

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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TARGET CORPORATION,  
Petitioner,

v.

DESTINATION MATERNITY CORPORATION,  
Patent Owner.

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Case IPR2014-00509  
Patent RE43,531 E

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Before JENNIFER S. BISK, MICHAEL J. FITZPATRICK, and  
MITCHELL G. WEATHERLY, *Administrative Patent Judges*.

FITZPATRICK, *Administrative Patent Judge*.

DECISION  
Denying Motion for Joinder  
*35 U.S.C. 315(c)*

Petitioner Target Corporation filed a corrected Petition (“Petition”) for an *inter partes* review of claims 1, 2, 5, 6, 10, 11, 15–19, and 24–29<sup>1</sup> of U.S. Patent No. RE43,531 E (the “’531 patent”). Paper 9. Petitioner previously filed two other petitions for *inter partes* reviews of different, yet overlapping, subsets of claims of the ’531 patent. We instituted trial in both of those proceedings: IPR2013-00532 and IPR2013-00533 (“the pending trials”). Collectively, we instituted trial on all but two of the claims of the ’531 patent that Petitioner had challenged in the pending trials. *See* Paper 10 in IPR2013-00532 (instituting trial on all of challenged claims 1, 2, 5, 6, 10, 11, and 15–17); Paper 11 in IPR2013-00533 (instituting trial on challenged claims 1 and 24–29 but not on challenged claims 18 and 19).

Concurrently with the filing of its instant Petition, Petitioner filed a motion for joinder pursuant to 35 U.S.C. § 315(c). Paper 3, 1. Specifically, Petitioner Target Corp. seeks to have the instant “Petition . . . joined with the instituted *inter partes* review, *Target Corp. v. Destination Maternity Corp.*, IPR2013-00533.” *Id.*

Section 315(c) authorizes joinder of a person, not a petition, to an instituted *inter partes* review. It does not provide a mechanism for joining Target’s petition here to the instituted IPR2013-00533.<sup>2</sup>

Accordingly, it is

ORDERED that Petitioner’s motion for joinder is *denied*.

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<sup>1</sup> Petitioner subsequently filed a motion to limit the claims being challenged by its Petition to only claims 1, 18, and 19. Paper 7.

<sup>2</sup> Our detailed analysis of 35 U.S.C. § 315(c) is provided in a decision denying Petitioner Target’s motion for joinder in IPR2014-00508.

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