

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

VIZIO, INC.,  
Petitioner

v.

INNOVATIVE DISPLAY TECHNOLOGIES LLC.,  
Patent Owner.

---

Case No. IPR2016-\_\_\_\_\_  
U.S. Patent No. 7,434,974

---

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

Mail Stop **Patent Board**  
Patent Trial and Appeal Board  
U.S. Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

# TABLE OF CONTENTS

	Page
I. Introduction .....	1
II. Background .....	1
III. Argument.....	2
A. Legal Standard.....	2
B. The Motion for Joinder Is Timely .....	3
C. The Relevant Factors Weigh in Favor of Joinder .....	3
1. Joinder is Appropriate .....	4
2. The VIZIO Petition Proposes No New Grounds of Unpatentability .....	5
3. Joinder Will Not Negatively Impact the K.J. Pretech IPR Trial Schedule .....	6
4. Discovery and Briefing Can Be Simplified .....	6
IV. Conclusion.....	7

## TABLE OF AUTHORITIES

Page(s)

### Cases

<i>Dell Inc. v. Network-1 Sec. Sols., Inc.</i> , IPR2013-00385, Paper 17 (July 29, 2013) .....	4
<i>Hyundai Motor Co. v. Am. Vehicular Scis. LLC</i> , IPR2014-01543, Paper No. 11 (Oct. 24, 2014) .....	2
<i>K.J. Pretech Co., Ltd v. Innovative Display Technologies LLC</i> , IPR2015-01868, Paper 2 (Mar. 17, 2016) .....	1
<i>K.J. Pretech Co., Ltd v. Innovative Display Technologies LLC</i> , IPR2015-01868, Paper 11 (Dec. 22, 2015).....	5
<i>K.J. Pretech Co., Ltd v. Innovative Display Technologies LLC</i> , IPR2015-01868, Paper 15 (Mar. 17, 2016) .....	2, 3
<i>Kyocera Corp. v. Softview LLC</i> , IPR2013-00004, Paper 15 (April 24, 2013) .....	3
<i>Macronix Int’l Co. v. Spansion</i> , IPR2014-00898, Paper 15 (Aug. 13, 2014).....	2
<i>Sony Corp. v. Memory Integrity, LLC</i> , IPR2015-01353, Paper 11 (Oct. 15, 2015) .....	7

### Statutes

35 U.S.C. § 315(b) .....	2
35 U.S.C. § 315(c) .....	2

### Regulations

37 C.F.R. § 1.7(a).....	3
37 C.F.R. § 42.1 .....	3
37 C.F.R. § 42.53 .....	7
37 C.F.R. § 42.101(b) .....	2

**TABLE OF AUTHORITIES**  
(continued)

	<u>Page(s)</u>
37 C.F.R. § 42.122 .....	3
37 C.F.R. § 42.122(b) .....	2

## I. Introduction

Petitioner VIZIO, Inc. (“VIZIO”) requests institution of review based on its Petition for *Inter Partes* Review (the “VIZIO Petition”) of U.S. Patent No. 7,434,974 (“the ’974 Patent”) filed herewith and joinder with the *inter partes* review in *K.J. Pretech Co., Ltd v. Innovative Display Technologies LLC*, IPR2015-01868 (the “K.J. Pretech IPR”). The VIZIO Petition is practically a copy of the petition in the K.J. Pretech IPR—the challenged claims, grounds of unpatentability, prior art, substantive arguments, and expert declaration are identical. *See* K.J. Pretech IPR, Paper 2 (Sept. 11, 2015) (the “K.J. Pretech Petition”). As described below, joinder is warranted because it will efficiently resolve the patentability of the challenged claims of the ’974 Patent in a single proceeding, without prejudicing the parties to the K.J. Pretech IPR or adding to the burden of the Board.

## II. Background

On December 31, 2013, Patent Owner Innovative Display Technologies sued VIZIO for infringement of the ’974 Patent in *Delaware Display Grp. LLC v. VIZIO, Inc.*, No. 1:13-cv-02112 (D. Del.). On September 11, 2015, K.J. Pretech Co., Ltd (“K.J. Pretech”) filed the K.J. Pretech Petition. The Board instituted *inter partes* review based on the K.J. Pretech Petition on March 17, 2016, finding a

# 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.