

**UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE PATENT TRIAL AND APPEAL BOARD**

TOYOTA MOTOR CORPORATION
Petitioner

v.

INNOVATIVE DISPLAY TECHNOLOGIES, LLC
Patent Owner

CASE IPR2015-00857
PATENT NO. 7,384,177

MOTION FOR JOINDER
UNDER 35 U.S.C. § 315(c) AND 37 C.F.R. §§ 42.22 AND 42.122(b)

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I. STATEMENT OF PRECISE RELIEF REQUESTED

Pursuant to 35 U.S.C. § 315(c) and 37 C.F.R. § 42.122(b), Toyota Motor Corp. (“Petitioner”) respectfully requests that it be joined as a party to the following instituted *inter partes* review proceeding on the same patent at issue in this case (IPR2015-00857), U.S. Patent No. 7,384,177 (“the ’177 Patent”): *LG Display Co., Ltd. v. Innovative Display Technologies LLC*, IPR2014-01362 (the “LGD IPR”). The Board instituted *inter partes* review in the LGD IPR on the following grounds:

Reference	Claims	Grounds
US 5,054,885 (Melby)	1–3, 5–7, 9–10, 13–15, 19, 21, 23–25, and 27	Sec. 103
US 5,453,885 (Nakamura)	1, 2, 6–7, 9–10, 13–15, 19, 21, 23, 24, and 26	Sec. 102

(IPR2014-01362, Paper 12, at 9, 11 (Mar. 2, 2015)). Petitioner in this case asserts substantially the same grounds to those instituted in the LGD IPR against many of the same claims (shown in bold below) and one additional dependent claim (shown in italics below), which Petitioner argues is anticipated by a reference applied against the corresponding independent claim in the LGD IPR:¹

Reference	Claims	Grounds
US 5,054,885 (Melby)	1, 6–7, 9–10, 13–15, and 19	Sec. 103
US 5,453,885 (Nakamura)	1, 6–7, 9–10, 13–15, 19, and 22	Sec. 102

¹ Petitioner filed another IPR petition (IPR2015-00835) on March 5, 2015, which addressed U.S. Patent No. 7,384,177, based on different grounds. No joinder is being sought with respect to the IPR2015-00835 petition.

Toyota Motor Corp. v. IDT, IPR2015-00857, Paper 2, at iv (Mar. 9, 2015). That additional dependent claim, claim 22, Patent Owner IDT asserted against only Petitioner in litigation.

This Motion is timely under 37 C.F.R. §§ 42.22 and 42.122(b) because it is being submitted prior to one month after the institution date (March 2, 2015) in the LGD IPR. 37 C.F.R. § 42.122(b). Petitioner contacted the parties in the LGD IPR regarding this motion for joinder prior to filing and the petitioner in that proceeding (LG Display) does not oppose. Patent Owner opposes.

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 *inter partes* review proceeding are substantially the same as the invalidity grounds instituted in the LGD IPR. The present petition omits several dependent claims and adds one invalidity ground for one additional dependent claim (claim 22) based on the Nakamura reference at issue in the LGD IPR. Accordingly, joinder will ensure the Board's efficient and consistent resolution of the issues surrounding the invalidity of the '177 patent based on the instituted grounds. Moreover, joinder would 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,

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