

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LG ELECTRONICS, INC.,

Petitioner,

v.

DELAWARE DISPLAY GROUP LLC,

Patent Owner.

Inter Partes Review of U.S. Patent No. 7,434,973

IPR Case No.: IPR2015-01666

**MOTION FOR JOINDER PURSUANT TO 35 U.S.C. § 315(c)
AND 37 C.F.R. § 42.122(b)**

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37 C.F.R. § 42.221

37 C.F.R. § 42.122(b)1

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 initiated *inter partes* review proceeding concerning the same patent at issue here, U.S. Patent No. 7,434,973 (“the ’973 Patent”): *LG Display Co., Ltd. v. Innovative Display Technologies LLC*, IPR2015-00506 (the “LGD IPR”). Petitioner has filed concurrently herewith a “Petition for *Inter Partes* Review of Claims 1-5 of U.S. Patent No. 7,434,973,” in which it asserts the ground the Board instituted on in IPR2015-00506 and one additional ground of invalidity.

This Motion is timely under 37 C.F.R. §§ 42.22 and 42.122(b) because it is being submitted within one month of institution of IPR2015-00506. *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).

II. STATEMENT OF MATERIAL FACTS

1. On December 31, 2013, Delaware Display Group LLC (“DDG” or “Patent Owner”) filed a complaint in the United States District Court for the District of Delaware accusing Petitioner of infringing several patents. *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”). The complaint did not accuse Petitioner of infringing the ’973 Patent.

2. LG Display Co., Ltd. (“LGD”) filed a petition for *inter partes* review of the ’973 Patent on December 30, 2014 (the “LGD Petition”). *See* IPR2015-00506, Paper 2 (December 30, 2014).

3. The LGD Petition includes the following five grounds for invalidity:

a. Claims 1-5 Are Unpatentable Under 35 U.S.C. §103(a) As Being Obvious Over the ’389 Patent In View of Pelka;

b. Claims 1-5 Are Unpatentable Under 35 U.S.C. §102(e) As Being Anticipated By Shinohara;

c. Claims 1-5 Are Unpatentable Under 35 U.S.C. §103(a) As Obvious Over Shinohara In View of Yoshikawa;

d. Claims 1-5 Are Unpatentable Under 35 U.S.C. §103(a) As Obvious Over Pelka In View of Funamoto; and

e. Claims 1-5 Are Unpatentable Under 35 U.S.C. §103(a) As Obvious Over Hooker In View Of Mizobe.

See id. at i-ii.

4. On May 4, 2015, Patent Owner filed a motion to amend its complaint to assert the ’973 Patent.

5. On July 28, 2015, the Court granted Patent Owner’s motion to amend its complaint to add the ’973 Patent.

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