

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LG ELECTRONICS, INC.,

Petitioner,

v.

INNOVATIVE DISPLAY TECHNOLOGIES LLC,

Patent Owner.

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

IPR Case No.: IPR2015-00497

**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), petitioner LG Electronics, Inc. (“Petitioner” or “LGE”) respectfully requests that it be joined as a party 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 “LGD IPR”). Petitioner has 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 it asserts the same grounds of invalidity as have been raised in the LGD IPR. This Motion is timely under 37 C.F.R. §§ 42.22 and 42.122(b) because it is being submitted before the LGD 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).

Petitioner respectfully submits 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 LGD 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 LGD IPR parties because the scope and timing of the LGD IPR proceeding should remain the same. Finally, the Board can implement procedures that are designed to minimize

any impact to the schedule of the LGD 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 December 31, 2013, Innovative Display Technologies LLC (“IDT” or “Patent Owner”) filed a complaint in the United States District Court for the District of Delaware accusing Petitioner of infringing several patents, including the ‘974 Patent. *See Delaware Display Group LLC and Innovative Display Technologies LLC v. LG Electronics, Inc., LG Electronics U.S.A., Inc., LG Display Co., Ltd., and LG Display America, Inc., Case No. 1:13-cv-02109* (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. (“LGD”) filed a petition for *inter partes* review of the ‘974 Patent on July 1, 2014 (the “LGD Petition”). *See* IPR2014-01092, Paper 2 (July 1, 2014).

4. IDT has asserted the ‘974 Patent against LGD in the Underlying Litigation. *See id.* at 1.

5. The LGD Petition includes the following three grounds for invalidity:

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