

Paper No. _____

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

XILINX, INC, Petitioner

v.

Patent of INTELLECTUAL VENTURES I LLC,
Patent Owner.

Patent No. 5,632,545
Issue Date: May 27, 1997
Title: ENHANCED VIDEO PROJECTION SYSTEM

Inter Partes Review No. IPR2013-00029

PETITIONER XILINX'S REQUEST FOR ORAL ARGUMENT

Petitioner Xilinx, Inc. ("Xilinx") hereby requests oral argument pursuant to 37 CFR 42.70. Oral argument is presently scheduled for December 9, 2013.

ISSUES TO BE ARGUED

I. Claim Construction

A. The Board's initial Decision adopted constructions of "light shutter matrix" and "video controller adapted for controlling the light-shutter matrices." Xilinx agrees that the Board's initial constructions are correct under the broadest reasonable interpretation standard. Nevertheless, IV challenges the correctness of the Board's constructions. Has IV shown that the Board should change its initial constructions?

B. IV argues that the term "light shutter matrix system" is limited to a "shutter" that blocks light through absorption? Xilinx disagrees, because neither the '545 patent nor the prior art requires blocking light through absorption, and because light can be blocked through other mechanisms such as reflection, scattering, etc. Has IV shown that the broadest reasonable construction of "light shutter matrix system" requires light to be blocked through absorption?

C. IV argues that the Board should adopt IV's construction of "equivalent switching matrices," as being "virtually identical in effect or function." The Board's initial Decision in the '334 IPR [IPR2013-00112] construed "equivalent switching matrices" as being "corresponding or virtually identical in

function or effect.” The Board modified IV’s construction because it omitted the key words “corresponding or” from its construction without a basis for doing so. Nevertheless, IV disagrees with the Board’s modification to its original construction. Has IV shown that its construction is correct?

II. Obviousness of claims 1-3 in view of Flasck

A. The parties dispute whether the Flasck prior art patent discloses a system capable of operating at video speeds at the time of the claimed invention. IV contends that Flasck uses “PDLC” technology that was too slow for use in video display systems in 1995. Xilinx has shown that PDLC televisions did, in fact, exist in 1995. Does Flasck disclose a system that can operate at video speeds?

B. IV argues that Flasck is not a light-shutter matrix system because it redirects light through “scattering” as opposed to through absorption. Xilinx does not believe that the term “light shutter matrix system” places limits on how the light is blocked or redirected, nor does it require absorption. Does Flasck disclose a “light shutter matrix system?”

C. The remaining claim elements are undisputed. Has Xilinx proven that claims 1-3 would have been obvious to a person of ordinary skill in the art in 1995 in view of Flasck?

III. Obviousness of claims 1-3 in view of Takanashi

A. Xilinx’s Petition and Reply briefing explain that Takanashi uses an

optically addressed spatial light modulator (“OASLM”) as a “light shutter matrix system” to encode a pixelated light image onto light beams. IV contends that an OASLM cannot be a “light shutter matrix system” because it does not control the pixelated image using electrical addressing (i.e., an “EASLM”). The issue boils down to whether electrical addressing is necessary (IV’s position) or sufficient but not necessary (Xilinx’s position) for a “light shutter matrix system”. Does Takanashi disclose a light-shutter matrix system?

B. IV does not dispute that Lee discloses a video controller and that any practical video projection system in 1995 would have a video controller.

Nevertheless, IV contends that this element is not met because the Petition misidentifies the video controller in Lee. Xilinx corrected this mistake in time for IV to respond, yet IV chose not to. Does Lee disclose a video controller? If not, would it have been obvious to combine Takanashi, Lee, and a video controller at the time of the claimed invention?

C. Xilinx’s Petition explains that the three spatial light modulators (“SLMs”) in Takanashi are equivalent because they encode pixelated light images onto different colored light beams. IV argues that these SLMs are not equivalent because they are color-specific. Does Takanashi disclose equivalent switching matrices?

D. The remaining claim elements are undisputed. Has Xilinx proven that

claims 1-3 would have been obvious to a person of ordinary skill in the art in 1995 in view of Takanashi and Lee?

IV. Patent Owner's Proposed Claims 4 and 5

A. Xilinx's Opposition to Motion to Amend shows that the Motion to Amend should be denied because substitute claims 4 and 5 include entirely new features, in contravention of the Board's *Idle Free* decision, that go to a different claiming strategy and add new issues. IV argues that the substitute claims 4 and 5 comply with *Idle Free* because they include the limitations of claims 2 and 3. Should Patent Owner's Motion to Amend be denied for failure to comply with the rules as clarified by the Board in *Idle Free*?

B. Xilinx provides element-by element analysis for claims 4 and 5 with respect to Flasck, Rodriguez, Lee, and Miyashita with appropriate explanations and evidence showing reasons to combine. IV argues that the combination fails to teach all features and that hindsight was used in the combination. Are claims 4 and 5 obvious over Flasck in view of Rodriguez, Lee, and Miyashita?

C. Xilinx provides element-by element analysis for claims 4 and 5 with respect to Flasck, Edmonson, Lee, and Miyashita with appropriate explanations and evidence showing reasons to combine. IV argues that the combination fails to teach all features and that hindsight was used in the combination. Are claims 4 and 5 obvious over Flasck in view of Edmonson, Lee, and Miyashita?

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.