Sony Mobile Commc'ns AB v. Ancora Techs., Inc.*, IPR2021-00663, Paper 17 at 29-33 (P.T.A.B. June 10, 2021); *Dell Inc. v. Network-1 Sec. Sols., Inc.*, IPR2013-00385, Paper 17 at 4-6 (P.T.A.B. July 29, 2013); *Sony Corp. v. Yissum Res. & Dev. Co. of the Hebrew Univ. of Jerusalem*, IPR2013-00326, Paper 15 at 3-7 (P.T.A.B. Sept. 24, 2013); *Microsoft Corp. v. Proxyconn, Inc.*, IPR2013-00109, Paper 15 at 3-5 (P.T.A.B. Feb. 25, 2013).

“The Board will 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.” *Dell*, IPR2013-00385, Paper 17 at 3. 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.

Id. at 4 (citing *Kyocera Corp. v. Softview LLC*, IPR2013-00004, Paper 15 at 4 (P.T.A.B. Apr. 24, 2013)).

B. Joinder with the Instituted Nium IPR is Appropriate

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 (P.T.A.B. Aug. 24, 2016) (internal quotation marks omitted). Here, joinder is appropriate because there are no substantive differences between the Petition and IPR2025-01586. The two petitions have identical unpatentability arguments, grounds, rely on substantially the same supporting evidence, and challenge the same claims.

When, as here, the petitions are substantively identical, joinder should be granted as a matter of right. *See* 157 CONG. REC. S1376 (daily ed. Mar. 8, 2011) (statement of Sen. Kyl) (“The Office anticipates that joinder will be allowed as of right—if an inter partes review is instituted on the basis of a petition, for example, a party that files an identical petition will be joined to that proceeding, and thus allowed to file its own briefs and make its own arguments.”).

Further, Petitioner may be prejudiced if it is not permitted to join IPR2025-01586. Patent Owner has asserted the ’701 Patent against Petitioner in pending

litigation. *See supra* §II (Related Proceedings). Petitioner should be permitted to join the IPR to participate in proceedings affecting a patent asserted against them, and thereby allowed to continue the proceedings should Nium settle under 37 C.F.R. § 42.74 before a final written decision is issued. *See Lowe’s Cos. Inc. v. Nichia Corp.*, IPR2017-02011, Paper 13 at 19 (P.T.A.B. Mar. 12, 2018) (“Denial of the Petition in part would prejudice the Petitioner in this proceeding should the Vizio Petitions be resolved by settlement.”). Notably, two other IPRs challenging the ’701 Patent have terminated due to settlement before institution or final written decision. *See, e.g.*, IPR2025-01446, Paper 6 (P.T.A.B. Oct. 7, 2025); IPR2025-01045, Paper 5 (P.T.A.B. July 3, 2025). Accordingly, there is a substantial risk of prejudice to Petitioner if joinder is not permitted to join IPR2025-01586.

In addition, permitting Petitioner to join the proceeding helps 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. This is particularly important here given that similar claims of three patents related to the ’701 Patent have already

been found unpatentable based on the same prior art relied upon in Ebury's petition. See EX1011-1014. Accordingly, this factor favors joinder.²

C. Joinder Will Not Add Any New Grounds or Issues

The Petition does not include any new grounds of unpatentability. In fact, the Petition and its accompanying expert declaration are substantively identical to the Nium IPR and its accompanying expert declaration.³ See *Everlight Elecs. Co., Ltd. v. Document Sec. Sys., Inc.*, IPR2018-01260, Paper 12 at 6-7 (P.T.A.B. Nov. 14,

² The factors outlined by *General Plastic Industries Co. v. Canon Kabushiki Kaisha*, IPR2016-01357, Paper 19 (P.T.A.B. Sept. 6, 2017), are not particularly relevant here “where a different petitioner files a ‘me-too’ or ‘copycat’ petition in conjunction with a timely motion to join an *inter partes* review based upon the (essentially) copied petition filed by a different petitioner.” See, e.g., *Celltrion, Inc. v. Genentech, Inc.*, IPR2018-01019, Paper 11 at 9-11 (P.T.A.B. Oct. 30, 2018); *Pfizer, Inc. v. Genentech, Inc.*, IPR2017-02063, Paper 25 at 7-8 (P.T.A.B. Feb. 21, 2018).

³ As explained in the Petition, Petitioner has entered into an agreement with Marc Reid, who prepared the declaration submitted as Exhibit 1003 to the Petition and also submitted a declaration in the Nium IPR (EX1003). Mr. Reid agreed to be engaged by Petitioner at his standard rate, should Nium be unable to proceed with IPR2025-01586 and Petitioner is therefore no longer in the understudy role.

2018) (granting motion for joinder where petitioner submitted separate but substantially identical expert declaration); *see also Celltrion*, IPR2018-01019, Paper 11 at 14 (same); *Sun Pharm. Indus. Ltd. v. Merck Sharp & Dohme Corp.*, IPR2020-01072, Paper 12 at 7 (P.T.A.B. Sept. 1, 2020) (same). Therefore, this factor weighs in favor of joinder.

D. Joinder Will Not Impact the Trial Schedule

Joinder will not unduly burden or negatively impact the trial schedule in any meaningful way because Petitioner does not seek to introduce any new grounds or challenge any new claims. Moreover, Petitioner will not require any discovery beyond what is needed in IPR2025-01586. Further, because Petitioner relies on the same expert and a substantively identical declaration, only a single deposition is needed for the proposed joined proceeding. Accordingly, this factor also favors joinder.

E. Briefing and Discovery Will Be Simplified

Joining Petitioner will not require any additional discovery. Nor would joining Petitioner require any additional briefing. The Petition adds no new issues. Further, Petitioner agrees to take an understudy role, which will simplify briefing and discovery. Nium's lead counsel will act as the lead counsel so long as Nium remains in the proceeding. Likewise, Nium's counsel will submit all briefs, and take and defend all depositions, take the lead for petitioner on any conference calls, and

will argue the case before the Board, so long as Nium remains in the proceeding. So long as Nium remains in the proceeding, Petitioner's counsel will be present only to observe and to answer any questions pertaining specifically to Petitioner as the joining party, should any such questions arise. By Petitioner accepting an understudy role, the parties can comply with the trial schedule assigned to IPR2025-01586 without any duplicative efforts by the Board or the Patent Owner. *See Sony Corp. v. Memory Integrity, LLC*, IPR2015-01353, Paper 11 at 6-9 (P.T.A.B. Oct. 15, 2015) (granting IPR and motion for joinder 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 petitioners agreed to an understudy role). Petitioner is further willing to agree to any other reasonable conditions the Board deems necessary. Therefore, this final factor also weighs in favor of joinder.

IV. CONCLUSION

For the foregoing reasons, Petitioner respectfully requests institution of IPR proceedings based on the Petition and joinder with any proceeding instituted based on IPR2025-01586.

Respectfully submitted,

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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), the undersigned certifies that on December 17, 2025, a complete and entire copy of this **CONDITIONAL MOTION FOR JOINDER UNDER 35 U.S.C. § 315(c), 37 C.F.R. §§ 42.22, AND 42.122(b)** was served on Patent Owner via Federal Express, postage prepaid, at the correspondence address of record for the '701 Patent and counsel for Patent Owner in the related litigation:

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