

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

XILINX, INC.
Petitioner

v.

INTELLECTUAL VENTURES I LLC
Patent Owner

Case IPR2013-00029
Patent 5,632,545

Before SALLY C. MEDLEY, KARL D. EASTHOM, and
JUSTIN T. ARBES, *Administrative Patent Judges*.

ARBES, *Administrative Patent Judge*.

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

Xilinx, Inc. filed a petition (“Pet.”) to institute an *inter partes* review of claims 1-3 of Patent 5,632,545 (the “545 patent”) pursuant to 35 U.S.C. § 311 *et seq.* Patent Owner Intellectual Ventures I LLC filed a preliminary response (“Prelim. Resp.”) to the petition. We have jurisdiction under 35

IVI LLC EXHIBIT 2002
XILINX V. IVI LLC

U.S.C. § 314. For the reasons that follow, the Board has determined to institute an *inter partes* review.

I. BACKGROUND

The standard for instituting an *inter partes* review is set forth in 35 U.S.C. § 314(a):

THRESHOLD – The Director may not authorize an *inter partes* review to be instituted unless the Director determines that the information presented in the petition filed under section 311 and any response filed under section 313 shows that there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.

Petitioner challenges claims 1-3 of the ‘545 patent as anticipated under 35 U.S.C. § 102(b) and as obvious under 35 U.S.C. § 103(a). Pet. 11-12. We grant the petition as to claims 1-3 on certain grounds as discussed below.

A. The ‘545 Patent (*Ex. 1001*)

The ‘545 patent, entitled “Enhanced Video Projection System,” issued on May 27, 1997 based on Application 08/686,809, filed July 26, 1996.

The ‘545 patent relates to a “color video projector system” having “separate light sources for producing separate beams of light which are passed each first through color filters to provide separate color beams before being processed by video-controlled light shutter matrices and then combined into a single beam projectable to provide a full-color video display with superimposed color spots.” Abstract. The patent describes how prior art video projector systems, such as color Liquid Crystal Display (LCD) projectors, were expensive and had difficulty providing adequate light

levels. Col. 1, ll. 9-19. According to the patent, “using a triple monochrome LCD structure instead of a color [active matrix LCD] AM-LCD, and pre-coloring of light,” results in a less expensive projector with better light output and better image quality. Col. 2, ll. 1-12.

Figure 1, the sole figure of the ‘545 patent, is reproduced below:

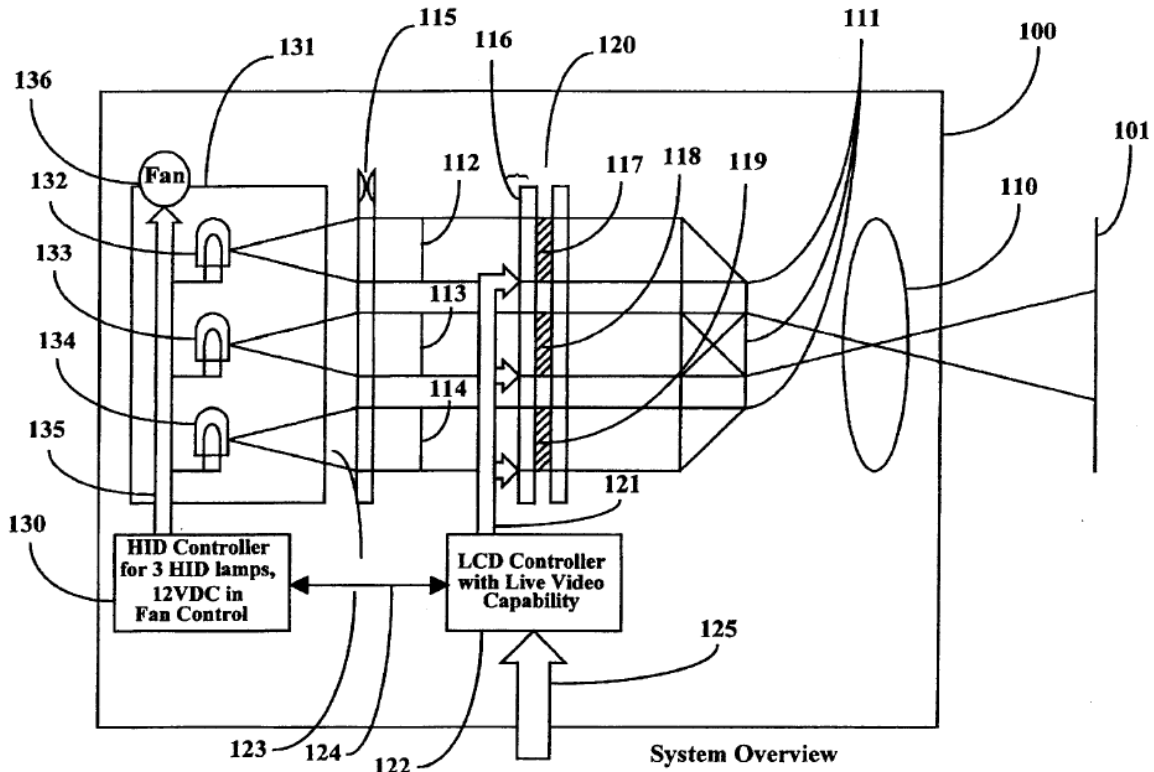


Fig. 1

Figure 1 depicts an exemplary video projector system comprising, *inter alia*, (A) lamps 132-134, which emit light; (B) condenser lens system 115, which focuses the three light beams emitted by the lamps; (C) red/green/blue filters 112-114, through which the respective light beams pass; (D) monochrome LCD arrays 117-119 in LCD unit 120; (E) controller 122, which controls the arrays; and (F) mirror and prism system 111, which combines the separate beams into a single beam for projection onto surface 101.

B. Exemplary Claim

Claim 1 of the '545 patent is exemplary of the claims at issue:

1. A video projector system comprising:
 - individual light sources, one each for each color to be projected, adapted to provide each a separate light beam;
 - a lens system in the path of the separate light beams, adapted for focusing the beams;
 - a number of individual color filters equal to the number of beams, in the colors to be projected, and placed one each in each beam path;
 - a light-shutter matrix system comprising a number of equivalent switching matrices equal to the number of beams and placed one each in the beam paths;
 - a video controller adapted for controlling the light-shutter matrices; and
 - an optical combination system adapted for combining the several beams into a single composite beam for projection on a surface to provide a video display;
- wherein each beam passes through a color filter before being processed by a light-switching matrix.

C. The Prior Art

Petitioner relies on the following prior art:

1. Patent 5,108,172, issued Apr. 28, 1992 (“Flasck”) (Ex. 1002);
2. Patent 5,264,951, issued Nov. 23, 1993 (“Takanashi”) (Ex. 1003);
3. Patent 5,287,131, issued Feb. 15, 1994 (“Lee”) (Ex. 1004); and
4. Patent 5,784,038, filed Oct. 24, 1995, issued July 21, 1998 (“Irwin”) (Ex. 1005).

D. The Asserted Grounds

Petitioner challenges claims 1-3 of the '545 patent on the following grounds:

Claims 1-3 under 35 U.S.C. § 102(b) as being anticipated by Flasck;
Claims 1-3 under 35 U.S.C. § 103(a) as being unpatentable over
Flasck;

Claims 1-3 under 35 U.S.C. § 103(a) as being unpatentable over
Takanashi in view of Lee; and

Claims 2 and 3 under 35 U.S.C. § 103(a) as being unpatentable over
Takanashi in view of Lee and Irwin.

E. Claim Interpretation

Consistent with the statute and legislative history of the America Invents Act (AIA), the Board will interpret claims using “the broadest reasonable construction in light of the specification of the patent in which [they] appear[.]” 37 C.F.R. § 42.100(b); *see also* Office Patent Trial Practice Guide, 77 Fed. Reg. 48756, 48766 (Aug. 14, 2012). There is a “heavy presumption” that a claim term carries its ordinary and customary meaning. *CCS Fitness, Inc. v. Brunswick Corp.*, 288 F.3d 1359, 1366 (Fed. Cir. 2002). However, a “claim term will not receive its ordinary meaning if the patentee acted as his own lexicographer and clearly set forth a definition of the disputed claim term in either the specification or prosecution history.” *Id.* “Although an inventor is indeed free to define the specific terms used to describe his or her invention, this must be done with reasonable clarity, deliberateness, and precision.” *In re Paulsen*, 30 F.3d 1475, 1480 (Fed. Cir. 1994). Also, we must be careful not to read a particular embodiment

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