Filed on behalf of: Resmed Corp.

Filed: January 2, 2026

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

RESMED CORP.
Petitioner,

v.

FRACTUS, S.A.
Patent Owner.

Case No. IPR2026-00191
U.S. Patent No. 11,031,677

MOTION FOR JOINDER TO AND CONSOLIDATION WITH RELATED *INTER PARTES* REVIEW IPR2025-01026 PURSUANT TO 35 U.S.C. § 315(c) AND 37 C.F.R. § 42.122(b)

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I. INTRODUCTION

Resmed Corp. ("Petitioner" or "Resmed") respectfully submits this Motion for Joinder, together with a Petition for *Inter Partes* Review ("IPR") of U.S. Patent No. 11,031,677 ("the '677 Patent") filed contemporaneously herewith. Pursuant to 35 U.S.C. § 315(c) and 37 C.F.R. § 42.122(b), Petitioner requests institution of this IPR, and joinder and consolidation with IPR2025-01026 ("the Geotab IPR"). The Geotab IPR presents identical grounds for the challenged claims as Petitioner's Petition. In compliance with the timing requirement of 37 C.F.R. § 42.122(b), the Petition and this motion for joinder are being filed no later than one month after the institution date of IPR2025-01026.

Joinder here would be consistent with the overarching policy of securing "the just, speedy, and inexpensive resolution" of every IPR proceeding. 37 C.F.R. § 42.1(b). Petitioner's Petition and the Geotab IPR petition contain identical grounds for the challenged claims including the same prior art combinations. Thus, joinder would neither unduly complicate the Geotab IPR nor delay its schedule.

To streamline discovery and briefing, Petitioner agrees to take an "understudy" role should this Motion be granted, actively participating substantively in the Geotab IPR only if Geotab terminates its involvement after

joinder.[1]

Because joinder would promote judicial efficiency in determining patentability without prejudicing Patent Owner, the Board should grant this Motion.

II. STATEMENT OF FACTS

On October 9, 2025, Geotab filed an infringement action against Petitioner, alleging infringement of the '677 Patent in addition to four other patents. *Fractus, SA v. Resmed Inc.*, Case No. 3:25-cv-02680 (S.D. Cal. Oct. 9, 2025).

The '677 Patent is also at issue in two other infringement actions against Geotab Inc. and Geotab USA, Inc. (together "Geotab") and Verizon Connect Inc. *Fractus, S.A. v. Geotab Inc.*, Case No. 2:24-cv-01008 (E.D. Tex. Dec. 6, 2024) ("the Geotab litigation"); *Fractus, S.A. v. Verizon Connect Inc. et al.*, Case No. 2:24-cv-01009 (E.D. Tex. Dec. 6, 2024) ("the Verizon litigation"). The Geotab and Verizon litigations have been consolidated.

On June 6, 2025, Geotab filed a petition for IPR ("Geotab Petition") requesting cancellation of all claims of the '677 Patent (claims 1-20). *Geotab Inc. v. Fractus, S.A.*, IPR2025-01026, Paper 4 (PTAB June 6, 2025). On October 17,

[1] If Geotab terminates its involvement prior to this Motion being granted, then Petitioner requests this Motion be withdrawn as moot so that Petitioner's timely-filed Petition may be considered on its merits.

2025, the Deputy Under Secretary of Commerce for Intellectual Property and Deputy Director of the United States Patent and Trademark Office denied Fractus's request for discretionary denial and referred the Petition to the Board for evaluation on the merits. *Geotab*, IPR2025-01026, Paper 14 (PTAB Oct. 17, 2025). On December 3, 2025, the Board instituted the Geotab IPR as to all challenged claims and all grounds. *Geotab*, IPR2025-01026, Paper 20 (PTAB Dec. 3, 2025).

Petitioner's Petition ("the Resmed Petition") and the underlying expert declaration (Declaration of Dr. Daniel van der Weide) are substantively identical to the Geotab Petition and expert declaration submitted in the Geotab IPR. The Resmed Petition contains identical arguments on the same grounds, based on the same prior art combinations and supporting evidence, against the same claims and is supported by the same declaration from the same expert.

III. STATEMENT OF REASONS FOR RELIEF REQUESTED

A. Legal Standard

The Board has the authority to join Petitioner as a party to the Geotab IPR. 35 U.S.C. § 315(c); *see also* 35 U.S.C. § 315(d) (Board also has the authority to consolidate proceedings). Whether a request for joinder should be granted is discretionary. *Kyocera Corp. v. Softview LLC*, IPR2013-00004, Paper 15, at 4 (PTAB Apr. 24, 2013).

B. The Motion for Joinder is Timely

A petitioner may request joinder "no later than one month after the institution date" of the original IPR. 37 C.F.R. § 42.122(b). This is the "only timing requirement for a motion for joinder." *Central Security Group — Nationwide, Inc. v. Ubiquitous Connectivity, LP*, IPR2019-01609, Paper 11, at 8-9 (PTAB Feb. 26, 2020).

This Motion for Joinder is timely. The Geotab Petition was instituted on December 3, 2025. Thus, Petitioner is filing their motion for joinder within the time limit set forth in 37 C.F.R. § 42.122(b).

C. The Board Should Permit Joinder because All Four Joinder Factors Weigh in Favor of Petitioner

In deciding whether to exercise its discretion and permit joinder, the Board considers: (1) why joinder is appropriate; (2) whether the new petition presents any new grounds of unpatentability; (3) any impact joinder would have on the trial schedule for the existing review; and (4) how briefing and discovery may be simplified. *Kyocera Corp.*, IPR2013-00004, Paper 15, at 4 (PTAB April 24, 2013). Here, each of the four factors weighs in favor of joinder.

1. Joinder is Appropriate

Joinder with the Geotab IPR is appropriate because the Resmed Petition involves the same patent and claims and is based on the identical arguments and the same grounds introduced in the Geotab IPR. The Resmed Petition relies on the same expert and expert declaration and same exhibits and combinations of prior art submitted in the Geotab IPR. The Resmed Petition is substantively identical to the Geotab Petition only with minor differences related to formalities of a different party filing the petition. The Resmed Petition presents almost no changes to the facts, evidence[2], citations,[3] or arguments introduced in the Geotab Petition.

Because these proceedings are virtually identical, good cause exists for joining this proceeding with the Geotab IPR so that the Board, consistent with 37

[2] The Geotab Petition cites EX1047 and EX1048 as confidential, both of which are charts associated with EX1016 (Plaintiff's Disclosure of Asserted Claims and Infringement Contentions Against Geotab Pursuant to Local Patent Rules 3-1 and 3-2, *Fractus, S.A., v. Geotab Inc.*, No. 2:24-cv-01008 (E.D. Tex.), served March 12, 2025). Portions of the Geotab Petition that discuss or rely on these materials are redacted in the public version, but they do not affect the joinder analysis, even though Petitioner does not possess copies of them. The exhibits are part of the

C.F.R. § 42.1(b), can efficiently "secure the just, speedy, and inexpensive resolution" of the Geotab and Petitioner's Petitions in a single proceeding.

2. Petitioner Proposes No New Grounds of Unpatentability

As discussed above (*see* III.C.1), the Resmed Petition presents the same grounds as the Geotab Petition and no new grounds of patentability will be added to the Geotab IPR because of the joinder. *See Sony Corp. v. Memory Integrity, LLC*, IPR2015-01353, Paper 11, at 6 (PTAB Oct. 5, 2015) (granting institution of IPR and motion for joinder where petitioners relied "on the same prior art, same arguments, and same evidence, including the same expert and a substantively identical declaration"); *see also Par Pharm., Inc. v. Novartis AG*, IPR2016-01023, Paper 20, at 14 (PTAB Oct. 27, 2016) (granting motion for joinder where petitioners "do not assert any new ground of unpatentability that is not already being considered in [an instituted IPR proceeding], rely on the same arguments and

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record in the Geotab IPR, and copies are maintained by Geotab, Patent Owner and the Board.

[3] Petitioner has added citations to the Complaint in the Geotab Litigation (EX1024) as support where redacted, confidential information was relied upon in the Geotab Petition. *See* Resmed Petition, 33, 62; Geotab Petition, 30, 61.

evidence, and do not require any modification to the existing schedule"). Consequently, this factor weighs in favor of joinder.

3. Joinder Will Not Unduly Burden or Negatively Impact the Geotab Trial Schedule

Joinder will not have an impact on the Geotab IPR trial schedule because the Resmed Petition presents no new issues or grounds of unpatentability. There are no new substantive issues for the Board to address, and Patent Owner will not be required to present any additional responses or arguments beyond what it will already provide in responding to the Geotab Petition. Also, because the Resmed Petition relies on the same expert and the same declaration, no additional depositions will be needed for the proposed joined proceeding. *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]").

Accordingly, the trial schedule for the Geotab IPR should not be unduly burdened or negatively impacted by the joinder. As such, this factor weighs in favor of joinder.

4. Procedures to Simplify Briefing and Discovery

To simplify briefing and discovery, Petitioner agrees to take an "understudy" role, meaning that, Petitioner agrees, upon joining the Geotab IPR, that the following conditions, as previously approved by the Board in similar

circumstances, shall apply so long as the current petitioner remains an active party in IPR2025-01026:

a) Resmed's filings will be consolidated with Geotab's filings, unless a filing concerns issues solely involving Resmed;

b) Resmed will not raise any new grounds not already instituted by the Board in the Geotab IPR, or introduce any arguments or discovery not already introduced by Geotab;

c) Resmed will be bound by any agreement between Patent Owner and Geotab concerning discovery and/or depositions; and

d) At deposition, Resmed will not receive any direct, cross examination or redirect time beyond that permitted under either 37 C.F.R. § 42.53 or any agreement between Patent Owner and Geotab. *See, e.g.*, *Noven Pharms., Inc. v. Novartis AG*, IPR2014-00550, Paper 38, at 5 (PTAB Apr. 10, 2015).

Overall, unless and until Geotab is dismissed from the joined proceedings or elects to transfer control to Petitioner, Petitioner agrees to not materially participate in the joined proceedings.

With Petitioner taking on an "understudy" role, Patent Owner and Geotab can comply with the existing trial schedule without any duplicative efforts. These steps will minimize any potential complications or delay from joinder. *See Sony*, IPR2015-01353, Paper 11, at 6-7 (granting IPR and motion for joinder 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 petitioners agreed to an "understudy" role). Petitioner is further willing to agree to any other reasonable conditions the Board deems necessary. Accordingly, this factor also weights in favor of joinder.

IV. CONCLUSION

Petitioner respectfully requests that the Board institute Petitioner's concurrently filed IPR Petition and join Resmed as a party to the Geotab IPR.

Date: January 2, 2026

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of **PETITIONER'S MOTION FOR JOINDER** has been served in its entirety by overnight mail on the following attorney shown as the Correspondence Address for the Patent Owner:

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Courtesy electronic copies were also served on the following counsel of record for patent owner in the International Trade Commission complaint.

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