

DOCKET NO: 403560US

**IN THE UNITED STATES PATENT & TRADEMARK OFFICE
BEFORE THE PATENT TRIAL AND APPEAL BOARD**

IN RE U.S. PATENT NO. 7,923,311

FILED : SEP. 17, 2007

ISSUED: APR. 12, 2011

INVENTORS : HONGYONG ZHANG
NAOTO KUSUMOTO

ASSIGNEE : SEMICONDUCTOR ENERGY
LABORATORY CO., LTD.

TITLE : ELECTRO-OPTICAL DEVICE
AND THIN FILM TRANSISTOR
AND METHOD FOR FORMING
THE SAME

**REQUEST FOR *INTER PARTES* REVIEW OF U.S. PATENT NO. 7,923,311
UNDER 35 U.S.C. §§ 311-319 AND 37 C.F.R. § 42.100 ET SEQ.**

Mail Stop PATENT BOARD, PTAB
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

TABLE OF CONTENTS

TABLE OF CONTENTS i

EXHIBIT LIST iv

I. MANDATORY NOTICES1

A. Real Party-In-Interest.....1

B. Related Matters1

C. Lead And Back-Up Counsel2

D. Service Information.....3

II. PAYMENT OF FEES3

III. REQUIREMENTS FOR *INTER PARTES* REVIEW.....3

A. Grounds For Standing3

B. Identification of Challenge3

 1. Claims for which *inter partes* review is requested4

 2. The specific art and statutory ground(s) on which the challenges are based4

 3. How the challenged claims are to be construed5

 4. How the construed claims are unpatentable under the statutory grounds identified in 37 C.F.R. § 42.204(b)(2).6

 5. Supporting evidence relied upon to support the challenge7

IV. SUMMARY OF THE ‘311 PATENT7

A. Description Of The Alleged Invention.....7

B. Summary Of The Prosecution History.....8

V.	INVOLVED PATENTS/APPLICATIONS.....	9
VI.	THERE IS A REASONABLE LIKELIHOOD THAT AT LEAST ONE CLAIM OF THE ‘311 PATENT IS UNPATENTABLE.....	13
A.	Identification Of The References As Prior Art	13
B.	Summary Of Unpatentability Arguments	15
1.	Taniguchi in view of Mori, Kato, and Van Zant renders obvious the Asserted Claims of the ‘311 patent	16
2.	Noguchi taken in view of Mori, Koden, Kato, and Van Zant renders obvious the Asserted Claims of the ‘311 patent.....	16
3.	Matsuzaki in view of Mori, Kwasnick, Kato, and Van Zant renders obvious the Asserted Claims of the ‘311 patent.....	17
4.	Estoppel within the office	18
VII.	DETAILED EXPLANATION.....	20
A.	Claims 9, 10, 11, 15, 48, and 51	20
1.	Taniguchi in view of Mori Under 35 U.S.C. § 103	20
2.	Taniguchi in view of Mori and Van Zant Under 35 U.S.C. § 103.....	27
3.	Noguchi in view of Mori and Koden under 35 U.S.C. § 103	28
4.	Noguchi in view of Mori, Koden, and Van Zant under 35 U.S.C. § 103	34
5.	Matsuzaki in view of Mori and Kwasnick under 35 U.S.C. § 103	35
6.	Matsuzaki in view of Mori, Kwasnick, and Van Zant under 35 U.S.C. § 103	42
B.	Claims 17, 18, 19, and 52	43
1.	Taniguchi in view of Mori and Kato under 35 U.S.C. § 103.....	43
2.	Noguchi in view of Mori, Koden and Kato.....	48

Inter Partes Review of U.S. Patent No. 7,923,311

3. Matsuzaki in view of Mori, Kwasnick, and Kato.	53
VIII. CONCLUSION	59
CERTIFICATE OF SERVICE	60

EXHIBIT LIST

1001. U.S. Patent No. 7,923,311 to Zhang, et al.
1002. Japanese Patent Publication No. H1-144682 to Noguchi (including translation).
1003. U.S. Patent No. 5,270,567 to Mori, et al.
1004. U.S. Patent No. 4,862,234 to Kodan.
1005. U.S. Patent No. 5,054,887 to Kato, et al.
1006. Japanese Patent Publication No. H2-234125 to Taniguchi, et al. (including translation).
1007. Japanese Patent Publication No. H1-180523 to Matsuzaki, et al. (including translation).
1008. U.S. Patent No. 5,198,694 to Kwasnick, et al.
1009. Peter Van Zant, *Microchip Fabrication: A Practical Guide to Semiconductor Processing*, pp., 222–28 (2nd ed. 1990).
1010. U.S. Patent No. 6,756,258 to Zhang, et al.
1011. Action Closing Prosecution, U.S. Patent No. 6,756,258, Filed May 14, 2008.
1012. *Semiconductor Energy Lab. Co. v. Chi Mei Optoelectronics Corp.*, 531 F. Supp. 2d 1084 (N.D. Cal. 2007).
1013. Prosecution history of U.S. Application Serial No. 11/898,833, which issued as U.S. Patent No. 7,923,311.
1014. Declaration of Jerzy Kanicki, D.Sc.
1015. Joint Claim Construction and Prehearing Statement, *Semiconductor Energy Laboratory Co., Ltd. v. ChiMei Innolux Corp., et al.*, SACV12-0021-JST (C.D. Cal.), filed Nov. 12, 2012.

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.