IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

INNOVATIVE DISPLAY TECHNOLOGIES LLC, et al.,	§	
Plaintiffs,	§	CASE NO. 2:14-CV-201-JRG
	§	(LEAD CASE)
v.	§	
	§	
HYUNDAI MOTOR CO., et al.,	§	
Defendants.	§	

MEMORANDUM OPINION AND ORDER

Before the Court are the opening brief filed by Plaintiffs Innovative Display Technologies LLC and Delaware Display Group LLC (collectively, "Plaintiff") (Dkt. No. 216), the response filed by Defendants Hyundai Motor Company, Hyundai Motor Manufacturing Alabama, LLC, Kia Motors Manufacturing Georgia, Inc., Kia Motors America, Inc., Kia Motors Corporation, Mercedes-Benz U.S. International, Inc., Mercedes-Benz USA, LLC, Nissan Motor Co., Ltd., Nissan North America, Inc., Toyota Motor Corp., Toyota Motor Sales, U.S.A., Inc., Toyota Motor Manufacturing, Kentucky, Inc., Toyota Motor Manufacturing, Indiana, Inc., Toyota Motor Manufacturing, Texas, Inc., Toyota Motor Manufacturing, Mississippi, Inc., Subaru of Indiana Automotive, Inc., Gulf States Toyota, Inc., American Honda Motor Co., Inc., Honda of America Mfg., Inc., Honda Manufacturing of Alabama, LLC, Honda Manufacturing of Indiana, LLC, Sprint Spectrum L.P., Sprint Solutions, Inc., Boost Mobile, LLC, Virgin Mobile USA, L.P., BMW of North America, LLC, BMW Manufacturing Co., LLC, Volkswagen Group of America, Inc. and Volkswagen Group of America Chattanooga Operations, LLC (collectively, "Defendants") (Dkt. No. 221), and Plaintiff's reply (Dkt. No. 224).

The Court held a claim construction hearing on April 29, 2015.

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I. BACKGROUND

Plaintiff brings suit alleging infringement of United States Patents No. 7,300,194 ("the '194 Patent"), 7,384,177 ("the '177 Patent"), 7,404,660 ("the '660 Patent"), 7,434,974 ("the '974 Patent"), 7,537,370 ("the '370 Patent"), and 8,215,816 ("the '816 Patent") (collectively, the "Display Patents") and United States Patents No. 6,508,563 ("the '563 Patent") and 6,886,956 ("the '956 Patent") (collectively, the "Auto Patents").

All of the Display Patents are titled "Light Emitting Panel Assemblies" and "relate to the field of backlights, which can be used, for example, to illuminate LCDs [(liquid crystal displays)]." (Dkt. No. 216, at 1). All of the Display Patents claim priority to a common ancestor patent and bear an earliest priority date of June 27, 1995. The Display Patents, at least for purposes of the present claim construction proceedings, share a common written description and figures. The Abstract of the '194 Patent is generally representative and states:

> Light emitting assemblies include at least one light source and at least one film, sheet, plate or substrate having optical elements or deformities of well defined shape on at least one surface that have reflective or refractive surfaces for controlling the light output ray angle distribution of the emitted light. The film, sheet, plate or substrate may be positioned near the light emitting surface of a light emitting panel member with an air gap therebetween or over a cavity or recess in a tray through which light from a light source in the cavity or recess is emitted.

Both of the Auto Patents are titled "Light Emitting Panel Assemblies for Use in Automotive Applications and the Like." Plaintiff submits that "[t]he Auto Patents generally relate to exterior auto lights such as taillights and headlights." (Dkt. No. 216, at 1.) The '563 Patent bears an earliest priority date of January 16, 1996. The '956 Patent is a continuation of the '563 Patent, and Plaintiff submits that the Auto Patents have "nearly identical written descriptions." (Dkt. No. 216, at 1.) The Abstract of the '563 Patent states:

> Light emitting panel assemblies include in one form of the invention a light emitting panel member made of a transparent resiliently deformable elastomeric material that absorbs impact without breakage for use in automotive lighting applications of various types. In another form of the invention, a rigid light emitting panel member may be used with dome switches for switch area lighting or to backlight control buttons/key pads by providing holes or openings in the panel member for the control buttons/key pads. Also, a rigid light emitting panel member may be used as a structural member, and two or more such light emitting panel members may be stacked together and used to light an instrument panel or the like. One or more light sources may be mounted within one or more light transition areas adjacent one or more light input surfaces of the light emitting panel members. Also one or more light sources may be positioned adjacent one side of the light emitting panel members for causing light to shine through the panel members or through holes in the panel members for performing specified lighting functions.

Less than a year ago, the Court construed terms in the Display Patents in *Innovative Display Technologies LLC v. Acer Inc., et al.*, No. 2:13-CV-522, Dkt. No. 101, 2014 WL 4230037 (E.D. Tex. Aug. 26, 2014) (Payne, J.) ("*Acer*"),[1] *objections overruled*, Dkt. No. 219 (Dec. 15, 2014) (Gilstrap, J.). *Acer* also construed terms in United States Patent No. 6,755,547 ("the '547 Patent"), which is related to the Display Patents but which is not asserted in the present case. Below, the Court divides the presently disputed terms into terms that the Court previously construed in *Acer* and terms that the Court has not previously construed, as Plaintiff has done in its briefing.

II. LEGAL PRINCIPLES

It is understood that "[a] claim in a patent provides the metes and bounds of the right which the patent confers on the patentee to exclude others from making, using or selling the protected invention." *Burke, Inc. v. Bruno Indep. Living Aids, Inc.*, 183 F.3d 1334, 1340 (Fed. Cir. 1999). Claim construction is clearly an issue of law for the court to decide. *Markman v.*

[1] Citations to *Acer* herein are to the slip opinion, which Plaintiff has attached to its opening brief as Exhibit I.

Westview Instruments, Inc., 52 F.3d 967, 970-71 (Fed. Cir. 1995) (en banc), *aff'd*, 517 U.S. 370 (1996).

To ascertain the meaning of claims, courts look to three primary sources: the claims, the specification, and the prosecution history. *Markman*, 52 F.3d at 979. The specification must contain a written description of the invention that enables one of ordinary skill in the art to make and use the invention. *Id.* A patent's claims must be read in view of the specification, of which they are a part. *Id.* For claim construction purposes, the description may act as a sort of dictionary, which explains the invention and may define terms used in the claims. *Id.* "One purpose for examining the specification is to determine if the patentee has limited the scope of the claims." *Watts v. XL Sys., Inc.*, 232 F.3d 877, 882 (Fed. Cir. 2000).

Nonetheless, it is the function of the claims, not the specification, to set forth the limits of the patentee's invention. Otherwise, there would be no need for claims. *SRI Int'l v. Matsushita Elec. Corp.*, 775 F.2d 1107, 1121 (Fed. Cir. 1985) (en banc). The patentee is free to be his own lexicographer, but any special definition given to a word must be clearly set forth in the specification. *Intellicall, Inc. v. Phonometrics, Inc.*, 952 F.2d 1384, 1388 (Fed. Cir. 1992). Although the specification may indicate that certain embodiments are preferred, particular embodiments appearing in the specification will not be read into the claims when the claim language is broader than the embodiments. *Electro Med. Sys., S.A. v. Cooper Life Sciences, Inc.*, 34 F.3d 1048, 1054 (Fed. Cir. 1994).

This Court's claim construction analysis is substantially guided by the Federal Circuit's decision in *Phillips v. AWH Corporation*, 415 F.3d 1303 (Fed. Cir. 2005) (en banc). In *Phillips*, the court set forth several guideposts that courts should follow when construing claims. In particular, the court reiterated that "the claims of a patent define the invention to which the

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