

Case IPR2014-01092

Patent 7,434,974

Filed on behalf of Innovative Display Technologies LLC.

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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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LG DISPLAY CO., LTD.

Petitioner

v.

INNOVATIVE DISPLAY TECHNOLOGIES LLC

Patent Owner

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Case IPR2014-01092

U.S. Patent No. 7,434,974

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**PATENT OWNER'S PRELIMINARY RESPONSE TO PETITION FOR  
*INTER PARTES* REVIEW OF U.S. PATENT NO. 7,434,974**

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## **I. INTRODUCTION**

Patent Owner Innovative Display Technologies LLC (“IDT” or “Patent Owner”) hereby files this preliminary response (“Preliminary Response”) to the Petition for *Inter Partes* Review of U.S. Patent No. 7,434,974 (the “Petition”) in IPR2014-01092 filed by LG Display Co., LTD (“LGD” or “Petitioner”).

The PTAB should deny the Petition’s request to institute an *inter partes* review (“IPR”) of U.S. Patent No. 7,434,974 (the “’974 patent”) because the grounds in the Petition do not demonstrate a reasonable likelihood of any claims being invalid. Furthermore, the PTAB should deny the Petition because it fails to identify several real parties-in-interest.

To explain the insufficiencies of the grounds in the Petition, the Preliminary Response first provides an introduction that outlines (1) the Grounds themselves, (2) the ’974 patent and its technology, (3) the prior art references relied upon in the Grounds, and (4) claim construction issues.

This Response is timely under 35 U.S.C. § 313 and 37 C.F.R. § 42.107, as it is filed within three months of the July 16, 2014, date of the Notice of Filing Date Accorded to Petition and Time for Filing Patent Owner Preliminary Response. (Paper No. 3.) Patent Owner has limited its identification of deficiencies in Petitioner’s argument in this Preliminary Response; Patent Owner does not intend to waive any arguments by not addressing them in this Preliminary Response.

***A. Grounds in Petition***

The Petition includes three grounds of alleged invalidity – all 103(a) obviousness combinations – claims 1, 3-5, 7-11, 13 and 17 of the '974 patent. For the following reasons, which are discussed in more detail in Section II below, none of the grounds demonstrate a reasonable likelihood of any claims being invalid:

*Ground 1: Unpatentable under 103(a) as obvious over Funamoto (Claims 1, 3-5, 7-11, and 13)*

- A. The Petition Fails to Establish a Prima Facie Case of Obviousness Based on Funamoto;
- B. No Disclosure of Element [1.a] - “at least a light emitting panel member. . .”;
- C. No Disclosure of Element [1.b] - “at least one LED light source...”;
- D. No Disclosure of Element [1.g] - “posts, tabs, or other structural features that provide a mount for mounting of the assembly into a larger assembly or device”;
- E. No Disclosure of Element [7.a] - “at least a light emitting panel member. . .”;
- F. No Disclosure of Element [7.b] - “at least one LED light source...”;
- G. No Disclosure of Element [13.a] - “at least a light emitting panel member. . .”;
- H. No Disclosure of Element [13.b] - “at least one LED light source...”;

*Ground 2: Unpatentable under 103(a) as obvious over Tsuchiyama in view of Funamoto (Claims 1, 3-5, 7-8, 10-11, and 13)*

- A. The Petition Fails to Establish That the Combination of Tsuchiyama with Funamoto Would Have Been Obvious;
- B. No Disclosure of Element [1.d] - “the panel member has a pattern of light extracting deformities on or in at least one surface”;
- C. No Disclosure of Element [1.g] - “posts, tabs, or other structural features that provide a mount for mounting of the assembly into a larger assembly or device”.
- D. No Disclosure of Element [7.d] - “the panel member has a pattern of light extracting deformities on or in at least one surface”;
- E. No Disclosure of Element [13.d] - “the panel member has a pattern of light extracting deformities on or in at least one surface”;
- F. No Disclosure of Element [13.g] - “tab, hole, cavity, or protrusion that positions the tray or housing relative to the panel member”

Ground 3: Unpatentable under 103(a) as obvious over Funamoto in view Nakayama (Claims 13 and 17)

- A. The Petition Fails to Establish That the Combination of Funamoto and Nakayama Would Have Been Obvious;
- B. No Disclosure of Element [13.a] - “at least a light emitting panel member. . .”
- C. No Disclosure of Element [13.b] - “at least one LED light source . . .”
- D. No Disclosure of Element [13.g] - “tab, hole, cavity, or protrusion that positions the tray or housing relative to the panel member”
- E. No Disclosure of Element [17.a] - “at least a light emitting panel member. . .”
- F. No Disclosure of Element [17.b] - “at least one LED light source .
- G. No Disclosure of Element [17.h] - “tab, hole, cavity, or protrusion holds the additional component away from the panel member to

create an air gap between the panel member and the additional component”

***B. The Prior Art in the Petition***

***1. Funamoto - Exhibit 1007 – Primary and Secondary Reference, Grounds 1 - 3***

United States Patent No. 5,619,351 to Funamoto et al. (“Funamoto”), was a National phase application entering into the US national stage on May 10, 1994, and issued on April 8, 1997, and it is the primary reference for Grounds 1 and 3 in the Petition and the secondary reference for Ground 2. Two applications claim priority to Funamoto and are discussed in the Petition and later in this Preliminary Response: U.S. Patent No. 6,108,060 (“the ’060 patent”), filed May 28, 1999, and published on Aug 22, 2000, is a divisional of U.S. Patent No. 5,949,505 (“the ’505 patent”), filed Aug 9, 1996 and issued on Sep 7, 1999.

Funamoto teaches that “to allow for use in color displays, a sufficient brightness is necessary to clearly show the colors displayed in the liquid crystal. This requires the use of a high output fluorescent light in the illumination device.” (Funamoto at 1:41-42.) A high output fluorescent light radiates a significant amount of heat from one side of the LCD display, which may result in large temperature distribution slope leading to color and brightness irregularities. (Funamoto at 1:34-50; 8:17-27.) Funamoto further teaches that multiple fluorescent tubes may be used, but the variations in the illumination of the fluorescent tubes requires individual adjustments and slows down the

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