

Filed on behalf of: Cellco Partnership d/b/a Verizon Wireless

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS,
Petitioner,

v.

FRACTUS, S.A.,
Patent Owner.

IPR2026-00196
Patent No. 11,031,677

**PETITIONER'S MOTION FOR JOINDER
TO *INTER PARTES* REVIEW IPR2025-01026**

TABLE OF CONTENTS

TABLE OF AUTHORITIES	ii
I. STATEMENT OF THE PRECISE RELIEF REQUESTED	1
II. STATEMENT OF MATERIAL FACTS	3
III. REASONS FOR REQUESTED RELIEF	3
A. Legal Standard.....	3
B. The Motion for Joinder is Timely	4
C. The Factors Weighs in Favor of Granting the Motion for Joinder.....	4
1. Joinder with the Geotab IPR Is Appropriate.....	5
2. Petitioner Does Not Propose New Grounds	6
3. Joinder Will Not Negatively Impact the Trial Schedule	6
4. Procedures to Simplify Briefing and Discovery	7
IV. CONCLUSION.....	8

TABLE OF AUTHORITIES

Cases

<i>Central Security Group – Nationwide, Inc. d/b/a Alert360 v. Ubiquitous Connectivity, LP,</i> IPR2019-01610, Paper 12 (Feb. 26, 2020)	4, 5, 6, 7
<i>HTC Corp. v. Parthenon Unified Memory Architecture LLC.,</i> IPR2017-00512, Paper 12 (Jun. 1, 2017)	2
<i>Samsung Elecs. Co. v. Immersion Corp.,</i> IPR2018-01468, Paper 10 (Feb. 20, 2019)	1
<i>Sony Corp. v. Memory Integrity, LLC.,</i> IPR2015-01353, Paper 11 (Oct. 15, 2015)	5, 6

Statutes

35 U.S.C. § 21(b)	1
35 U.S.C. § 315(c)	1, 3

Rules

37 C.F.R. § 1.7(a)	1
37 C.F.R. § 42.1(b)	2, 5
37 C.F.R. § 42.122(b)	1, 3
37 C.F.R. § 42.22	1

I. STATEMENT OF THE PRECISE RELIEF REQUESTED

Cellco Partnership d/b/a Verizon Wireless (“Verizon” or “Petitioner”) respectfully submits this Motion for Joinder, with a Petition (“the Petition”) for *inter partes* review of U.S. Patent No. 11,031,677 (“the ’677 patent”), filed concurrently herewith.

Pursuant to 35 U.S.C. § 315(c), 37 C.F.R. §§ 42.22 and 42.122(b), Petitioner requests institution of an *inter partes* review and joinder with *Geotab Inc. et al. v. Fractus, S.A.*, IPR2025-01026 (“the Geotab¹ IPR”), which the Board instituted on December 3, 2025, concerning the same claims (1-20) of the ’677 patent at issue in the current Petition. This request is being submitted within the one-month time limit (and the weekend grace period extension to the next business day) set forth in 37 C.F.R. §§ 42.122(b) and 1.7(a) and 35 U.S.C. § 21(b). *See Samsung Elecs. Co. v. Immersion Corp.*, IPR2018-01468, Paper 10 at 13-19 (Feb. 20, 2019) (applying weekend grace period extension even to IPR statutory deadlines).

Petitioner submits that the request for joinder is consistent with the policy objectives surrounding *inter partes* reviews, as it is the most expedient way “to secure the just, speedy, and inexpensive resolution of every proceeding.” *See* 37

¹ “Geotab” will collectively refer to joint petitioners Geotab Inc. and Geotab USA, Inc. in IPR2025-01026.

C.F.R. § 42.1(b); *see also HTC Corp. v. Parthenon Unified Memory Architecture LLC*, IPR2017-00512, Paper 12 at 5-6 (Jun. 1, 2017). The present Petition and Geotab’s Petition (IPR2025-01026, Paper 4) are substantively identical with respect to the asserted grounds, based on the same prior art combinations and supporting evidence,² and asserted against the same claims. Further, upon joining the Geotab IPR, Petitioner will act as an “understudy” and will not assume an active role unless Geotab ceases to participate in the instituted IPR. Accordingly, the proposed joinder will not unduly complicate the Geotab IPR nor adversely impact its schedule. As such, the requested joinder will promote judicial efficiency in determining the patentability of the ’677 patent without prejudice to Patent Owner. Moreover, Petitioner has spoken with Geotab’s counsel of record in IPR2025-01026, and Geotab does not oppose this requested joinder.

² While Geotab filed sealed versions of the petition and certain evidence along with filed public versions thereof containing only minor redactions, the Institution Decision did not appear to rely on these redacted portions of the petition and evidence. Regardless, as the Board denied Geotab’s motion to seal (IPR2025-01026, Paper 20 at 70-73), Petitioner expects such sealed versions to become publicly accessible in the joined IPR.

II. STATEMENT OF MATERIAL FACTS

1. The '677 patent is being asserted in the following litigations: (i) *Fractus, S.A. v. Geotab Inc.*, No. 2:24-cv-01008 (E.D. Tex.), (ii) *Fractus, S.A. v. Verizon Connect Inc. et al.*, No. 2:24-cv-01009 (E.D. Tex.), and (iii) *Fractus, S.A. v. ResMed Inc. et al.*, No. 3:25-cv-02680 (S.D. Cal.).
2. Geotab filed a Petition for *inter partes* review of claim 1-20 of the '677 patent on June 6, 2025, which was assigned IPR2025-01026. On December 3, 2025, the Board instituted review of the '677 patent in IPR2025-01026 as to all claims and all grounds.
3. The present Petition asserts the same grounds of unpatentability against the same claims, and relies on the same public expert declaration and evidence as asserted and relied upon on in the Geotab IPR.

III. REASONS FOR REQUESTED RELIEF

A. Legal Standard

The Board may grant a motion for joining an *inter partes* review petition with another *inter partes* review proceeding. 35 U.S.C. § 315(c). A petitioner may request joinder up to one month after the institution date of the proceeding to which joinder is requested, without prior authorization. 37 C.F.R. § 42.122(b). The

Board, in determining whether to exercise its discretion to grant joinder, considers whether the joinder motion: (1) sets forth the reasons why joinder is appropriate; (2) identifies any new grounds of unpatentability asserted in the petition; (3) explains what impact (if any) joinder would have on the trial schedule for the existing review; and (4) addresses specifically how briefing and discovery may be simplified. *Central Security Group – Nationwide, Inc. d/b/a Alert360 v. Ubiquitous Connectivity, LP*, IPR2019-01610, Paper 12 at 6 (Feb. 26, 2020).

B. The Motion for Joinder is Timely

Pursuant to 37 C.F.R. § 42.122(b), joinder can be requested without prior authorization no later than one month after the institution date of the proceeding to which joinder is requested. This motion is being filed no later than one month (as extended from the weekend to the next business day) from the December 3, 2025 institution date of IPR2025-01026. This motion is timely.

C. The Factors Weighs in Favor of Granting the Motion for Joinder

All factors weigh in favor of granting the motion for Petitioner. The Petition is substantively identical to the petition in the Geotab IPR. Petitioner does not present any new grounds of unpatentability. Additionally, as all issues are substantively identical and Petitioner will act as an “understudy,” “joinder will result in the just, speedy, and inexpensive resolution of the instant Petition.” *Central Security*, IPR2019-01610, Paper 12 at 8; *see Sony Corp. v. Memory*

Integrity, LLC., IPR2015-01353, Paper 11 at 6 (Oct. 15, 2015) (granting motion for joinder where petitioner requested an “understudy” role). Moreover, the briefing and discovery will be simplified by resolving all issues in a single proceeding.

1. Joinder with the Geotab IPR Is Appropriate

The Board “routinely grants motions for joinder where the party seeking joinder introduces identical arguments and the same grounds raised in [an] existing proceeding.” *Central Security*, IPR2019-01610, Paper 12 at 6 (internal citations omitted). Here, joinder with the Geotab IPR is appropriate because the present Petition introduces the same arguments and the same grounds raised in the existing Geotab IPR (*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 granted Geotab Petition). Although there are minor differences related, *e.g.*, to the mandatory notices and grounds for standing, there are no substantive changes to the facts, citations, evidence, or arguments relied upon to assert unpatentability of the claims relative to the Geotab Petition.

Because these proceedings are substantively identical, good cause exists for joining this proceeding with the Geotab IPR so that the Board, consistent with 37 C.F.R. § 42.1(b), can efficiently “secure the just, speedy, and inexpensive resolution” of the present Petition and Geotab’s Petition in a single proceeding, as compared with two separate proceedings.

2. Petitioner Does Not Propose New Grounds

As noted above, the Petition challenges the same claims of the '677 patent, relying on the same expert declaration, and on the same grounds and combinations of prior art submitted in the Geotab Petition. *See LG*, IPR2015-01353, Paper 11 at 5-6 (granting institution of IPR and motion for joinder where petitioner relied “on the same prior art, same arguments, and same evidence, including the same expert and a substantively identical declaration”); *see also Central Security*, IPR2019-01610, Paper 12 at 8 (granting motion for joinder where the Petitions challenge the same claims on the same grounds using the same prior art).

3. Joinder Will Not Negatively Impact the Trial Schedule

Joinder should have no meaningful impact on the Geotab IPR trial schedule because the present Petition presents no new issues or grounds of unpatentability. *See Sony*, IPR2015-01353, Paper 11 at 6 (granting IPR and motion for joinder where “joinder should not necessitate any additional briefing or discovery from Patent Owner beyond that already required in [the original IPR]”). Further, Petitioner explicitly consents to the existing IPR2025-01026 trial schedule. There are no new issues for the Board to address, and Patent Owner will not be required to present any additional responses or arguments upon joinder.

Accordingly, joinder with the Geotab IPR does not unduly burden or negatively impact the trial schedule.

4. Procedures to Simplify Briefing and Discovery

Petitioner explicitly agrees to take an “understudy” role, which will simplify briefing and discovery. Specifically, Petitioner explicitly agrees, upon joining the Geotab IPR, that the following conditions shall apply so long as the current lead petitioners in IPR2025-01026 remain active parties:

- a) Petitioner shall not make any substantive filings and shall be bound by the filings of Geotab, unless a filing concerns termination and settlement;
- b) Petitioner shall not present any argument or make any presentation at oral hearing;
- c) Petitioner shall not seek to cross-examine or defend the cross-examination of any witness; and
- d) Petitioner shall not seek discovery from Patent Owner.

See, e.g., Central Security, IPR2019-01610, Paper 12 at 8 (“Petitioner avers it will take an ‘understudy’ role in the [joined] IPR by consolidating all filings, refraining from advancing new arguments, binding itself to any discovery agreements, and limiting its deposition time to the time already allotted ... Thus, joinder would result in the just, speedy, and inexpensive resolution of the instant Petition as well as the petition filed in the [joined] IPR.”). Unless and until Geotab ceases to

participate in the instituted IPR proceeding, Petitioner will not assume an active role.

Thus, by Petitioner accepting an “understudy” role, Patent Owner and the current petitioner in the Geotab IPR can comply with the existing trial schedule without requiring any duplicative efforts by the Board or the Patent Owner. These steps will minimize any potential complications or delay that potentially may result by joinder. Petitioner is further amenable to any other reasonable conditions the Board deems necessary.

IV. CONCLUSION

Based on the factors discussed above, Petitioner respectfully requests that the Board grant the Petition and grant this motion for joinder with the Geotab IPR.

DATED: January 5, 2026

/Justin J. Oliver/
Justin J. Oliver (Reg. No. 44,986)
VENABLE LLP
600 Massachusetts Avenue, NW
Washington, D.C. 20001
Telephone: 202-721-5423
Facsimile: 202-344-8300
Email: JOliver@Venable.com
Counsel for Petitioner Verizon

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing Motion for Joinder to
Inter Partes Review IPR2025-01026, was served on this date on the official
correspondence address for the patent shown in USPTO Patent Center via
FEDERAL EXPRESS next business day delivery:

EDELL, SHAPIRO & FINNAN, LLC
9801 Washingtonian Blvd.
Suite 750
Gaithersburg, MD 20878

DATED: January 5, 2026

/Justin J. Oliver/
Justin J. Oliver (Reg. No. 44,986)
VENABLE LLP
600 Massachusetts Avenue, NW
Washington, D.C. 20001
Telephone: 202-721-5423
Facsimile: 202-344-8300
Email: JOliver@Venable.com
Counsel for Petitioner Verizon