

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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LG DISPLAY CO., LTD.,  
Petitioner,

v.

DELAWARE DISPLAY GROUP LLC,  
Patent Owner.

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Case IPR2015-00506  
Patent 7,434,973 B2

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Before THOMAS L. GIANNETTI, BEVERLY M. BUNTING, and  
MICHELLE N. WORMMEESTER, *Administrative Patent Judges*.

WORMMEESTER, *Administrative Patent Judge*.

DECISION  
Institution of *Inter Partes* Review  
*37 C.F.R. § 42.108*

## I. INTRODUCTION

### A. Background

LG Display Co., Ltd. (“Petitioner”) filed a Petition requesting an *inter partes* review of claims 1–5 of U.S. Patent No. 7,434,973 B2 (Ex. 1001, “the ’973 patent”). Paper 1 (“Pet.”). Delaware Display Group LLC (“Patent Owner”) filed a Preliminary Response. Paper 6 (“Prelim. Resp.”). We have jurisdiction under 35 U.S.C. § 314(a), which provides that an *inter partes* review may not be instituted “unless . . . there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.”

Upon consideration of the Petition, and for the reasons explained below, we determine that Petitioner has shown that there is a reasonable likelihood that it would prevail with respect to the challenged claims 1–5. We institute an *inter partes* review of claims 1–5 of the ’973 patent.

### B. Related Proceedings

The parties identify the following case involving the ’973 patent: *Delaware Display Group LLC v. Lenovo Group Ltd.*, Case No. 1:13-cv-02108 (D. Del., filed Dec. 31, 2013). Pet. 1; Paper 4, 2.

The parties also identify twenty-two pending requests for *inter partes* review involving patents related to the ’973 patent. Pet. 1–2; Paper 4, 2–3.

*C. The '973 Patent*

The '973 patent is titled "Light Emitting Panel Assemblies." The Abstract describes the subject matter as follows:

Light emitting panel assemblies include a light emitting panel member having at least one light source optically coupled to a portion of an input edge of the panel member. A plurality of individual light extracting deformities on or in at least one panel surface of the panel member are of well defined shape and have a length and width substantially smaller than the length and width of the panel surface. At least some of the deformities have at least one surface that is angled at different orientations relative to the input edge depending on the location of the deformities on the panel surface to face a portion of the input edge to which a light source is optically coupled.

Ex. 1001, Abstract.

*D. The Challenged Claims*

Petitioner challenges claims 1–5 of the '973 patent. Independent claim 1 is illustrative of the claimed subject matter and is reproduced below:

1. A light emitting panel assembly comprising  
a light emitting panel member having at least one input edge,  
a plurality of light sources optically coupled to different portions of the width of the input edge, and  
a pattern of individual light extracting deformities associated with respective light sources,  
wherein the deformities are projections or depressions on or in at least one surface of the panel member for producing a desired light output from the panel member,  
wherein each of the deformities has a length and width substantially smaller than the length and width of the panel surface,  
wherein the deformities that are in close proximity to the input edge increase in density, size, depth and/or height as the

distance of the deformities from the respective light sources increases across the width of the panel member, and wherein the density, size, depth and/or height of the deformities in close proximity to the input edge is greatest at approximate midpoints between adjacent pairs of the light sources.

Ex. 1001, 14:64–15:13.

### *E. Claim Construction*

The Board interprets claims of an unexpired patent using the broadest reasonable construction in light of the specification of the patent in which they appear. 37 C.F.R. § 42.100(b); see *In re Cuozzo Speed Techs., LLC*, 778 F.3d 1271, 1278–81 (Fed. Cir. 2015).

The only claim term for which Petitioner proposes a construction is the term “deformities,” appearing in all challenged claims of the ’973 patent. Pet. 6. Petitioner asserts that the ’973 patent “expressly defines” the term to mean “any change in the shape or geometry of a surface and/or coating or surface treatment that causes a portion of the light to be emitted.” *Id.* (citing Ex. 1001, 6:6–10). Patent Owner appears to take no position on claim construction at this stage of the proceeding. Prelim. Resp. 2–3. Patent Owner points out, however, that the construction of “deformities” proffered by Petitioner was agreed to and adopted by the district court. *Id.*

Having considered Petitioner’s construction of “deformities,” i.e., “any change in the shape or geometry of a surface and/or coating or surface treatment that causes a portion of the light to be emitted,” (Pet. 6), we determine that, at this stage, it should be adopted here.

*F. Asserted Grounds of Unpatentability*

Petitioner contends that the challenged claims are unpatentable under 35 U.S.C § 102 or § 103 based on the following grounds. Pet. 17–59.

Reference(s)	Basis	Claims Challenged
The '389 patent <sup>1</sup> and Pelka <sup>2</sup>	§ 103	1–5
Shinohara <sup>3</sup>	§ 102	1–5
Shinohara and Yoshikawa <sup>4</sup>	§ 103	1–5
Pelka and Funamoto <sup>5</sup>	§ 103	1–5
Hooker <sup>6</sup> and Mizobe <sup>7</sup>	§ 103	1, 2

II. ANALYSIS

*A. Real Party-in-Interest*

We first address Patent Owner’s contention that the Petition should be denied because Petitioner has failed to name two real parties-in-interest. Prelim. Resp. 17. They are allegedly LG Electronics Inc. and LG Electronics U.S.A., Inc. *Id.*

Patent Owner’s Preliminary Response fails to provide convincing evidence that LG Electronics Inc. is a real party-in-interest. According to Patent Owner, “LG Electronics Inc. is a real party-in-interest because it owns 37.9% of Petitioner and because it has admitted to being a related party to Petitioner.” *Id.* (citing Ex. 2003). We are not persuaded by this argument. As the Office Trial Practice Guide, 77 Fed. Reg. 48,756, 48,759

<sup>1</sup> Parker, US 7,195,389 B2, issued Mar. 27, 2007 (Ex. 1007).

<sup>2</sup> Pelka, US 6,473,554 B1, issued Oct. 29, 2002 (Ex. 1009).

<sup>3</sup> Shinohara, US 6,167,182, issued Dec. 26, 2000 (Ex. 1010).

<sup>4</sup> Yoshikawa, US 5,775,791, issued July 7, 1998 (Ex. 1011).

<sup>5</sup> Funamoto, EP 0 878 720 A1, published Nov. 18, 1998 (Ex. 1012).

<sup>6</sup> Hooker, US 5,477,422, issued Dec. 19, 1995 (Ex. 1013).

<sup>7</sup> Mizobe, US 5,057,974, issued Oct. 15, 1991 (Ex. 1014).

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