

Case IPR2015-00497

Patent 7,434,974

Filed on behalf of Innovative Display Technologies LLC.

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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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LG ELECTRONICS, INC.

Petitioner

v.

INNOVATIVE DISPLAY TECHNOLOGIES LLC

Patent Owner

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Case IPR2015-00497

U.S. Patent No. 7,434,974

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**PATENT OWNER'S PRELIMINARY RESPONSE TO PETITION FOR  
*INTER PARTES* REVIEW OF U.S. PATENT NO. 7,434,974**

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## **I. IDENTICAL IPR ALREADY DENIED INSTITUTION**

Petitioner admits that this IPR petition is identical to a previous IPR petition filed by LG Display Co., Ltd., namely IPR2014-01092 (the “Copied IPR”). *See* Paper 3, Motion for Joinder Pursuant to 35 U.S.C. § 315 (c) and 37 C.F.R. § 42.122(b) (“Joinder Motion”) at 1 (“the invalidity grounds raised in this IPR are identical to the invalidity grounds raised in the LGD IPR.”); *see also id.* at 5 (“Petitioner’s arguments regarding the asserted references are identical to the arguments LGD raised in the LGD IPR”).

The PTAB denied institution of the Copied IPR on January 13, 2015. *See* IPR2014-01092, Paper 9, Institution Decision (attached as **Ex. 2001**). Because the Copied IPR and this IPR petition include identical grounds and arguments, this IPR petition should also be denied.

For convenience, Patent Owner reproduces below the same arguments it made in its preliminary response to the Copied IPR, with the necessary changes made to reflect the change in petitioner and filing numbers and with non-substantive correctional changes. Patent Owner also deleted the real party-in-interest argument, given that it is unnecessary in light of the PTAB’s decision not to institute the Copied IPR.

## II. INTRODUCTION

Patent Owner Innovative Display Technologies LLC (“IDT” or “Patent Owner”) hereby files this preliminary response (“Preliminary Response”) to the Petition for *Inter Partes* Review of U.S. Patent No. 7,434,974 (the “Petition”) in IPR2015-00497 filed by LG Display Co., LTD (“LGD” or “Petitioner”).

The PTAB should deny the Petition’s request to institute an *inter partes* review (“IPR”) of U.S. Patent No. 7,434,974 (the “’974 patent”) because the grounds in the Petition do not demonstrate a reasonable likelihood of any claims being invalid.

To explain the insufficiencies of the grounds in the Petition, the Preliminary Response first provides an introduction that outlines (1) the Grounds themselves, (2) the ’974 patent and its technology, (3) the prior art references relied upon in the Grounds, and (4) claim construction issues.

This Response is timely under 35 U.S.C. § 313 and 37 C.F.R. § 42.107, as it is filed within three months of the January 22, 2015, date of the Notice of Filing Date Accorded to Petition and Time for Filing Patent Owner Preliminary Response. (Paper No. 6.) Patent Owner has limited its identification of 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.

***A. Grounds in Petition***

The Petition includes three grounds of alleged invalidity – all 103(a) obviousness combinations – claims 1, 3-5, 7-11, 13 and 17 of the '974 patent. For the following reasons, which are discussed in more detail below, none of the grounds demonstrate a reasonable likelihood of any claims being invalid:

*Ground 1: Unpatentable under 103(a) as obvious over Funamoto (Claims 1, 3-5, 7-11, and 13)*

- A. The Petition Fails to Establish a Prima Facie Case of Obviousness Based on Funamoto;
- B. No Disclosure of Element [1.a] - “at least a light emitting panel member. . .”;
- C. No Disclosure of Element [1.b] - “at least one LED light source...”;
- D. No Disclosure of Element [1.g] - “posts, tabs, or other structural features that provide a mount for mounting of the assembly into a larger assembly or device”;
- E. No Disclosure of Element [7.a] - “at least a light emitting panel member. . .”;
- F. No Disclosure of Element [7.b] - “at least one LED light source...”;
- G. No Disclosure of Element [13.a] - “at least a light emitting panel member. . .”;
- H. No Disclosure of Element [13.b] - “at least one LED light source...”;

*Ground 2: Unpatentable under 103(a) as obvious over Tsuchiyama in view of Funamoto (Claims 1, 3-5, 7-8, 10-11, and 13)*

- A. The Petition Fails to Establish That the Combination of Tsuchiyama with Funamoto Would Have Been Obvious;
- B. No Disclosure of Element [1.d] - “the panel member has a pattern of light extracting deformities on or in at least one surface”;
- C. No Disclosure of Element [1.g] - “posts, tabs, or other structural features that provide a mount for mounting of the assembly into a larger assembly or device”.
- D. No Disclosure of Element [7.d] - “the panel member has a pattern of light extracting deformities on or in at least one surface”;
- E. No Disclosure of Element [13.d] - “the panel member has a pattern of light extracting deformities on or in at least one surface”;
- F. No Disclosure of Element [13.g] - “tab, hole, cavity, or protrusion that positions the tray or housing relative to the panel member”

Ground 3: Unpatentable under 103(a) as obvious over Funamoto in view Nakayama (Claims 13 and 17)

- A. The Petition Fails to Establish That the Combination of Funamoto and Nakayama Would Have Been Obvious;
- B. No Disclosure of Element [13.a] - “at least a light emitting panel member. . .”
- C. No Disclosure of Element [13.b] - “at least one LED light source . . .”
- D. No Disclosure of Element [13.g] - “tab, hole, cavity, or protrusion that positions the tray or housing relative to the panel member”
- E. No Disclosure of Element [17.a] - “at least a light emitting panel member. . .”
- F. No Disclosure of Element [17.b] - “at least one LED light source . . .”
- G. No Disclosure of Element [17.h] - “tab, hole, cavity, or protrusion holds the additional component away from the panel member to

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