

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: IPR2014-01096

Patent 7,537,370

**PETITIONER'S REQUEST FOR REHEARING
UNDER 37 C.F.R. § 42.71(c) AND (d)**

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I. INTRODUCTION

On July 1, 2014 Petitioner filed a Petition, which was subsequently corrected for reasons irrelevant here, for *Inter Partes* Review of U.S. Patent No. 7,537,370 (“the ’370 Patent”) (“Petition” or “Pet.”) containing the following grounds:

Ground #	Ground	Prior art	Exhibit(s) #	Claims
1	103(a)	Pristash	1006	1, 4, 8, 13, 15, 27, 29, 47
2	102(b)	Ohe	1007	1, 4, 8, 29
3	102(a)	Kobayashi	1008	1, 4, 29
4	103(a)	Kobayashi in view of Pristash	1008 and 1006	13, 15, 27, 47

See Corrected Petition for *Inter Partes* Review of the ’370 Patent, at 9.

On January 13, 2015, the Board authorized institution of *inter partes* review of the ’370 Patent based on the following grounds:

- 1) Anticipation of claims 15 and 27 by Pristash (Ground 1) and
- 2) Obviousness of claims 15 and 27 over Kobayashi and Pristash (Ground 4).

See Decision to Institute, Paper No. 11, at 18.

Pursuant to 37 C.F.R 42.71(c) and (d), Petitioner respectfully requests partial reconsideration of the Board’s Decision of Institution of *Inter Partes* Review (Paper No. 11) (“Decision”). Specifically, this request seeks reconsideration of the unauthorized claims of Grounds 3 and 4 based on Kobayashi and Pristash presented in the Petition. Petitioner respectfully requests rehearing of these grounds because the Board overlooked or misapprehended evidence regarding the deformities

disclosed in Kobayashi.

This request is timely under 37 C.F.R. §42.71(d)(1) because it was filed within fourteen days of the Board's decision to institute a trial on the '370 Patent.

II. PRECISE RELIEF REQUESTED

Petitioner respectfully requests reconsideration of the institution decision with regards to the following grounds based on at least the following evidence that was before the Board.

Ground #	Ground	Prior art	Claims	Evidence Supporting Relief Requested
3	102(a)	Kobayashi	1, 4, 29	1) Pet. at 39-42 (citing Ex. 1008, Fig.1, 4:25-29 and 4:33-35, 4:39-50, and 6:30-40); and 2) Pet. at 41-42 (citing Ex. 1008, Fig. 1, 4:33-63)
4	103(a)	Kobayashi in view of Pristash	13, 47	1) Pet. at 39-42 (citing Ex. 1008, Fig.1, 4:25-29 and 4:33-35, 4:39-50, and 6:30-40); 2) Pet. at 41-42 (citing Ex. 1008, Fig. 1, 4:33-63); 3) Pet. at 51, (citing Ex. 1008, 7:12-17); 4) Ex. 1004, ¶246; and

				5) Decision, at 9, 13, 15.
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III. LEGAL STANDARD

“A party dissatisfied with a decision may file a request for rehearing, without prior authorization from the Board.” 37 C.F.R. §42.71(d). “The request must specifically identify all matters the party believes the Board misapprehended or overlooked, and the place where each matter was previously addressed in a motion, an opposition, or a reply.” *Id.* The Board reviews a decision for an abuse of discretion. 37 C.F.R. §42.71(c).

IV. ARGUMENT

A. The Board Overlooked Or Misapprehended Evidence Regarding The Unpatentability Of Claims 1, 4, And 29 Based On Kobayashi

Petitioner respectfully requests that the Board reconsider Petitioner’s proposed Ground 3 regarding claims 1, 4, and 29 based on U.S. Patent No. 5,408,388 (“Kobayashi”) (Ex. 1008) because it appears that the Board overlooked or misapprehended Fig. 1 and at least 4:25-29, 4:33-35, and 4:45-50, cited on pages 39-42 of the Petition, disclosing deformities that are “projections or depression on or in both sides” of the panel member as required by claims 1, 4, and 29.

The Board agrees that Kobayashi discloses different deformities on both sides of the panel member. Specifically, the Decision notes that Kobayashi discloses that “[o]ne side of the plate has prismatic cuts . . . [and] [t]he other side has a reflecting

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