

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MERCEDES-BENZ USA, LLC,
Petitioner,

v.

AMERICAN VEHICULAR SCIENCES LLC,
Patent Owner.

Case IPR2014-00647
Patent 5,845,000 B2

Before JAMESON LEE, TREVOR M. JEFFERSON, and
LYNNE E. PETTIGREW, *Administrative Patent Judges*.

JEFFERSON, *Administrative Patent Judge*.

ORDER
Conduct of the Proceeding
37 C.F.R. § 42.5

IPR2014-00647
Patent 5,845,000

In *Toyota Motor Corp. v. American Vehicular Sciences LLC*, IPR2015-00262, Toyota Motor Corporation (“Toyota”) filed a Petition for *inter partes* review of claims 10, 11, 19, and 23 of U.S. Patent No. 5,845,000, the same patent at issue in this proceeding. See *Toyota Motor Corp. v. American Vehicular Sciences LLC*, IPR2015-00262, Paper 1 (Nov. 17, 2014). Contemporaneously with that Petition, Toyota filed a Motion for Joinder pursuant to 35 U.S.C. § 315(c), 37 C.F.R. § 42.22, and 37 C.F.R. § 42.122(b), requesting that we institute an *inter partes* review in IPR2015-00262 and join that proceeding with this proceeding, IPR2014-00647. See *Toyota Motor Corp. v. American Vehicular Sciences LLC*, IPR2015-00262, Paper 3 (Nov. 17, 2014).

In IPR2015-00262, Patent Owner American Vehicular Sciences LLC has been authorized to file an opposition to Toyota’s Motion for Joinder no later than December 4, 2014. See *Toyota Motor Corp. v. American Vehicular Sciences LLC*, IPR2015-00262, Notice of Filing Date Accorded to Petition (Paper 4) (Nov. 24, 2014). Patent Owner should file an opposition, if any, in IPR2015-00262 and in this proceeding on the same date. In addition, Petitioner Mercedes-Benz USA, LLC is authorized to file in this proceeding, no later than December 4, 2014, an opposition to Toyota’s Motion for Joinder requesting that IPR2015-00262 be joined with this proceeding.

Accordingly, it is:

ORDERED that Patent Owner American Vehicular Sciences LLC is authorized to file an opposition to Toyota’s Motion for Joinder in IPR2015-

IPR2014-00647
Patent 5,845,000

00262 no later than December 4, 2014, and Patent Owner's Opposition shall be filed in both IPR2015-00261 and this proceeding; and

FURTHER ORDERED that Petitioner Mercedes-Benz USA, LLC is authorized to file in this proceeding, no later than December 4, 2014, an opposition to Toyota's Motion for Joinder requesting that IPR2015-00262 be joined with this proceeding.

FOR PETITIONER:

Scott W. Doyle
Jonathan R. DeFosse
Shearman & Sterling LLP
scott.doyle@shearman.com
jonathan.defosse@shearman.com

FOR PATENT OWNER:

Thomas J. Wimbiscus
Scott P. McBride
Christopher M. Scharff
McAndrews Held & Malloy
twimbiscus@mcandrews-ip.com
smcbride@mcandrews-ip.com
cscharff@mcandrews-ip.com