UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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SHARP CORPORATION, SHARP ELECTRONICS CORPORATION, and
SHARP ELECTRONICS MANUFACTURING
COMPANY OF AMERICA, INC.,
Petitioners

v.

SURPASS TECH INNOVATION LLC
Patent Owner

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Case IPR2015-00021
Patent 7,202,843

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**PATENT OWNER SURPASS TECH INNOVATION LLC'S
MOTION FOR OBSERVATIONS ON CROSS-EXAMINATION OF
MICHAEL J. MARENTIC**

Pursuant to the Amended Scheduling Order dated April 9, 2015 (Paper 16) and the parties' stipulated modifications to the Scheduling Order, Patent Owner Surpass timely moves for observations on cross-examination in light of Patent Owner's cross-examination of Petitioners' witness, Mr. Michael J. Marentic on October 6, 2015. The transcript of Mr. Marentic's cross-examination testimony is being filed as exhibit 2007 ("Ex. 2007").

Observations on Cross-Examination

1. Ex. 2007 at 12:21-13:5; 15:21-16:4; 16:18-17:5: Marentic testified that he agrees with everything in the Petition and that Petitioners' theories of challenge based on Ham, as set forth in the Petition, have not changed during this proceeding. This testimony is relevant to the scope of this proceeding. *See* Petition ("Pet.") at 45-49.

2. Ex. 2007 at 101:7-20: Marentic testified that "control[ling] a transmission rate" by doubling the transmission rate does not "make technical sense to" him. This testimony is relevant to whether the Petition's theory that Ham controls a transmission rate by "doubl[ing] the transmission rate of the cell" is correct. Pet. at 48 (bottom row of claim chart). This testimony is also relevant to the scope of this proceeding and whether Petitioners

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have deviated from their original theories of challenge. *See* Pet. at 45-49; ¶ 1 above.

3. Ex. 2007 at 103:3-7: Marentic testified that Ham's data modulator 52 does not generate analog voltages. This testimony is relevant to whether the Petition's theory that Ham's data modulator 52 "generates ***two data impulses*** (i.e., 'modulated data' signal and 'normal data' signal) for each pixel within one frame period" is correct. Pet. at 46 (emphasis in original). This testimony is also relevant to the scope of this proceeding and whether Petitioners have deviated from their original theories of challenge. *See* Pet. at 45-49; ¶ 1 above.

4. Ex. 2007 at 105:12-19: Marentic testified that Ham's entire driving circuit is necessary to generate data impulses. "There isn't a single item that generates everything." See Ex. 2007 at 105:18-19. This testimony is also relevant to the scope of this proceeding and whether Petitioners have deviated from their original theories of challenge. *See* Pet. at 45-49; ¶¶ 1, 3 above.

5. Ex. 2007 at 38:10-41:6: Marentic confirms that the asserted level of skill in the art differs between the Petition (p. 19) and in Marentic's declaration testimony (Ex. 1010 at ¶¶ 42-43). This testimony is relevant to the level of skill in the art applied by the Board in this proceeding.

This testimony is also relevant to the scope of this proceeding and whether Petitioners have deviated from their original theories of challenge. *See* Pet. at 45-49; ¶ 1 above.

6. Ex. 2007 at 19:11-20:5; 28:16-29:14; 45:13-17; 46:3-5: Marentic testified that he did not construe the claims or words or phrases in the '843 patent. "I don't believe I've construed any of the phrases or any of the terms." *See* Ex. 2007 at 29:13-15. This testimony is relevant to the weight to be given to Sharp's claim construction rebuttal. *See* Reply at 14-20; Ex. 1010 at ¶¶ 78-95. This testimony is also relevant to whether Sharp has rebutted Patent Owner's claim construction analysis. *See* Response at 20-28; Ex. 2005 at ¶¶ 14-30.

7. Ex. 2007 at 32:12-20: Marentic testified that he was not asked to provide an opinion regarding whether a claim was invalid or not. This testimony is relevant to whether Sharp possesses evidence sufficient to carry its burden in the challenge of claims 4, 8, and 9 of the '843 patent. *See* Pet. at 45-49.

8. Ex. 2007 at 33:8-33:22; 42:9-15: Marentic testified that Patent Owner Surpass's testifying witness of Ex. 2005, William Bohannon, is an expert in the field of LCD driving. This testimony is relevant to Marentic's

declaration testimony on the level of skill in the art, Ex. 1010 at ¶¶ 42-43, and to the weight to be given to Bohannon's testimony. *See* Ex. 2005.

9. Ex. 2007 at 49:6-21; 129:16-21; 151:7-14: Marentic testified on his standard procedure for understanding a claim term. Marentic also testified that he agrees that a term at issue in claim 4, "control a transmission rate," does not appear in the '843 patent's background disclosure. Marentic also testified that he based his understand of that term's meaning on his background experience, not from a reading of the '843 patent's use of that term. This testimony is relevant to whether Sharp has rebutted Patent Owner's claim construction analysis. *See* Response at 20-28; Ex. 2005 at ¶¶ 14-30.

10. Ex. 2007 at 54:2-7: Marentic agrees that a patent abstract will not necessarily contain or disclose all the elements or all the nuances of an invention. This testimony is relevant to Marentic's declaration testimony and Petitioners' argument that the '843 patent Abstract teaches a driving method including "outputting multiple data impulses *without overdriving*." *See* Reply at 17 (emphasis added); Ex. 1010 at ¶ 84.

11. Ex. 2007 at 61:13-62:2: Marentic testified that he did not draw upon his network of experienced people in the field of LCD technology to check or compare his interpretations of '843 patent claim terms. This testimony

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