

Case IPR2014-01096

Patent 7,537,370

Filed on behalf of Innovative Display Technologies, LLC

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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

U.S. Patent No. 7,537,370

PATENT OWNER'S RESPONSE

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I. INTRODUCTION

Patent Owner Innovative Display Technologies, LLC, (“IDT” or “Patent Owner”) hereby files this response (“Response”) to the Corrected Petition (Paper 4) (the “Petition”) for *Inter Partes* Review of U.S. Patent No. 7,537,370 (the “’370 patent”) in IPR2014-01096 filed by LG Display Co., Ltd. (“LGD” or “Petitioner”).

The Petitioner’s challenge to the ’370 patent claims should be rejected because the prior art lacks several material claim limitations. Even if one of skill in the art would have combined the references as Petitioner suggests – the combination would not yield the claimed invention.

A. Instituted Grounds

The instant *inter partes* review was instituted on two grounds of alleged invalidity– a 103(a) obviousness ground based solely on Pristash for claims 15 and 27, and a 103(a) obviousness ground based on the combination of Kobayashi and Pristash. For the following reasons discussed in more detail below, these grounds does not demonstrate by a preponderance of the evidence that claims 15 or 27 of the ’370 patent are invalid.

Even if it were proper to combine Kobayashi and Pristash, neither reference, either separately or in combination arrive at the claimed invention as discussed below.

B. The '370 Patent

The '370 patent relates generally, to “light emitting panel assemblies” including a transparent panel member for efficiently conducting light, and controlling the light conducted by the panel member to be emitted from one or more light output areas along its length. ('370 patent, Ex. 1001, Col. 1, ll. 19-29; Werner Decl., Ex. 2005 at ¶ 28.)

Although light emitting panel assemblies were known, the '370 patent relates to different light emitting panel assembly configurations that provide for better control of the light output from the panel assemblies and for more efficient utilization of light, which results in greater light output from the panel assemblies. ('370 patent, col. 1, ll. 19-29; Werner Decl. at ¶ 29.)

The Petition attempts to characterize the '370 patent as merely describing “several different light emitting panel assembly configurations which allegedly provide for better control of light output from the panel assembly and for more ‘efficient’ utilization of light, thereby resulting in greater light output from the panel assembly.” (Corrected Petition (“Petition”), Paper 4 at 6.) The Petition alleges that the claimed light emitting panel assemblies would have been obvious under 35 U.S.C. § 103 over Pristash (U.S. Patent No. 5,005,108 (“Pristash”), Ex. 1006) and obvious under 35 U.S.C. § 103 over Kobayashi (U.S. Pat. No. 5,408,388

(“Kobayashi”), Ex. 1008) in view of Pristash. (Petition, Paper 4 at 9; Werner Decl. at ¶ 30.)

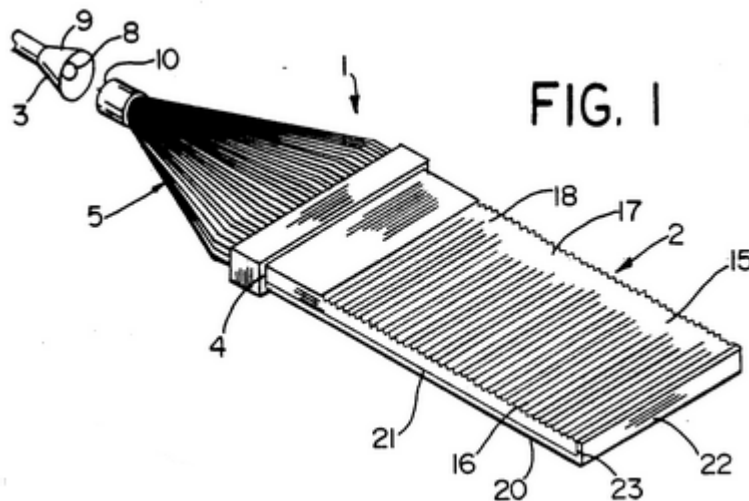
However, the Petition fails to demonstrate (1) that the combination of these references would have been obvious to a person of ordinary skill in the art at the time of invention and (2) that the modifications and combinations suggested would result in the light emitting panel assemblies disclosed by the ’370 patent. (Werner Decl. at ¶ 31.) Moreover, the Petition improperly relies on impermissible hindsight in an effort to re-create the novel light emitting panel assemblies disclosed by the ’370 patent. (Id.)

Further, for each ground initiated, the Petition relies primarily on the Pristash reference that was both disclosed to the Examiner and that the Examiner expressly considered during the prosecution of the ’370 patent. (See List of References Cited by Applicant and Considered by Examiner 03-23-2009, ’370 File History, Ex. 1002 at LGD_000095; Werner Decl. at ¶ 32.) After having considered this reference, the Examiner chose to allow the claims of the ’370 patent. The ’370 patent issued from U.S. Application No. 11/548,330, which was filed on October 11, 2006 and claims a priority date of June 27, 1995.

C. The Prior Art in the Petition

1. Pristash

Pristash describes a thin panel illuminator that includes a solid transparent panel member having one or more deformed output regions. (Pristash, Ex. 1006, Abstract.) The arrangement causes light entering the panel to be emitted along its length. (Id.)



Pristash Figure 1 above shows an exemplary panel. Petitioner analogized Pristash’s “transition device” (reference number 5) as the claimed “transition region.” (Petition at 13, 21).

2. Kobayashi

U.S. Patent No. 5,408,388 to 2. Kobayashi (Exhibit 1008) (“Kobayashi”) Titled “Planar illuminating device” describes a planar illuminating device that uses “two sources of light each arranged adjacent to one of the side edges of the plate, a reflector arranged behind the plate rear face and reflecting rays of light from the

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