

Paper No. _____
Filed: May 26, 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.

IPR2015-00896
Patent 6,886,956

**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 IPR2015-00896, against U.S. Patent No. 6,886,956, 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. 6,886,956 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. 6,508,563 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. 6,886,956. 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 1012).

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 1011). Because the Agreement contains confidential business information, the parties jointly request that the Office treat the Agreement (Exhibit 1011) 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.

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.