

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

SPEIR TECHNOLOGIES LTD.,
Patent Owner.

IPR2023-00305
Patent 7,321,777 B2

Before BARBARA A. PARVIS, SHEILA F. McSHANE, and
SCOTT RAEVSKY, *Administrative Patent Judges*.

RAEVSKY, *Administrative Patent Judge*.

DECISION

Denying Institution of *Inter Partes* Review

35 U.S.C. § 314

Denying Motion for Joinder

35 U.S.C. § 315(c); 37 C.F.R. § 42.122

I. INTRODUCTION

Apple Inc. (“Petitioner”) filed a Petition (Paper 1, “Pet.”) requesting *inter partes* review of claims 1–3 and 5–25 of U.S. Patent No. 7,321,777 B2 (Ex. 1001, “the ’777 patent”). Pet. 1. Speir Technologies Ltd. (“Patent Owner”) filed a Preliminary Response (Paper 8, “Prelim. Resp.”).

Petitioner also filed a Conditional Motion for Joinder, conditionally moving for joinder with the *inter partes* review instituted against the ’777 patent in *Unified Patents, LLC v. Speir Technologies Ltd.*, IPR2022-00987 (PTAB, filed May 27, 2022). (Paper 3, “Motion” or “Mot.”). Separately, Petitioner has also filed another petition for *inter partes* review against the ’777 patent, *Apple Inc., v Speir Technologies Ltd.*, IPR2022-01512 (PTAB, filed Sept. 9, 2022).

In its Motion, Petitioner “requests that the Board institute review in this proceeding (IPR2023-00305) and grant this joinder motion **if, and only if**, the Board has previously denied institution in . . . IPR2022-01512.”

Mot. 1. Petitioner explains its reasoning for this request as follows:

[I]f the Board institutes review in the Apple Proceeding [IPR2022-01512], Apple withdraws this motion. Apple makes this request to ensure that it is a named petitioner in one—**and only one**—instituted *inter partes* review proceeding. In this way, consistent with the Board’s policy goals, Apple seeks a fair and efficient resolution to its dispute with Patent Owner.

Id.

We are concurrently instituting *inter partes* review in IPR2022-01512. Accordingly, because Petitioner “withdraws this motion” with institution of IPR2022-01512, we deny Petitioner’s Motion and decline to institute *inter partes* review in this proceeding. *See id.*; 35 U.S.C. § 314(a).

II. ORDER

It is, therefore,

ORDERED that the Petition is *denied* as to all challenged claims, and no trial is instituted; and

ORDERED that the Conditional Motion for Joinder is *denied*.

PETITIONER:

W. Karl Renner
David Holt
Kenneth Darby
John-Paul Fryckman
Fish & Richardson P.C.
axf-ptab@fr.com
holt2@fr.com
kdarby@fr.com
fryckman@fr.com

PATENT OWNER:

Brett Cooper
BC Law Group, P.C.
bcooper@bc-lawgroup.com

Robert Auchter
Auchter PLLC
robert@auchterlaw.com