

Case IPR2015-00360

Patent 7,300,194

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

MERCEDES-BENZ USA, LLC and
MERCEDES-BENZ U.S. INTERNATIONAL, INC.,
Petitioner,

v.

INNOVATIVE DISPLAY TECHNOLOGIES LLC,
Patent Owner.

Case IPR2015-00360
U.S. Patent No. 7,300,194

**PATENT OWNER'S PRELIMINARY RESPONSE TO PETITION FOR
INTER PARTES REVIEW OF U.S. PATENT NO. 7,300,194**

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I. INTRODUCTION

Patent Owner Innovative Display Technologies LLC (“IDT” or “Patent Owner”) hereby files this Preliminary Response to the Petition (the “Petition” or “Instant Petition”) for *Inter Partes* Review of U.S. Patent No. 7,300,194 (the “’194 patent”) in IPR2015-00360 filed by Mercedes-Benz USA, LLC and Mercedes-Benz U.S. International, Inc. (“Mercedes-Benz” or “Petitioner”).

The PTAB should deny the Petition’s request to institute IPR because the grounds in the Petition do not demonstrate a reasonable likelihood of any claims being invalid. The Petitioner’s challenge to the ’194 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.

Moreover, The PTAB should deny the Petition’s request to institute this *Inter Partes* Review because it is 100% duplicative of IPR2014-01097 (the “LGD Petition”) (Ex. 2001) filed on July 1, 2014 against the ’194 patent by LG Display Co. Ltd. (“LGD”).

Patent Owner has limited its identification of the deficiencies in Petitioner’s argument in this Preliminary Response; Patent Owner does not intend to waive any arguments by not addressing them in this Preliminary Response.

This Preliminary Response is timely under 35 U.S.C. § 313 and 37 C.F.R. § 42.107, as it is filed within the deadline set by the March 17, 2015, date of the New Filing Date accorded to Petition and the Extended Due Date for filing Patent Owner's Preliminary Response in accordance with the Conduct of the Proceeding Order of March 16, 2015. Paper No. 19.

A. Related Petition Decisions

Patent Owner notifies the Board that the instant petition is an essentially identical petition to the petition filed in IPR2014-01097 by LG Display Co., Ltd. ("LGD") on July 1, 2014. LGD Petition, Ex. 2001. *See also* IPR2015-00490. The Board denied institution of two of the seven grounds in that proceeding. Namely: anticipation of claims 16, 22, 23, 27, and 31 by Gyoko; and obviousness of claims 16, 22, 23, 27, and 31 over Nishio alone or Nishio and Funamoto. *Inter partes* review was instituted on the following five grounds of alleged invalidity over four references: Obviousness of claims 1, 4–6, and 28 over Pristash; Anticipation of claims 1, 16, 22, 23, 27, and 31 by Funamoto; Obviousness of claims 4, 5, and 6 over Funamoto; Anticipation of claim 28 by Kobayashi; and Anticipation of claims 1, 4–6, and 28 by Nishio.

For the following reasons discussed in detail below, the Patent Owner shows that the challenged grounds do not demonstrate a reasonable likelihood that petitioner's would prevail.

B. The '194 Patent

The '194 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. Ex. 1001, (“’194 patent”) at 1:19-29.

The '194 patent relates to light emitting panel assemblies with 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. *Id.*

In particular, the '194 patent relates to a light emitting assembly configurations that can provide very efficient panel assemblies that have increased uniformity and higher light output from the panel members with lower power requirements, allowing the panel members to be made thinner and/or longer, and/or of various shapes and sizes. '194 patent at 2:1-6

The Petition attempts to characterize the '194 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.” Petition, Paper 1 at 6-7. The Petition alleges that various claimed light

emitting panel assemblies would have been anticipated and/or obvious in view of Pristash, Funamoto, Kobayashi, or Nishio. Petition at 11.

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 '194 patent as required to find obviousness by Pristash or Funamoto.

For the first ground, the Petition relies on the Pristash reference that was disclosed during prosecution, and Examiner Anabel M Ton expressly considered Pristash during the prosecution of the '194 patent. See "List of References Cited by Applicant and Considered by Examiner 04-2-2007", Ex. 1002 at MBI_000059-MBI_000061. After having considered Pristash, the Examiner did not make a rejection based on Pristash, but rather allowed the claims of the '194 patent.

The '194 patent issued from U.S. Application No. 11/245,408, which was filed on October 6, 2005 and claims a priority date of June 27, 1995.

C. The Petition References

1. Pristash

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

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