

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TARGET CORPORATION

Petitioner,

v.

HEADWATER RESEARCH LLC

Patent Owner.

Case No. IPR2026-00153

U.S. Patent No. 10,321,320

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

I. STATEMENT OF PRECISE RELIEF REQUESTED

Target Corporation (“Petitioner” or “Target”) respectfully submits this Motion for Joinder concurrently with a Petition (“Target Petition”) for *inter partes* review of U.S. Patent No. 10,321,320 (“the ’320 Patent”). Target has not previously filed a petition for *inter partes* review (IPR) challenging the validity of the ’320 patent.

Pursuant to 35 U.S.C. § 315(c) and 37 C.F.R. §§ 42.22 and 42.122(b), Target requests institution of an *inter partes* review and joinder with IPR2026-00106 (*Amazon.com Services LLC et al. v. Headwater Research LLC*; hereinafter “Amazon IPR”), in which institution decision is expected in May 2026. Target’s petition is substantively the same as the Amazon IPR petition. It was filed shortly after the Amazon IPR, challenges the exact same claims, cites the exact same grounds, relies on the exact same prior art, and presents the exact same substantive arguments as the Amazon IPR. Accordingly, if joined, this Petition would create no additional burden for the Board, the Amazon IPR Petitioners, or Patent Owner. Joinder would therefore lead to an efficient resolution of the validity of the ’320 patent.

This is especially true here because Target hereby stipulates that if joinder is granted, it will act as an “understudy” and will not assume an active role unless the Amazon IPR Petitioners cease to participate in the proceeding. The Amazon IPR Petitioners will maintain the lead role in the proceeding so long as they remain active

in the proceeding. These limitations will eliminate lengthy, duplicative briefing. Target also will not seek additional depositions or deposition time. Joinder will not impact the trial schedule because Target agrees to be bound by the scheduling order in the Amazon IPR proceeding, which should be straightforward to all parties because Target promptly filed this Petition shortly after the Amazon IPR petition.

For all of these reasons, joinder would lead to a most efficient resolution of the validity of the '320 patent in a single forum best suited to address the same prior art grounds based upon the same prior art publications. *See ADC Solutions Co. v. Noco Co.*, IPR2025-00885, Paper 8 (PTAB Oct. 29, 2025).

In fact, joinder will help efficiently resolve the disputes among the parties. By joinder, a single Board decision can dispose of the issues raised in the Amazon IPR for the Amazon IPR Petitioners as well as Petitioner here.

Joinder will not unduly prejudice any party. Because joinder will not add any new substantive issues, delay the schedule, burden deponents, or needlessly increase filings, any additional costs on Patent Owner will be minimal. On the other hand, denial of joinder would prejudice Target. Target's interests may not be adequately protected in the Amazon IPR, particularly if the Amazon IPR terminates prior to a final written decision or the Amazon IPR Petitioners otherwise cease to participate.

Given the similarities of the proceedings, the lack of undue prejudice to Patent Owner, and the meaningful benefit to the public and to the Board that would accrue

by joinder of these IPR cases for efficient resolution in a single forum with a single final decision (especially where Target acts merely in an understudy role), the Board should institute the instant IPR and grant Target's Motion for Joinder.

II. ARGUMENT

A. Legal Standards and Applicable Rules

A petitioner may request joinder, without prior authorization, up to one month after the institution date of the proceeding to which joinder is requested. 37 C.F.R. § 42.122(b); *ADC Solutions Co. v. Noco Co.*, IPR2025-00885, Paper 8 (PTAB Oct. 29, 2025); *Taiwan Semiconductor Mfg. Co., Ltd. v. Zond LLC*, IPR2014-00781 and IPR2014-00782, Paper 5 at 3 (PTAB May 29, 2014).

The Board has discretion to grant a motion for joinder of a petitioner for *inter partes* review to another *inter partes* review proceeding. *See* 35 U.S.C. § 315(c). In determining whether to exercise its discretion to grant a motion for joinder, the Board considers: (1) reasons why joinder is appropriate; (2) any new grounds of unpatentability asserted in the petition; (3) what impact (if any) joinder would have on the trial schedule for the existing review; and (4) specifically how briefing and discovery may be simplified. *See Dell, Inc. v. Network-1 Security Solutions, Inc.*, IPR201300385, Paper 17 at 3 (July 29, 2013).

B. Target's Motion for Joinder is Timely

Joinder may be requested "no later than one month after the institution date

of any *inter partes* review for which joinder is requested.” 37 C.F.R. § 42.122(b). The Amazon IPR is expected to be instituted on or around May 10, 2026. IPR2026-00106. Target’s current motion is timely as it is being filed long before to the institution date.

C. The Four Factors Favor Joinder

Each of the four factors weighs in favor of granting Target’s Motion for Joinder. Target’s petition is substantively identical to the petition in the Amazon IPR; it presents no new grounds of unpatentability. Joinder will have no impact on the pending schedule of the Amazon IPR. Moreover, the briefing and discovery will be simplified by resolving all issues in a single proceeding.

1. Joinder of Target Is Appropriate Because It Will Promote an Efficient Determination of the Validity of the ’320 Patent Without Prejudice to Any Party

Target seeks to join the Amazon IPR in order to ensure that a party with an active interest in the proceeding remains a party to this IPR if the Amazon IPR Petitioners’ participation is terminated prior to completion. Thus, joining Target to the Amazon IPR is the most practical way to secure the just, speedy, and inexpensive resolution of the challenges to the validity of the ’320 patent. *See* 37 C.F.R. § 42.1(b).

If Target is joined as a party, the validity of the grounds raised in the Amazon IPR can be determined in a single proceeding in a single forum. Joinder

also is appropriate because Target’s petition challenges the validity of the same claims of the ’320 patent on grounds identical to those in the Amazon IPR. There are no substantive differences between Target’s Petition and the Amazon IPR Petition (IPR2026-00106, Paper 1 (filed November 10, 2025)). Target also relies on the same supporting evidence in its petition as is relied on in the Amazon IPR. A consolidated proceeding, including Target and the Amazon IPR Petitioners, will therefore be more efficient and less wasteful, as only a single trial on these common grounds would be required. *See, e.g., Oracle America Inc. v. Realtime Data LLC*, IPR2016-01672, Paper 13 at 7 (PTAB Mar. 7, 2017) (noting that “joining Oracle’s identical challenges to those in the 1002 IPR will lead to greater efficiency while reducing the resources necessary from both Realtime and the Board”). The Board “routinely grants motions for joinder where the party seeking joinder introduces identical arguments and the same grounds raised in the existing proceeding.” *Target Elecs. Co., Ltd. v. Raytheon Co.*, IPR2016- 00962, Paper 12 at 9 (PTAB Aug. 24, 2016) (internal quotations and citations omitted); *see ADC Solutions Co. v. Noco Co.*, IPR2025-00885, Paper 8 (PTAB Oct. 29, 2025).

Joining Target as a party to the Amazon IPR would promote the public interest relating to the unpatentability of the ’320 patent and not cause any undue prejudice to Patent Owner or the Amazon IPR Petitioners. The Patent Owner must respond to the common invalidity grounds identified in the Amazon IPR and

Target petitions regardless of joinder.

2. Target's Petition Does Not Raise Any New Grounds of Unpatentability and Therefore Does Not Add Additional Complexity to the Grounds in the Amazon IPR Petition

Target's petition challenges the validity of the '320 patent on identical grounds to those in the Amazon IPR. *See* IPR2026-00106, Paper 1 (November 10, 2026). Target's supporting materials—including its supporting expert declaration, exhibits, and exhibit numbering—are identical to those presented in the Amazon IPR. *See supra* n.2. Accordingly, no new grounds are being introduced. *See Sony Corp. v. Memory Integrity, LLC.*, IPR2015-01353, Paper No. 11 at 5-6 (PTAB Oct. 5, 2015).

Therefore, consolidation of this proceeding with Amazon's via joinder of Target's petition will not raise any new issues of unpatentability and will not impose any additional burden on the Board or Patent Owner, or add additional complexity to the case.

3. Joinder Will Not Affect the Schedule in the Amazon IPR

Given that the Board has not yet instituted the Amazon IPR, joinder of Target would not affect the schedule in any potential forthcoming trial. Target's participation should result in no changes to the schedule.

Target agrees to adhere to all applicable deadlines set forth in the Amazon IPR Scheduling Order, if instituted.

4. Joinder Will Simplify Briefing Because Target Has Agreed to Consolidated Filings and an Understudy Role if the Amazon IPR Petitioners Remain

To further prevent joinder from imposing any burden on the Amazon IPR Petitioners, Patent Owner, or the Board and to further ensure that there are no changes in the potential trial schedule, Target has agreed, as long as the Amazon IPR Petitioners remain a party to the Amazon IPR, to take an understudy role, which will simplify briefing and discovery. In this role, Target agrees to the following conditions:

(a) Target shall not make any substantive filing and shall be bound by the filings of the Amazon IPR Petitioners, unless a filing concerns termination and settlement, or issues solely involving Target;

(b) Target shall not present any argument or make any presentation at oral hearing unless an issue solely involves Target, or when addressing Board-approved motions that do not affect the Amazon IPR Petitioners, or their respective positions;

(c) Target shall not seek to cross-examine or defend the cross-examination of any witness, unless the topic of cross-examination concerns issues only involving Target;

(d) Target shall not seek discovery from Patent Owner on issues not solely involving Target;

(e) Target will not rely on expert testimony beyond that submitted by the Amazon IPR Petitioners unless the Amazon IPR Petitioners are terminated from the case. If the Amazon IPR Petitioners are not terminated from the case, Target agrees to rely entirely on, and be bound by, the expert declarations and depositions in the Amazon IPR. Unless and until the current Petitioners in IPR2026-00106 cease to participate in the Amazon IPR, Target will not assume an active role.

Accordingly, due to Target taking only an “understudy” role, Patent Owner and the Amazon IPR Petitioners will only need to respond to one principal set of papers, will not require additional time to address additional arguments raised by Target, and can thus proceed with the same trial schedule. These steps will minimize or eliminate any potential complications or delay that could potentially result from joinder. *See Sony*, Paper No. 11 at 6-7 (granting motion 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 second petitioner agreed to an “understudy” role). Target will also abide by any additional conditions the Board deems appropriate for an “understudy” role.

5. Joinder Will Result in No Prejudice to Patent Owner

As noted above, Target’s joining of the Amazon IPR proceeding should not result in any prejudice to Patent Owner. No additional grounds or arguments are

being introduced, no new evidence or issues are being added, and no additional discovery or briefing or oral argument should be necessary as a result of Target's joinder. Thus, Patent Owner would not need to expend any additional resources beyond those required in the current Amazon IPR.

III. INSTITUTION IS APPROPRIATE UNDER *GENERAL PLASTIC*

General Plastic does not apply here because Target has not previously challenged the '320 patent and seeks to join the Amazon IPR in an understudy role. See *General Plastic Industrial Co., Ltd. v. Canon Kabushiki Kaisha*, IPR2016-01357, Paper 19 at 15-19 (PTAB Sept. 6, 2017); *Apple Inc. v. Uniloc 2017 LLC*, IPR2020-00224, Paper 10 at 4-5 (PTAB Apr. 6, 2020).

Factor 1: Under *General Plastic*, factor 1 considers "whether the same petitioner previously filed a petition directed to the same claims of the same patent." *General Plastic* at 16. Here, Target has not previously filed a petition against the '320 patent.

Target and the Amazon IPR Petitioners are separate, unrelated petitioners, and are not similarly situated for purposes of Factor 1. This factor weighs in favor of institution and against discretionary denial.

Factors 2, 4, and 5: As to the timing examined in these factors, Target did not previously file a first petition prior to its current petition, and while Target became aware of the prior art references in the Amazon IPR, it made no serial

attack on the '320 patent. Rather, Target rapidly filed this petition for IPR soon after the Amazon IPR petition was filed—long before any preliminary response or institution decision in the Amazon IPR. These factors weigh in favor of institution and against discretionary denial.

Factor 3: As Target did not previously file a first petition, this factor weighs in favor of institution and against discretionary denial.

Factors 6 and 7: As stated above, Target seeks to join the Amazon IPR and is not raising arguments beyond those raised by the Amazon IPR petition. These factors thus weigh in favor of institution, as there should be no material impact on the Board's finite resources or its ability to issue a final determination on the Amazon IPR petition within one year.

IV. CONCLUSION

For the foregoing reasons, Target respectfully requests that its Petition for *Inter partes* review of the '320 patent be instituted and that Target be joined to the Amazon IPR proceeding IPR2026-00106.

Respectfully submitted,

Dated 11/25/2025

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CERTIFICATE OF SERVICE

Pursuant to 37 CFR § 42.6(e), the undersigned certifies that on November 25, 2025, a complete and entire copy of this Petitioner's Motion for Joinder was provided by Federal Express, to the Patent Owner, by serving the correspondence address of record as follows:

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