

IPR2015-00318

Reply to Patent Owner's Opposition to Petitioners' Motion For Joinder

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT: 7,454,212

INVENTOR: XIAODONG LI ET AL.

FILED: August 8, 2005

ISSUED: November 18, 2008

TITLE: OFDMA WITH ADAPTIVE SUBCARRIER-CLUSTER
CONFIGURATION AND SELECTIVE LOADING

CASE NO.: IPR2015-00318

Mail Stop PATENT BOARD
Patent Trial and Appeal Board
U.S. Patent & Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

**REPLY TO PATENT OWNER'S OPPOSITION TO PETITIONERS'
MOTION FOR JOINDER**

Reply to Patent Owner's Opposition to Petitioners' Motion For Joinder

In the time since Patent Owner filed its opposition to Petitioners Kyocera Corporation and Kyocera Communications Inc. (collectively, "Kyocera")'s motion for joinder, the Board has denied the petition in this proceeding, and Kyocera has filed a Motion for Partial Rehearing with regard to "Ground 4," the combination of the Frodigh, Chuang, and Ritter references. Kyocera respectfully submits this Reply in view of that pending Motion for Partial Rehearing. Joinder is especially appropriate in view of the scope of Kyocera's Motion for Partial Rehearing, which undermines both of Patent Owner's arguments, the purported impact of joinder on the number of issues and on the schedule.

Joinder will not increase the total number of issues that Patent Owner faces before the Board. If the Board grants Kyocera's Motion for Partial Rehearing, the Patent Owner will need to address Kyocera's instituted combination of references regardless of whether there is joinder. Furthermore, Kyocera requests rehearing on only a single ground, so Patent Owner faces at most one additional combination of references. The limited, well-defined nature of the Motion for Partial Rehearing in and of itself minimizes any potential disruption as a result of joinder.

Similarly, joinder will have minimal impact on the schedule. If Kyocera's Motion for Partial Rehearing is granted, Patent Owner will need to address Ground 4 at some point regardless of the Board's joinder decision. So to the extent that there is any change in schedule at all from Patent Owner's perspective, such change

would be a function of the Board granting the Motion for Partial Rehearing, not of joinder. As Kyocera explained in its opening motion, Kyocera would streamline its involvement in the Sony proceedings by coordinating with Sony's counsel to consolidate all filings, and Kyocera would not submit any separate filings unless its position differs from Sony's position, should the Motion for Partial Rehearing and joinder be granted.¹

For the foregoing reasons, and as set forth in Kyocera's Motion For Joinder and Motion for Partial Rehearing, Kyocera respectfully requests that the Board institute Ground 4, and join Kyocera's IPR with *Sony Mobile Communications (USA) Inc. et al. v. Adaptix, Inc.*, Case IPR2014-01524.

Respectfully submitted,

Kyocera Corporation and Kyocera Communications Inc.,
Petitioners

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¹ Kyocera would continue on this basis unless and until the Sony IPR is terminated as to all other petitioners.

CERTIFICATE OF SERVICE

Under 37 C.F.R. §§ 42.6 and 42.105, the undersigned certifies that on July 8, 2015, a complete and entire copy of the **REPLY TO PATENT OWNER'S OPPOSITION TO PETITIONERS' MOTION FOR JOINDER** was provided, via electronic mail, to the Patent Owner's designated lead and back-up counsel of record: Amedeo F. Ferraro (Reg. No. 37,129) as Patent Owner's lead counsel (aferraro@martinferraro.com); and Wesley C. Meinerding (Reg. No. 57,925) and Alfred Y. Chu (Reg. No. 62,317) as Patent Owner's backup counsel (docketing@martinferraro.com)

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