

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LG DISPLAY CO, LTD.,
Petitioner,

v.

INNOVATIVE DISPLAY TECHNOLOGIES LLC,
Patent Owner.

Case IPR2014-01092
Patent 7,434,974

Before THOMAS L. GIANNETTI, NEIL T. POWELL, and BEVERLY M.
BUNTING, *Administrative Patent Judges*.

GIANNETTI, *Administrative Patent Judge*.

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

LG Display Co., Ltd. (“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 7 (“Prelim. Resp.”). Applying the standard set forth in 35 U.S.C. § 314(a), which requires demonstration of a reasonable likelihood that Petitioner would prevail with respect to at least one challenged claim, we deny the Petition and decline to institute an *inter partes* review of claims 1, 3–5, 7–11, 13, and 17.

I. BACKGROUND

A. *The ’974 patent (Ex. 1001)*

The ’974 patent is entitled “Light Emitting Panel Assemblies.” The Abstract describes the subject matter as follows:

Light emitting panel assembly includes a light emitting panel member received in a cavity or recess in a tray or housing. The panel member has a pattern of light extracting deformities on or in at least one surface of the panel member to cause light received from at least one LED light source positioned near or against the light entrance surface of the panel member to be emitted from a light emitting surface of the panel member. The tray or housing acts as an end edge and/or side edge reflector for the panel member to reflect light that would otherwise exit the panel member through the end edge and/or side edge back into the panel member for causing additional light to be emitted from the panel member.

Ex. 1001, Abstract.

B. Illustrative Claim

Claim 1 is illustrative of the claims at issue:

1. A light emitting panel assembly comprising
at least a light emitting panel member having a light
entrance surface and a light emitting surface,
at least one LED light source positioned near or against
the light entrance surface, and
a tray or housing having a cavity or recess in which the
panel member is entirely received,
wherein the panel member has a pattern of light
extracting deformities on or in at least one surface to cause light
to be emitted from the light emitting surface of the panel
member, and the tray or housing includes end walls and side
walls that act as end edge reflectors and side edge reflectors for
the panel member to reflect light that would otherwise exit the
panel member through an end edge and/or side edge back into
the panel member and toward the pattern of light extracting
deformities for causing additional light to be emitted from the
light emitting surface of the panel member,
wherein the tray or housing provides structural support to
the panel member and has posts, tabs, or other structural
features that provide a mount for mounting of the assembly into
a larger assembly or device.

C. Related Proceedings

Patent Owner states that it has asserted infringement by Petitioner of the '974 patent in the following proceeding: Delaware Display Group LLC et al. v. LG Electronics Inc. et al., No. 1:13-cv-02109 (D. Del., filed Dec. 31, 2013). Paper 4.

Patent Owner identifies numerous other proceedings in which it has alleged infringement of the '974 patent. *See* Paper 4 for a listing.

In addition, there are four other pending requests for inter partes review by Petitioner for patents related to the '974 patent. Those are as follows:

1. IPR2014-01094 (U.S. Patent No. 7,404,660);
2. IPR2014-01095 (U.S. Patent No. 8,215,816);
3. IPR2014-01096 (U.S. Patent No. 7,537,370); and
4. IPR2014-01097 (U.S. Patent No. 7,300,194).

D. Claim Construction

The Board interprets claims of an unexpired patent 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. 48,756, 48,766 (Aug. 14, 2012).

The only claim term for which Petitioner proposes a construction is the term “deformities,” appearing in all challenged claims. Petitioner asserts that the '974 patent “expressly defines” the term to mean “any change in the shape or geometry of a surface and/or coating or surface treatment that causes a portion of light to be emitted.” Pet. 8 (citing '974 patent, Ex. 1001, col. 4, ll. 36–40). Patent Owner takes no position on claim construction. Prelim. Resp. 7. Patent Owner points out, however, that the construction of “deformities” proffered by Petitioner was agreed to and adopted by the district court. *Id.*

We have considered Petitioner’s construction of “deformities” and determined that at this stage it should be adopted here.

We have further determined that, except as may be indicated in the discussion below, the remaining terms should be given their plain and ordinary meaning.

E. References

Petitioner relies on the following references¹:

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

Petitioner also states that it is relying on Admitted Prior Art (“APA”) from the ’974 patent specification. Pet. 9; Ex. 1001, col. 2, ll. 58-65. Petitioner also relies on a Declaration from Michael J. Escuti, Ph.D. (“Escuti Decl.”). Ex. 1004.

F. Grounds Asserted

Petitioner challenges claims 1, 3–5, 7–11, 13, and 17 of ’974 patent on the following grounds.

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

II. ANALYSIS

A. Asserted Grounds Based On Funamoto Alone

(Claims 1, 3–5, 7–11, and 13)

¹ The references are ordered by exhibit number with effective dates asserted by Petitioner.

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