

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, INC.,
Petitioner,

v.

SURPASS TECH INNOVATION LLC
Patent Owner.

Case IPR2015-00021
Patent 7,202,843

**PATENT OWNER SURPASS TECH INNOVATION LLC'S
RESPONSE UNDER 37 C.F.R. § 42.120**

TABLE OF CONTENTS

I.	Introduction.....	1
a.	The Petition Fails to Establish Unpatentability of Claims 4, 8, and 9 For At Least Three Reasons	2
II.	The Scope of this <i>Inter Partes</i> Review is Limited to Petitioners’ Theory of Unpatentability Based on Ham	5
a.	The Board May Not Look Beyond the Petition for New or Alternate Theories of Unpatentability	6
b.	The Petition Presents Only a Single Theory of Unpatentability Based on Ham.....	7
III.	Background.....	13
a.	About U.S. Patent No. 7,202,843 (the “843 patent” or “Shen”).....	13
b.	Claim 4	17
IV.	Claim Construction.....	18
a.	A Person of Ordinary Skill in the Art.....	19
b.	Properly Construed, Claim 4 Requires Overdriving	20
c.	The Petition Provides No Insight Into the Ordinary and Customary Meaning of “Generating”	27
V.	Argument	28
a.	Ham’s “Normal Data RGB” is Not Generated by the Data Modulator	29
b.	The Petition Lacks Explanation of the Claimed “Generating” Step and Therefore Cannot Establish Anticipation of Claim 4 by Ham	37
c.	Claim 4 Requires Overdriving, Yet Ham and Petitioners Agree that Ham’s “Normal Data RGB” is Not Overdriven.....	40
VI.	Conclusion	41

TABLE OF AUTHORITIES

Cases

<i>Cat Tech LLC v. TubeMaster, Inc.</i> , 528 F.3d 871 (Fed. Cir. 2008)	26
<i>In re Paulsen</i> , 30 F.3d 1475 (Fed. Cir. 1994).....	20
<i>In re Translogic Tech., Inc.</i> , 504 F.3d 1249 (Fed. Cir. 2007)	19
<i>Net MoneyIN, Inc. v. VeriSign, Inc.</i> , 545 F.3d 1359 (Fed. Cir. 2008).....	29
<i>Synopsys, Inc. v. Mentor Graphics Corp.</i> , IPR2012-00042, paper 60 (PTAB 2/19/2014)	7
<i>Verdegaal Bros. v. Union Oil Co. of California</i> , 814 F.2d 628 (Fed. Cir. 1987)....	28
<i>VMware, Inc. v. Electronics and Telecommunications Research Institute</i> , IPR2014-00901, paper 7 (PTAB 7/14/2014).....	11

Statutes

35 U.S.C. § 312(a)(3).....	7
35 U.S.C. § 314(a)	13
35 U.S.C. § 316(e)	passim

Other Authorities

M.P.E.P. § 2131	28
Office Patent Trial Practice Guide, 77 Fed. Reg. 48756, 48766 (Aug. 14, 2012) ..	19

Rules

37 C.F.R. § 42.22(a)(2).....	7, 8
37 C.F.R. § 42.23(b)	7
37 C.F.R. § 42.54	2
37 C.F.R. § 42.100(b)	19
37 C.F.R. § 42.104(b)(5).....	11
37 C.F.R. § 42.108	6
37 C.F.R. § 42.120 (a).....	1, 5

...

LIST OF PATENT OWNER'S EXHIBITS

<u>Exhibit</u>	<u>Description</u>
2001	U.S. Patent No. 5,090,794, issued to Akitsugu <i>et al.</i> , assigned to Sharp Kabushiki Kaisha
2002	U.S. Patent No. 5,457,551, issued to Culter <i>et al.</i> , assigned to Planar Systems, Inc.
2003	U.S. Patent No. 6,091,392, issued to Yoichi, assigned to Seiko Epson Corporation
2004	U.S. Patent No. 6,184,951, issued to Harrold <i>et al.</i> , assigned to Sharp Kabushiki Kaisha
2005	Declaration of William K. Bohannon

I. Introduction

In the Petition for *inter partes* review of U.S. Patent No. 7,202,843 (the “’843 patent” or “Shen”), the Sharp Petitioners challenged the validity of claims 1, 4, 8, and 9 on four grounds in total. Of these four grounds, only the fourth ground was instituted by the Board. The first three grounds were dismissed at the Petition stage and do not constitute part of this *inter partes* review. *See* Institution Decision, paper 10 at 15; 37 C.F.R. § 42.120 (a).

The fourth and sole ground subject to *inter partes* review alleges that claims 4, 8, and 9 of the ‘843 patent are anticipated by U.S. Patent Application Publication No. US 2004/0196229 to Ham (“Ham”), which was cited on the face of the ‘843 patent and was even mentioned by the examiner in the ‘843 patent’s statement on reasons for allowance. But the Petition fails to establish by a preponderance of the evidence that Ham anticipates claim 4 for at least three reasons, each of which is independently sufficient to warrant the confirmation of claim 4’s validity over Ham. Further, Petitioners’ failure to meet the necessary burden of proving claim 4’s unpatentability is also fatal to Petitioners’ challenge of claims 8-9, which depend from independent claim 4.

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