

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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MERCEDES-BENZ USA, LLC

*Petitioner.*

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*Inter Partes* Review of U.S. Patent No. 6,886,956

Issue Date: May 3, 2005

Title: LIGHT EMITTING PANEL ASSEMBLIES FOR  
USE IN AUTOMOTIVE APPLICATIONS AND THE LIKE

Case No.: IPR2015-00994

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**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 Mercedes-Benz USA, LLC (“Petitioner”) respectfully requests that it be joined as a party to the following pending (but not yet instituted) *inter partes* review proceeding concerning the same patent at issue here, U.S. Patent No. 6,886,956 (“the ’956 Patent”): *Toyota Motor Corp. v. Innovative Display Technologies LLC*, IPR2015-00829 (the “Toyota IPR”).

Petitioner has filed concurrently herewith a “Petition for *Inter Partes* Review of U.S. Patent No. 6,886,956” in which it asserts the exact same grounds of invalidity as have been raised in the Toyota IPR. This motion is timely under 37 C.F.R. §§ 42.22 and 42.122(b) because it is being submitted before the Toyota IPR has been instituted.

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 Toyota IPR. Accordingly, joinder will ensure the Board’s efficient and consistent resolution of the issues surrounding the invalidity of the ’956 Patent. Moreover, joinder will not prejudice the Toyota IPR parties because the scope and timing of the Toyota IPR proceeding should remain the same.

Petitioner merely requests an opportunity to join with the Toyota IPR as an “understudy” to Toyota, only assuming an active role in the event Toyota settles with Innovative Display Technologies LLC (“IDT” or “Patent Owner”). Thus, joinder

will have no impact on the existing schedule in the Toyota IPR. For these reasons and the reasons outlined herein, joinder should be granted.

## II. STATEMENT OF MATERIAL FACTS

1. On April 24, 2014, IDT filed a complaint in the United States District Court for the Eastern District of Texas accusing Petitioner and Mercedes-Benz U.S. International, Inc. of infringing several patents, including the '956 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 '956 Patent. *See id.*

3. On March 3, 2015, Toyota Motor Corporation (“Toyota”) filed a petition for *inter partes* review of the '956 Patent (the “Toyota Petition”). *See* IPR2015-00829, Paper 2 (Mar. 3, 2015).

4. IDT has asserted the '956 Patent against Toyota in co-pending litigation in the United States District Court for the Eastern District of Texas. *See id.* at 54.

5. The Toyota Petition includes the following four grounds for invalidity:

a) Ground 1: Claims 1, 4-6, 9, and 31 are anticipated over Decker;

b) Ground 2: Claims 1, 4-6, 9, and 31 are obvious over Tsuboi in

view of Asai, further in view of Gage and Lister;

- c) Ground 3: Claim 4 is obvious over Decker in view of Arima; and
- d) Ground 4: Claim 4 is obvious over Decker in view of Tsuboi.

6. The four invalidity grounds raised in Petitioner's Petition filed in the present IPR proceeding are identical to the four invalidity grounds raised in the Toyota IPR Petition. *See Mercedes-Benz USA, LLC*, Case No. IPR2015-00994, Paper 1.

### III. STATEMENT OF REASONS FOR RELIEF REQUESTED

Joinder of *inter partes* review proceedings is permitted under 35 U.S.C. § 315(c), which provides:

(c) JOINDER.—If the Director institutes an inter partes review, the Director, in his or her discretion, may join as a party to that inter partes review any person who properly files a petition under section 311 that the Director, after receiving a preliminary response under section 313 or the expiration of the time for filing such a response, determines warrants the institution of an inter partes review under section 314.

35 U.S.C. § 315(c).

In deciding whether to allow joinder, the Board takes into account “the particular facts of each case, substantive and procedural issues, and other considerations,” while remaining “mindful that patent trial regulations, including the rules for joinder, must be construed to secure the just, speedy, and inexpensive resolution of every proceeding.” *See Dell Inc. v. Network-1 Security Sols., Inc.*, IPR2013-00385, Paper No. 17 (July 29, 2013) at 3. The Board also takes into account “the

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