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Paper 44
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SHARP CORPORATION, SHARP ELECTRONICS CORPORATION, and SHARP ELECTRONICS MANUFACTURING COMPANY OF AMERICA,
Petitioner,

v.

SURPASS TECH INNOVATION LLC,
Patent Owner.

Case IPR2015-00021
Patent 7,202,843 B2

Before SALLY C. MEDLEY, BRYAN F. MOORE, and BETH Z. SHAW, *Administrative Patent Judges.*

MEDLEY, *Administrative Patent Judge.*

FINAL WRITTEN DECISION
Inter Partes Review
35 U.S.C. § 318(a) and 37 C.F.R. § 42.73

I. INTRODUCTION

Petitioner, Sharp Corporation, Sharp Electronics Corporation, and Sharp Electronics Manufacturing Company of America, filed a Petition requesting an *inter partes* review of claims 1, 4, 8, and 9 of U.S. Patent No.

7,202,843 B2 (Ex. 1001, "the '843 patent") under 35 U.S.C. §§ 311–319. Paper 1 ("Petition" or "Pet."). Patent Owner, Surpass Tech Innovation LLC, filed a Preliminary Response. Paper 9 ("Prelim. Resp."). Upon consideration of the Petition and Preliminary Response, on March 18, 2015, we instituted an *inter partes* review of claims 4, 8, and 9 on one ground of unpatentability, pursuant to 35 U.S.C. § 314. Paper 10 ("Dec.").

Subsequent to institution, Patent Owner filed a Patent Owner Response (Paper 20 ("PO Resp.")) and Petitioner filed a Reply (Paper 24 ("Pet. Reply")).

Petitioner filed a Motion to Exclude (Paper 27; "Pet. Mot. to Exclude") certain portions of Exhibit 2005 and certain evidence submitted during the cross examination of Michael Marentic. Patent Owner filed an Opposition to the Motion to Exclude (Paper 34; "PO Exclude Opp."), and Petitioner filed a Reply (Paper 39; "Pet. Exclude Reply").

Patent Owner filed a Motion to Exclude (Paper 31; "PO Mot. to Exclude") certain portions of Exhibits 1010 and 2007. Petitioner filed an Opposition to the Motion to Exclude (Paper 35; "Pet. Exclude Opp."), and Patent Owner filed a Reply (Paper 38; "PO Exclude Reply"). Patent Owner filed a Motion for Observations (Paper 29) and Petitioner filed a Response to the Observations (Paper 36).

An oral hearing was held on December 1, 2015, and a transcript of the hearing is included in the record (Paper 43; "Tr.").

The Board has jurisdiction under 35 U.S.C. § 6(c). This Final Written Decision is issued pursuant to 35 U.S.C. § 318(a) and 37 C.F.R. § 42.73.

For the reasons that follow, we determine that Petitioner has shown by a preponderance of the evidence that claims 4, 8, and 9 of the '843 patent are unpatentable.

A. Related Proceedings

According to Petitioner, the '843 patent is involved in the following lawsuit: *Surpass Tech Innovation LLC v. Sharp Corp.*, No. 1:14-cv-00338-LPS (D. Del.). Pet. 8.

B. The '843 Patent

The '843 patent relates to a method and system for driving an LCD panel. The panel includes a plurality of scan lines, a plurality of data lines, and a plurality of pixels. Each pixel is connected to a corresponding scan line and a corresponding data line, and each pixel includes a liquid crystal device and a switching device connected to the corresponding scan line, data line, and liquid crystal device. Ex. 1001, 2:19–26, Fig. 4. The system includes a driving circuit for applying a plurality of data impulses to a pixel electrode within one frame period to control the transmission rate of the liquid crystal device. *Id.* at 1:8–12, 4:34–40.

C. Illustrative Claim

Claim 4, reproduced below, is an independent claim and each of claims 8 and 9 depend directly from claim 4.

> 4. A method for driving a liquid crystal display (LCD) panel, the LCD panel comprising:
> a plurality of scan lines;
> a plurality of data lines; and
> a plurality of pixels, each pixel being connected to a corresponding scan line and a corresponding data line, and each pixel comprising a liquid crystal device and a switching device

connected to the corresponding scan line, the corresponding data line, and the liquid crystal device, and

the method comprising:

receiving continuously a plurality of frame date;

generating a plurality of data impulses for each pixel within every frame period according to the frame data; and

applying the data impulses to the liquid crystal device of one of the pixels within one frame period via the data line connected to the pixel in order to control a transmission rate of the liquid crystal device of the pixel.

D. Ground of Unpatentability

We instituted an *inter partes* review of claims 4, 8, and 9 on the sole ground of anticipation by Ham[1] under 35 U.S.C. § 102(e).

II. ANALYSIS

A. Level of Skill of Person in the Art

We find that the level of ordinary skill in the art is reflected by the prior art of record. *See Okajima v. Bourdeau*, 261 F.3d 1350, 1355 (Fed. Cir. 2001); *In re GPAC Inc.*, 57 F.3d 1573, 1579 (Fed. Cir. 1995); *In re Oelrich*, 579 F.2d 86, 91 (CCPA 1978).

B. Claim Interpretation

In an *inter partes* review, we construe claim terms in an unexpired patent according to their broadest reasonable construction in light of the specification of the patent in which they appear. 37 C.F.R. § 42.100(b); *In re Cuozzo Speed Techs., LLC*, 793 F.3d 1268, 1278–79 (Fed. Cir. 2015), *cert. granted sub nom. Cuozzo Speed Techs., LLC v. Lee*, 84 U.S.L.W. 3218 (U.S. Jan. 15, 2016) (No. 15-446). Consistent with the broadest reasonable

[1] U.S. Patent Application Publication 2004/0196229, published Oct. 7, 2004 (Ex. 1005) ("Ham").

construction, claim terms are presumed to have their ordinary and customary meaning as understood by a person of ordinary skill in the art in the context of the entire patent disclosure. *In re Translogic Tech., Inc.*, 504 F.3d 1249, 1257 (Fed. Cir. 2007). Also, we must be careful not to read a particular embodiment appearing in the written description into the claim if the claim language is broader than the embodiment. *See In re Van Geuns*, 988 F.2d 1181, 1184 (Fed. Cir. 1993) ("limitations are not to be read into the claims from the specification"). However, an inventor may provide a meaning for a term that is different from its ordinary meaning by defining the term in the specification with reasonable clarity, deliberateness, and precision. *In re Paulsen*, 30 F.3d 1475, 1480 (Fed. Cir. 1994).

Patent Owner faults Petitioner for not providing a construction for the term "generating" as recited in claim 4, but does not propose a construction for the term. PO Resp. 27–28. We find it unnecessary to expressly construe the term, because both parties agree that at least *converting* digital signals into analog data signals (impulses) meets the claimed "generating a plurality of data impulses" limitation. Pet. Reply 3–4; Ex. 1010 ¶¶ 50–54, 59; Ex. 1009, 114:3–12; Tr. 23.

We do need to construe, however, for purposes of this Final Written Decision, the independent claim 4 phrase of "applying the data impulses to the liquid crystal device of one of the pixels within one frame period . . . to control a transmission rate of the liquid crystal device of the pixel." Ex. 1001, 7:16–19. Patent Owner argues that this phrase requires "*applying two or more overdriven* data impulses in order to control a transmission rate of the liquid crystal device, *or overdriving*." PO Resp. 25–26 (emphases added). Patent Owner further contends that "overdriven" means "applying a

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