UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ASUSTEK COMPUTER INC.,

Petitioner

v.

NOKIA CORP. AND NOKIA TECHNOLOGIES OY,

Patent Owner.

IPR2025-01279
U.S. Patent No. 8,050,321

PATENT OWNER'S OPPOSITION TO MOTION FOR JOINDER

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TABLE OF EXHIBITS

Ex. No.	Title	Previously Submitted
2001	Order No. 10-First Amended Adopted Procedural Schedule in Investigation No. 337-TA-1448, dated June 25, 2025	**X**
2002	Respondents' First Supplemental Invalidity Contentions in Investigation No. 337-TA-1448, dated August 8, 2025	**X**
2003	Respondents' Exhibit B-5 Claim Chart (U. S. Patent No. 6,912,351 ("Kim")) in Investigation No. 337-TA-1448	**X**
2004	Respondents' Exhibit B-4 Claim Chart (ISO/IEC 11172 ("MPEG-1")) in Investigation No. 337-TA-1448	**X**
2005	Respondents Joint Disclosure of Initial Invalidity Contentions in Response to Individual Interrogatory Nos. 10-12 in Investigation No. 337-TA-1380, dated February 15, 2024	**X**
2006	Respondents' Exhibit B-5 Claim Chart (U. S. Patent No. 6,912,351 ("Kim") in Investigation No. 337-TA-1380	**X**
2007	Respondents' Exhibit B-8 Claim Chart (ISO/IEC 11172 ("MPEG-1")) in Investigation No. 337-TA-1380	**X**
2008	Public version of Initial Determination on Violation of Section 337 and Recommended Determination on Remedy and Bond in Investigation No. 337-TA-1380, dated December 20, 2024	**X**
2009	Complaint Under Section 337 of the Tariff Act of 1930, As Amended, in Investigation No. 337-TA-1448, dated June 25, 2025	**X**
2010	Declaration of Dr. Eli Saber submitted in IPR2025-01068	**X**
2011	Original Complaint in *Nokia Technologies Oy v. Asustek Computer Inc. et al.*, Case No. 2:25-cv-03053 (C.D. Cal.), April 7, 2025	**X**
2012	*Element TV Company, LP, and Element Television Company, LLC v. Nokia Technologies Oy*, IPR2025-01068, Paper 1 (PTAB July 16, 2025)	
2013	*Element TV Company, LP, and Element Television Company, LLC v. Nokia Technologies Oy*, IPR2025-01068, Paper 7 (PTAB Aug. 25, 2025)	

2014	*Element TV Company, LP, and Element Television Company, LLC v. Nokia Technologies Oy*, IPR2025-01068, Paper 9 (PTAB Aug. 27, 2025)	

I. INTRODUCTION

Petitioner's ASUSTeK Computer, Inc. ("Petitioner" or "ASUS") motion for joinder (the "Motion") cannot and should not be granted. The proceeding that Petitioner seeks to join, IPR2025-01068, has been terminated prior to institution. It therefore cannot serve as a proceeding to which this proceeding may be joined, so Petitioner's Motion for Joinder is moot.

II. LEGAL STANDARD

35 U.S.C. § 315(c) states: "[i]f 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." (emphasis added). The Board determines 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. *See* 157 CONG. REC. S1376 (daily ed. Mar. 8, 2011) (statement of Sen. Kyl). The burden is on Petitioner to show it is entitled to joinder. 37 C.F.R. §§ 42.20(c), 42.122(b).

An IPR that has been terminated prior to institution cannot serve as a proceeding to which another IPR can be joined. *ZTE (USA) LLC v. Seven Networks, LLC*, IPR2019-00460, Paper 18 (PTAB June 6, 2019).

III. TERMINATION OF THE MATTER TO BE JOINED HAS RENDERED THE REQUEST FOR JOINDER MOOT

Petitioner's Motion should be denied for a simple reason—the Board has terminated the proceeding Petitioner seeks to join.

On June 4, 2025, Element TV Company, LP and Element Television Company, LLC (collectively "Element") filed a Petition requesting *inter partes* review of claims 8–11 of U.S. Patent No. 8,050,321 B2 ("the '321 patent") under 35 U.S.C. §§ 311–319. EX-2012.

On August 25, 2025, before Patent Owner even responded to the Petition, Petitioner and Patent Owner filed a Joint Motion to Terminate Proceeding under 35 U.S.C. § 317(a) and 37 C.F.R. § 42.74. EX-2013.

The Joint Motion to Terminate was granted on August 27, 2025. EX-2014. Thus, Petitioner's Motion must be denied as moot because IPR2025-01068 is no longer pending, will never institute, and thus cannot serve as a proceeding to which this proceeding may be joined.

Board practice amply confirms that Petitioner's Motion is moot. The Board has often considered pending requests for joinder to a proceeding that the Board has terminated. In such cases the Board has denied joinder, routinely explaining that the termination of the other proceeding renders the motion moot. *E.g., Hulu LLC v. Sound View Innovations, LLC*, IPR2018-00017, Paper 13, 1 (PTAB Jan. 26, 2018); *PAR Pharm., Inc. v. MonoSol Rx, LLC*, IPR2017-01557, Paper 11, 5 (PTAB Oct. 5,

2017); *Fresenius Kabi USA, LLC v. Hospira Inc.*, IPR2017-01055, Paper 10, 5 (PTAB Sep. 6, 2017) (per curiam); *Aerohive Networks, Inc. v. ChriMar Sys., Inc.,* IPR2016-01757, Paper 11, 3 (PTAB Feb. 3, 2017); *Ubisoft, Inc. v. Uniloc USA, Inc.*, IPR2016-00414, Paper 16, 5 (PTAB June 2, 2016); *InnoPharma Licensing, Inc. v. Senju Pharm. Co., Ltd.*, IPR2015-00902, Paper 18, 2 (PTAB Aug. 7, 2015); *Toyota Motor Corp. v. Am. Vehicular Scis. LLC*, IPR2015-00261, Paper 10, 5 (PTAB Jan. 29, 2015); *Google Inc. v. PersonalWeb Techs., LLC*, IPR2014-00977, Paper 10, 5-6 (PTAB Oct. 30, 2014).

In accordance with the statute, the rules, and the Board's decisions, Petitioner's Motion is moot and should be denied.

IV. PETITIONER'S REQUESTED JOINDER SHOULD BE DENIED ON DISCRETIONARY GROUNDS AS WELL

For the reasons provided in Patent Owner's Request for Discretionary Denial, filed concurrently herewith, the Director should exercise his discretion to deny institution. So too should the Board exercise its discretion to deny joinder. *See Dell, Inc. v. Network-1 Security Sols., Inc.*, IPR2013- 00385, Paper 17, 6 (PTAB July 29, 2013).

V. CONCLUSION

Joinder is unavailable because the other proceeding has been terminated and would be inappropriate even if it were available. Accordingly, the Motion should be denied.

Dated: September 29, 2025

Respectfully submitted,

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CERTIFICATION OF SERVICE

The undersigned hereby certifies that the foregoing **PATENT OWNER'S OPPOSITION TO MOTION FOR JOINDER** has been served on Petitioner via email on the following counsel of record for Petitioner:

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Dated: September 29, 2025

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