

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NIDEC CORPORATION AND AMERICAN HONDA MOTOR CO., INC.,
Petitioners,

v.

INTELLECTUAL VENTURES II LLC,
Patent Owner.

Case No. IPR2018-00597
Patent No. 7,067,952

**PATENT OWNER'S PRELIMINARY RESPONSE
AND STATEMENT OF CONSENT TO JOINDER WITH IPR2017-01497**

Patent Owner Intellectual Ventures II LLC (“IV”) submits this Preliminary Response to the Petition to institute an *inter partes* review of U.S. Patent No. 7,067,952 (“the ’952 Patent”). As explained below, IV consents to institution of this IPR and to the joinder of Nidec Corporation (“Nidec”) and American Honda Motor Co., Inc. (“Honda”) (collectively “Petitioners”) as petitioners to IPR2017-01497.

On February 15, 2018, Petitioners concurrently filed this Petition and a motion for joinder (Paper 4) with instituted proceeding IPR2017-01497. In their motion for joinder, Petitioners asserted that this “Petition is substantively identical to the Toyota IPR (Case No. IPR2017-01497) . . . and . . . propose[s] the same grounds for unpatentability that were presented, and instituted on, in the Toyota IPR, based on the same prior art.” Paper 4 at 1. Further, Petitioners agreed “to take an ‘understudy’ role in the joined proceeding, absent termination of the original petitioners,” and listed limitations on Petitioners’ participation in IPR2017-01497. *Id.* at 5–7.

IV maintains its position that IPR2017-01497 should not have been instituted. *See* IPR2017-01497 Paper 8. However, because the Board has instituted IPR2017-01497, IV believes that the institution of this IPR, coupled with the joinder of Nidec and Honda as petitioners to IPR2017-01497 (subject to the limitations on Nidec and Honda’s participation set forth in Petitioners’ motion for

joinder), will best “secure the just, speedy, and inexpensive resolution of every proceeding.” 37 C.F.R. § 42.1(b). Therefore, in the interest of administrative efficiency, and without conceding that this Petition meets the statutory threshold for institution under 35 U.S.C. § 314(a), IV consents to institution of this IPR and to joinder of Nidec and Honda as petitioners to IPR2017-01497, subject to the limitations on Nidec and Honda’s participation set forth in Petitioners’ motion for joinder.

Dated: April 5, 2018

/Brad Scheller/

Brad M. Scheller (Reg. No. 61,022)
MINTZ, LEVIN, COHN, FERRIS,
GLOVSKY AND POPEO, P.C.
The Chrysler Center
666 Third Avenue
New York, New York 10017
Telephone: 212-935-3000
Facsimile: 212-983-3115
bmscheller@mintz.com
INTVEN_IPRs@mintz.com

CERTIFICATE OF SERVICE

I certify that a copy of Patent Owner's Preliminary Response and Statement of Consent to Joinder with IPR2017-01497 is being served by electronic mail on the following counsel of record:

Lead Counsel for Nidec

John Flock (Reg. No. 39,670)
ANDREWS KURTH KENYON LLP
One Broadway
New York, NY 10004-1007
Telephone: (212) 425-7200
Facsimile: (212) 425-5288
jflock@andrewskurthkenyon.com

Lead Counsel for Honda

John Caracappa (Reg. No. 43,532)
STEPTOE & JOHNSON LLP
1330 Connecticut Avenue, NW
Washington, DC 20036-1795
Telephone: (202) 429-6267
Facsimile: (212) 429-3902
jcaracap@steptoe.com

Back Up Counsel for Nidec

Michael Turner (Reg. No. 60,314)
ANDREWS KURTH KENYON LLP
One Broadway
New York, NY 10004-1007
Telephone: (212) 425-7200
Facsimile: (212) 425-5288
mturner@andrewskurthkenyon.com

Back Up Counsel for Honda

James R. Nuttall (Reg. No. 44,978)
STEPTOE & JOHNSON LLP
115 South LaSalle Street, Suite 3100
Chicago, IL 60603
Telephone: (312) 577-1260
Facsimile: (312) 577-1370
jnuttall@steptoe.com

Li Guo (Reg. No. 67,887)
STEPTOE & JOHNSON LLP
1330 Connecticut Avenue, NW
Washington, DC 20036-1795
Telephone: (202) 429-1322
Facsimile: (212) 429-3902
lguo@steptoe.com

Dated April 5, 2018

/Brad Scheller/

Brad M. Scheller