

Paper No. _____
Filed: May 27, 2015

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TOYOTA MOTOR CORPORATION,
Petitioner,

v.

INNOVATIVE DISPLAY TECHNOLOGIES LLC,
Patent Owner.

IPR2015-00831
Patent 7,434,974

**JOINT REQUEST THAT SETTLEMENT AGREEMENT BE TREATED
AS BUSINESS CONFIDENTIAL INFORMATION AND KEPT
SEPARATE UNDER 37 C.F.R § 42.74(c)**

INTRODUCTION

Petitioner Toyota Motor Corporation (Toyota) and Patent Owner Innovative Display Technologies LLC (IDT) have entered into a settlement agreement that resolves all underlying disputes between the parties, including the *inter partes* review proceeding IPR2015-00831, against U.S. Patent No. 7,434,974, currently before the Board (“the proceeding”).

In a hearing held May 22, 2015, in light of the settlement agreement, the Board authorized the parties to file a joint motion to terminate in the above-captioned proceeding. Also during the hearing, the Board authorized the parties to file a joint request that the Office treat the agreement business confidential information. Accordingly, the parties jointly request that the agreement be held separately and treated as business confidential information pursuant to 37 C.F.R. § 42.74(c).

STATUS OF RELATED PROCEEDINGS

A. District Court Proceeding

The following is the only related proceeding between the parties:

| District Court Case | U.S. Patent Nos. | Status |
|--|--|--|
| <i>Innovative Display Technologies LLC v. Toyota Motor Corp. Inc.</i> , Case No. 2:14-cv-200- JRG (ED TX.) | 6,508,563 6,886,956 7,434,974 8,215,816 7,384,177 7,300,194 7,404,660 6,755,547 | Unopposed motion to dismiss without prejudice filed May 19, 2015 and Dismissal Order entered May 20, 2015. |

There are no other district court proceedings related to U.S. Patent No. 7,434,974 between the parties.

B. United States Patent Office Proceedings

The following related *inter partes* review proceedings filed by Petitioner Toyota are currently before the United States Patent and Trademark Office:

| IPR Case Number | U.S. Patent No. |
|-----------------|-----------------|
| IPR2015-00828 | 6,508,563 |
| IPR2015-00829 | 6,886,956 |
| IPR2015-00831 | 7,434,974 |
| IPR2015-00832 | 7,434,974 |
| IPR2015-00834 | 8,215,816 |
| IPR2015-00835 | 7,384,177 |
| IPR2015-00843 | 7,300,194 |
| IPR2015-00855 | 7,404,660 |
| IPR2015-00857 | 7,384,177 |
| IPR2015-00895 | 6,508,563 |
| IPR2015-00896 | 6,886,956 |
| IPR2015-00897 | 7,404,660 |

As noted above, the parties are concurrently filing joint requests to terminate each of the above *inter partes* reviews.

C. Foreign Proceedings

There are no foreign proceedings related to U.S. Patent No. 7,434,974 between the parties.

THE SETTLEMENT AGREEMENT

The parties have entered into a Confidential Settlement Agreement (the “Agreement”) settling their dispute involving eight (8) U.S. Patents, including U.S. Patent No. 7,434,974. As part of the Agreement, the related district court litigation, *Innovative Display Technologies LLC v. Toyota Motor Corp.*, Case No. 2:14-cv-200-JRG (ED TX.) has been dismissed. (Exhibit 1017).

RELIEF REQUESTED

If requested, the rules permit the parties to have any filed settlement agreement treated as business confidential information, and kept separate from the files of the involved patent. 37 C.F.R. § 42.74(c). Indeed, the statute requires it.

At the request of a party to the proceeding, the agreement or understanding shall be treated as business confidential information, shall be kept separate from the file of the involved patents, and shall be made available only to Federal Government agencies on written request, or to any person on a showing of good cause.

35 U.S.C. § 317(b).

In a motion filed concurrently herewith, Petitioner and Patent Owner jointly request termination of the proceeding. The parties also submit, as part of that joint request, a true copy of the Agreement between them (Exhibit 1016). Because the Agreement contains confidential business information, the parties jointly request that the Office treat the Agreement (Exhibit 1016) as business confidential information, that the Agreement be kept separate from the file of the involved patents, and the Agreement be made available only to Federal Government agencies on written request, or to other persons only on a showing of good cause.

CONCLUSION

For the foregoing reasons, the Petitioner Toyota and the Patent Owner IDT jointly and respectfully request that the Board hold the Agreement as business confidential information pursuant to 37 C.F.R. § 42.74(c) in the proceeding.

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