

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

United States Patent No.: 7,915,631	§	Attorney Docket No.:
Inventors: Yoshinori Shimizu, et al.	§	112868-0001-658
Formerly Application No.: 12/548,618	§	
Issue Date: March 29, 2011	§	Customer No.: 28120
Filing Date: August 27, 2009	§	
Former Group Art Unit: 2822	§	Petitioner: VIZIO, Inc.
Former Examiner: Michael Trinh	§	
	§	
	§	
	§	

For: LIGHT EMITTING DEVICE AND DISPLAY

MAIL STOP PATENT BOARD  
Patent Trial and Appeal Board  
United States Patent and Trademark Office  
Post Office Box 1450  
Alexandria, Virginia 22313-1450

**MOTION FOR JOINDER  
UNDER 35 U.S.C. § 315(c) AND 37 C.F.R. §§ 42.22 AND 42.122(b) AND  
REQUEST FOR SHORTENED RESPONSE TIME FOR  
PATENT OWNER'S PRELIMINARY RESPONSE**

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## I. STATEMENT OF THE PRECISE RELIEF REQUESTED

VIZIO, Inc. (“Petitioner”) respectfully requests joinder pursuant to 35 U.S.C. § 315(c) and 37 C.F.R. § 42.122(b) of any proceeding resulting from the concurrently filed Petition for *inter partes* review (the “Petition” for “IPR”) of claims 1-2 and 6-11 of U.S. Patent No. 7,915,631 (“the ’631 patent”) with recently instituted IPR2018-00066 naming Lowe’s, Companies, Inc., Lowe’s Home Centers, LLC, and L G Sourcing, INC. (collectively, “Lowe’s Petitioners”) as the petitioners (the “Lowe’s IPR”).<sup>1</sup>

This motion should be granted because it is timely filed less than one month after institution of the Lowe’s IPR, and because each of the factors considered by the Board strongly favors joinder. The Petition is a carbon copy of the original Lowe’s IPR petition in all material respects. The concurrently filed Petition and the Lowe’s IPR petition challenge the same claims of the ’631 patent on the same grounds relying on the same prior art and evidence, including the same expert testimony. Moreover, absent termination of the Lowe’s Petitioners as parties to the proceeding, Petitioner agrees to take an “understudy” role as petitioners in similarly joined proceedings have taken. By doing so, Petitioner’s limited participation will not impact the timeline of the Lowe’s IPR. The Board routinely grants joinder under these circumstances.

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<sup>1</sup> Lowe’s Petitioners do not oppose this motion for joinder.

In conjunction with this motion, Petitioner respectfully requests that the Board specify a shortened period of at most four (4) weeks (to June 13, 2018) in which PO may file a Preliminary Response to this new Petition.<sup>2</sup> Given the identity of issues presented by this Petition and those raised by the Lowe's IPR, the proposal for a shortened response period does not impose an undue burden on PO. If the Board declines to establish the proposed shortened response period for the Preliminary Response, Petitioner nevertheless maintains its motion for joinder.

## II. STATEMENT OF MATERIAL FACTS

1. On March 23, 2016, PO filed a complaint alleging that Petitioner infringes, *inter alia*, claims 1 and 4 of the '631 patent. *See Nichia Corp. v. VIZIO, Inc.*, No. 16-cv-00545 (C.D. Cal.). PO subsequently served infringement contentions alleging that Petitioner infringes claims 1, 2, 4, and 6-11 of the '631 patent.

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<sup>2</sup> Petitioner requests a shortened time period for PO to file a preliminary response prior to termination of the Lowe's IPR in view of PO and Lowe's Petitioners' recent notice to the district court that they have agreed in principle to settlement and requested a 30-day stay pending finalization of the parties' settlement agreement. *Nichia Corp. v. VIZIO, Inc.*, No. 16-cv-00545, Dkt. No. 62 at 1 (C.D. Cal. May 15, 2018). Petitioner will request a call with the Board to discuss scheduling for this proceeding and the Lowe's IPR.

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