

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MERCEDES-BENZ USA, LLC and
MERCEDES-BENZ U.S. INTERNATIONAL, INC.,

Petitioners,

v.

INNOVATIVE DISPLAY TECHNOLOGIES LLC,

Patent Owner.

Inter Partes Review of U.S. Patent No. 7,434,974

IPR Case No.: *To Be Assigned*

**MOTION FOR JOINDER PURSUANT TO 35 U.S.C. § 315(c)
AND 37 C.F.R. § 42.122(b)**

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I. STATEMENT OF THE PRECISE RELIEF REQUESTED

Pursuant to 35 U.S.C. § 315(c) and 37 C.F.R. § 42.122(b), petitioners Mercedes-Benz USA, LLC and Mercedes-Benz U.S. International, Inc. (collectively, “Petitioners”) respectfully request that they be joined as parties to the following pending (but not yet initiated) *inter partes* review proceeding concerning the same patent at issue here, U.S. Patent No. 7,434,974 (“the ‘974 Patent”): *LG Display Co., Ltd. v. Innovative Display Technologies LLC*, IPR2014-01092 (the “LG IPR”). Petitioners have filed concurrently herewith a “Petition for *Inter Partes* Review of Claims 1, 3-5, 7-11, 13, and 17 of U.S. Patent No. 7,434,974,” in which they assert the same grounds of invalidity as have been raised in the LG IPR. This Motion is timely under 37 C.F.R. §§ 42.22 and 42.122(b) because it is being submitted before the LG IPR has been instituted. *See Taiwan Semiconductor Mfg. Co. v. Zond, LLC*, IPR2014-00781, -00782, Paper 5 (May 29, 2014) at 3; 37 C.F.R. § 42.122(b).

Petitioners respectfully submit that joinder of these proceedings is appropriate. Joinder will not impact the Board’s ability to complete its review in the statutorily prescribed timeframe. Indeed, the invalidity grounds raised in this IPR are identical to the invalidity grounds raised in the LG IPR. Accordingly, joinder will ensure the Board’s efficient and consistent resolution of the issues surrounding the invalidity of the ‘974 Patent. Moreover, joinder will not

prejudice the LG IPR parties because the scope and timing of the LG IPR proceeding should remain the same. Finally, the Board can implement procedures that are designed to minimize any impact to the schedule of the LG IPR, by requiring, for example, consolidated filings and coordination among petitioners. For these reasons and the reasons outlined herein, joinder should be granted.

II. STATEMENT OF MATERIAL FACTS

1. On April 24, 2014, Innovative Display Technologies LLC (“IDT” or “Patent Owner”) filed a complaint in the United States District Court for the Eastern District of Texas accusing Petitioners of infringing several patents, including the ‘974 Patent. *See Innovative Display Technologies LLC v. Mercedes-Benz U.S. International, Inc. and Mercedes-Benz USA, LLC*, 2:14-cv-00535-JRG (E.D. Tex.) (hereinafter, “the Underlying Litigation”).

2. In its Complaint, IDT purports to be the owner of the ‘974 Patent. *See id.*

3. LG Display Co., Ltd. (“LG”) filed a petition for *inter partes* review of the ‘974 Patent on July 1, 2014 (the “LG Petition”). *See* IPR2014-01092, Paper 2 (July 1, 2014).

4. IDT has asserted the ‘974 Patent against LG in co-pending litigation in the United States District Court for the District of Delaware. *See id.* at 1.

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