

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

VIZIO, INC.,
Petitioner,

v.

NICHIA CORPORATION,
Patent Owner.

Case IPR2018-01100
Patent No. 7,915,631

**PATENT OWNER'S OPPOSITION
TO MOTION FOR JOINDER**

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LIST OF EXHIBITS

Exhibit	Description
EX2001	Complaint for Patent Infringement, <i>Nichia Corp. v. VIZIO, Inc.</i> , Case No. 8:16-cv-00545 (C.D. Cal.) (Dkt. #1) (<i>without exhibits</i>)
EX2002	Proof of Service, <i>Nichia Corp. v. VIZIO, Inc.</i> , Case No. 8:16-cv-00545 (C.D. Cal.) (Dkt. #16)
EX2003	Answer to Complaint, <i>Nichia Corp. v. TCL Multimedia Tech. Holdings Ltd. et al.</i> , Case No. 1:16-cv-00681 (D. Del. Nov. 14, 2016) (Dkt. #13)
EX2004	Answer to Complaint, <i>Nichia Corp. v. VIZIO, Inc.</i> , Case No. 8:16-cv-00545 (C.D. Cal. Sept. 20, 2016) (Dkt. #36)

Patent Owner Nichia Corporation (“Nichia”) respectfully submits this Opposition to Petitioner VIZIO, Inc.’s (“VIZIO”) Motion for Joinder (“Motion” or Pap. 3). Nichia notes the motion for joinder may be moot. On June 12, 2018, the parties sent an email to the Board seeking authorization file a joint move to terminate this *inter partes* review (“IPR”) proceeding in its entirety. That request is pending.

Additionally, on June 16, 2018, in the IPR to which VIZIO seeks joinder, *Lowe’s Companies, Inc. et al. v. Nichia Corporation*, IPR2018-00066, Nichia and the *Lowe’s* petitioners filed a joint motion to terminate those proceedings. If the Board were to grant that motion, there would be no IPR pending for the present IPR to join. As a result, VIZIO’s Petition could not move forward on its own since it is subject to the one-year statutory bar. Nichia served VIZIO with a complaint alleging infringement of the ’631 patent over two years ago. *See* 35 U.S.C. § 315(b).

Moreover, even if the motions to terminate were not allowed, the Board should exercise its discretion to deny joinder because the Petition would, if considered separately, be subject to denial under § 314(a) and therefore ineligible for joinder. This is VIZIO’s second Petition against the ’631 patent, and the fourth in a succession of petitions against the ’631 patent by members of a joint defense group. With this Petition, which copies previous petitions, Petitioner unfairly takes

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