

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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TOYOTA MOTOR CORPORATION,  
Petitioner,

v.

LEROY G. HAGENBUCH,  
Patent Owner.

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Case IPR2013-00638  
Patent 8,014,917

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Before JAMESON LEE, MICHAEL W. KIM, and  
JEREMY M. PLENZLER, *Administrative Patent Judges*.

LEE, *Administrative Patent Judge*.

Order  
Conduct of Proceedings  
*37 C.F.R. § 42.05*

## Introduction

A telephone conference was held on August 13, 2014. The participants were respective counsel for the parties and Judges Lee, Kim, and Plenzler. Patent Owner initiated the call to request that the oral argument for Case IPR2013-00483, scheduled for August 27, 2014, be postponed so that it can be held jointly with the oral argument for this proceeding, scheduled for November 20, 2014. During the conference call, counsel for Patent Owner suggested that the oral argument date for this proceeding be moved earlier, to some date after August 27, 2014, to serve as a consolidated oral argument date for Case IPR2013-00483 and this proceeding. The two proceedings involve the same parties, same patent, and same counsel. There also is substantial overlap between the applied prior art. The challenged claims, however, are different. Counsel for Patent Owner states that substantial efficiency may be had for conducting one oral argument instead of two.

Alternatively, counsel for Patent Owner requested permission to file a Motion for Joinder with regard to this proceeding and Case IPR2013-00483, under 35 U.S.C. § 315 and 37 C.F.R. § 42.122.

## Discussion

In a concurrent paper in Case IPR2013-00483, we have denied Patent Owner's request to postpone the oral argument date of that proceeding to after August 27, 2014. Accordingly, Patent Owner's request to move the oral argument date of this proceeding earlier is moot. Counsel for Patent Owner recognized, during the conference call, that the circumstances of this case do not permit oral argument on August 27, 2014.

Patent Owner's request for permission to file a Motion for Joinder to join this proceeding with Case IPR2013-00483 is denied for three reasons. First, per 37 C.F.R. § 42.122(b), such a request must be made within one month of the date

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of institution of review. In this instance, Patent Owner made the request in the fifth month after institution of review; counsel for Patent Owner also did not set forth any good reason why permission to file a Motion for Joinder was not requested earlier in a timely manner. Second, the two proceedings are substantially apart in terms of their respective progress; a joinder cannot be made without substantially altering the schedule of Case IPR2013-00483. Third, the two proceedings involve different claims.

Order

It is

ORDERED that the date of oral argument for this proceeding remains unchanged, as November 20, 2014; and

FURTHER ORDERED that Patent Owner is not authorized to file a Motion for Joinder with regard to this proceeding and IPR2013-00483.

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