

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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LG ELECTRONICS, INC.,  
Petitioner,

v.

INNOVATIVE DISPLAY TECHNOLOGIES LLC,  
Patent Owner.

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Case IPR2015-00497  
Patent No. 7,434,974

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Before MIRIAM L. QUINN, BEVERLY M. BUNTING,  
and MICHELLE N. WORMMEESTER, *Administrative Patent Judges*.

WORMMEESTER, *Administrative Patent Judge*.

DECISION

Denying Institution of *Inter Partes* Review  
*37 C.F.R. § 42.108*

Dismissal of Motion for Joinder  
*37 C.F.R. § 42.122*

## I. BACKGROUND

LG Electronics, Inc. (“Petitioner”) filed a Petition pursuant to 35 U.S.C. §§ 311–319 to institute an *inter partes* review of claims 1, 3–5, 7–11, 13, and 17 of U.S. Patent No. 7,434,974 (“the ’974 patent”). Paper 2 (“Pet.”). Innovative Display Technologies LLC (“Patent Owner”) filed a Preliminary Response. Paper 8 (“Prelim. Resp.”).

Concurrently with the Petition, Petitioner filed a Motion for Joinder. Paper 3 (“Joinder Motion”). The Joinder Motion seeks to join this proceeding with *LG Display Co., Ltd. v. Innovative Display Technologies LLC*, Case IPR2014-01092 (PTAB) (“the ’1092 IPR”). Joinder Motion 1. Patent Owner filed an opposition to the Joinder Motion. Paper 7 (“Opposition”). At the time Petitioner filed its Petition and Motion for Joinder, the Board had not yet decided whether to institute an *inter partes* review in the ’1092 IPR.

Petitioner asserts that the ’1092 IPR involves the same patent and same issues as this proceeding. *See infra*. As stated by Petitioner in the Motion for Joinder, “the invalidity grounds raised in this IPR are identical to the invalidity grounds raised in the [’1092] IPR.” Joinder Motion 1.

On January 13, 2015, we entered a Decision in the ’1092 IPR denying the Petition as to all challenges. ’1092 IPR, Paper 9 (“Institution Decision”). We determined that, applying the standard set forth in 35 U.S.C. § 314(a), the petitioner in that proceeding, LG Display Co., Ltd., had failed to demonstrate a reasonable likelihood that it would prevail with respect to at least one challenged claim of the ’974 patent. *Id.* at 14. LG Display Co., Ltd. subsequently filed a Request for Rehearing, which we denied. ’1092 IPR, Papers 14, 17.

Patent Owner asserts that because the petitions in this case and the '1092 IPR include identical grounds and arguments, the Petition here should be denied. Prelim. Resp. 2.

For the reasons that follow, we determine that the Petition in this case should be denied and the Joinder Motion dismissed.

## II. DENIAL OF *INTER PARTES* REVIEW

### A. *References*

Petitioner relies on the same references as those in the '1092 IPR<sup>1</sup>:

Funamoto	US 5,619,351	May 10, 1994	Ex. 1007
Tsuchiyama	US 5,548,271	June 24, 1994	Ex. 1008
Nakayama	US 5,654,779	Dec. 29, 1994	Ex. 1009

Petitioner also relies on the same Declaration of Michael J. Escuti, Ph.D. as in the '1092 IPR ("Escuti Decl."). Ex. 1004.

### B. *Grounds Asserted*

Petitioner challenges claims 1, 3–5, 7–11, 13, and 17 of the '974 patent on the same grounds as those asserted in the '1092 IPR:

References	Basis	Claims Challenged
Funamoto	§ 103(a)	1, 3–5, 7–11, 13
Tsuchiyama and Funamoto	§ 103(a)	1, 3–5, 7, 8, 10, 11, 13
Funamoto and Nakayama	§ 103(a)	13, 17

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<sup>1</sup> As in the '1092 IPR, Petitioner here also states that it is relying on Admitted Prior Art ("APA") from the '974 patent specification. Pet. 8.

*C. Decision*

In view of the identity of the challenges to the '974 patent in this Petition and the petition in the '1092 IPR, we deny institution of *inter partes* review in this proceeding on the same grounds as those on which we denied institution of *inter partes* review in the '1092 IPR. *See* '1092 IPR Institution Decision 5–14. In this proceeding, we are not apprised of a reason that merits yet another chance. Petitioner simply presents the same arguments now that we found unavailing in both the Petition and Request for Rehearing in the '1092 IPR.

III. DISMISSAL OF MOTION FOR JOINDER

Because the petition in IPR2014-01092 was denied and *inter partes* review was not instituted, and because the Petition in this proceeding is being denied, Petitioner's Joinder Motion is dismissed as moot. 35 U.S.C. § 315(c) (permitting joinder if Director institutes *inter partes* review).

IV. ORDER

It is, therefore,

ORDERED that the Petition is *denied* as to all challenged claims and no trial is instituted;

FURTHER ORDERED that the Motion for Joinder is dismissed as moot.

Case IPR2015-00497

Patent 7,434,974

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