

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ADC SOLUTIONS AUTO LLC,
Petitioner,

v.

THE NOCO COMPANY,
Patent Owner.

IPR2025 00885
Patent 11,667,203 B2

Before JAMESON LEE, AVELYN M. ROSS, and JASON M. REPKO,
Administrative Patent Judges.

ROSS, *Administrative Patent Judge.*

DECISION

Granting Institution of *Inter Partes* Review and
Granting Petitioner's Unopposed Motion for Joinder
35 U.S.C. §§ 314(a), 315(c); 37 C.F.R. § 42.122(b)

I. INTRODUCTION

On April 18, 2025, ADC Solutions Auto LLC (“Petitioner” or “ADC Solutions”) filed a Petition (Paper 1, “Petition”) requesting institution of an *inter partes* review of claims 1–11 of U.S. Patent No. 11,667,203 B2 (“the ’203 patent”). That same day, Petitioner filed a Motion for Joinder seeking to join, as a petitioner, in *Deltran USA LLC v. The NOCO Company*, IPR2024-01219 (“the Deltran IPR” or “IPR01219”). Paper 3 (“Motion for Joinder” or “Motion”).

On July 24, 2025, the clerk referred this case to the Board “to consider the merits and non-discretionary considerations.” Paper 7, 1–2.

For the reasons set forth below, we institute an *inter partes* review and grant Petitioner’s unopposed Motion for Joinder.

II. INSTITUTION OF *INTER PARTES* REVIEW

On March 19, 2025, the Board instituted an *inter partes* review in the Deltran IPR with respect to all challenged claims of the ’203 patent and on all the grounds set forth in the Deltran Petition.¹ IPR01219, Paper 8, 50 (Institution Decision in the Deltran IPR).

Petitioner represents that the Petition includes the same grounds, arguments, and supporting evidence as Deltran USA in the Deltran IPR. Motion 3 (“the Petition and the Deltran IPR Petition are substantially identical with respect to the asserted grounds, are based on the same prior art combinations and supporting evidence[,] and asserted against the same claims”). Patent Owner does not contest those facts.

¹ We refer to the Petition in the Deltran IPR as “the Deltran Petition.” See IPR01219, Paper 2 (the Deltran Petition).

We agree with the parties that the Deltran Petition involves the same patent, challenges the same claims, relies on the same expert declaration, and is based on the same grounds and combinations of prior art. Under these circumstances, our reasons for instituting review based on Deltran’s petition apply with equal force to the “substantively identical” Petition filed by ADC Solutions. *Id.*

Accordingly, for the same reasons set forth in the Institution Decision filed in the Deltran IPR, we institute review on all claims and all grounds asserted in the Petition. *See generally* IPR01219, Paper 8 (Institution Decision in the Deltran IPR).

III. MOTION FOR JOINDER

Petitioner requests that we join the instant proceeding with the Deltran IPR. Motion 1. Patent Owner has not opposed joinder.

Joinder is governed by 35 U.S.C. § 315(c), which recites:

(c) JOINDER.—If the Director institutes an inter partes review, the Director, in his or her discretion, may join as a party to that inter partes review any person who properly files a petition under section 311 that the Director, after receiving a preliminary response under section 313 or the expiration of the time for filing such a response, determines warrants the institution of an inter partes review under section 314.

This has been interpreted to mean that joining a party to an instituted IPR requires two different decisions: (1) “whether the joinder applicant’s petition for IPR ‘warrants’ institution under § 314” and (2) “whether to ‘join as a party’ the joinder applicant.” *Facebook, Inc. v. Windy City Innovations, LLC*, 973 F.3d 1321, 1332 (Fed. Cir. 2020) (citing 35 U.S.C. § 315(c)). By regulation, the Director’s discretion to join proceedings has been delegated

to the Board. *See* 37 C.F.R. § 42.4(a). Thus, we have discretion to join Petitioner to the Deltran IPR, if such an action is warranted.

Petitioner contends that joinder is appropriate in this case because: (1) the Motion for Joinder is timely, having been filed “no later than one month of the institution decision” in the Deltran IPR (Motion 6); (2) the Petition here “is substantially identical to the petition in the Deltran IPR” (*id.*; *see also id.* at 7 (“there are no substantive changes to the facts, citations, evidence, or arguments relied upon”)); (3) “joinder should have no meaningful impact on the Deltran IPR trial schedule because the present Petition presents no new issues or grounds of unpatentability” (*id.* at 8); (4) “Petitioner explicitly agrees to take an ‘understudy’ role, which will simplify briefing and discovery” in the joined proceeding, “so long as the current lead petitioner in IPR2024-01219 remains an active party” (*id.* at 9; *see also id.* at 4, 6);² and (5) joinder will simplify “briefing and discovery” as all issues will be resolved “in a single proceeding” (*id.* at 9).

Patent Owner does not contest any facts alleged by ADC Solutions in its Motion for Joinder.

Having considered Petitioner’s Motion for Joinder, we determine that joinder of the instant proceeding with in the Deltran IPR is appropriate. For the reasons in our Decision Instituting Review in Deltran IPR, we find that the Petition in this proceeding also warrants institution of *inter partes* review and that joinder is appropriate. Accordingly, we grant Petitioner’s

² We understand the “understudy role” as including Petitioner not making any oral argument or presentation during telephone conferences with the Board.

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unopposed Motion for Joinder, subject to the requirements set forth in the
Order below.

IV. ORDER

It is

ORDERED that pursuant to 35 U.S.C. § 314(a), an *inter partes* review is hereby instituted as to claims 1–11 of the ’203 patent on the grounds set forth in the Petition;

FURTHER ORDERED that, pursuant to 35 U.S.C. § 314(c) and 37 C.F.R. § 42.4, notice is hereby given of the institution of a trial, which will commence on the entry date of this Decision;

FURTHER ORDERED that Petitioner’s Motion for Joinder is *granted*, and Petitioner is joined as a petitioner in IPR2024-01219;

FURTHER ORDERED that Petitioner shall have an “understudy” role in IPR2024-01219 and Petitioner’s role shall be limited as set forth in Petitioner’s Motion for Joinder unless and until the petitioner in that proceeding ceases to participate in IPR2024-01219;

FURTHER ORDERED that all further filings in the joined proceeding shall be made in IPR2024-01219;

FURTHER ORDERED that the Scheduling Order in IPR2024-01219 remains unchanged, and shall govern the joined proceeding;

FURTHER ORDERED that a copy of this Decision shall be entered in IPR2024-01219; and

FURTHER ORDERED that the case caption in IPR2024-01219 shall be modified to reflect Petitioner’s joinder in accordance with the attached example; and

FURTHER ORDERED that the instant proceeding is terminated under 37 C.F.R. § 42.72.

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FOR PETITIONER:

Daisy Manning
Paul Smelcer
HUSCH BLACKWELL LLP
ptab-dmanning@huschblackwell.com
paul.smelcer@huschblackwell.com

FOR PATENT OWNER:

Joseph Sauer
David Cochran
Matthew Johnson
John Graves
JONES DAY
jmsauer@jonesday.com
dcochran@jonesday.com
mwjohnson@jonesday.com
jgraves@jonesday.com

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

DELTRAN USA LLC,
Petitioner,

v.

THE NOCO COMPANY,
Patent Owner.

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³ ADC Solutions Auto LLC was joined as a petitioner to this proceeding based on a petition and a motion for joinder in IPR2025-00885.