

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LG DISPLAY CO., LTD.,
Petitioner,

v.

INNOVATIVE DISPLAY TECHNOLOGIES LLC,
Patent Owner.

Case IPR2014-01097
Patent 7,300,194

Before THOMAS L. GIANNETTI, NEIL T. POWELL, and
BEVERLY M. BUNTING, *Administrative Patent Judges*.

GIANNETTI, *Administrative Patent Judge*.

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

LG Display Co., Ltd. (“Petitioner”) filed a Petition pursuant to 35 U.S.C. §§ 311–319 to institute an *inter partes* review of claims 1, 4–6, 16, 22, 23, 27, 28, and 31 of U.S. Patent No. 7,300,194 (“the ’194 patent”). Paper 2 (“Pet.”). Innovative Display Technologies LLC (“Patent Owner”) filed a Preliminary Response. Paper 7 (“Prelim. Resp.”). Applying the standard set forth in 35 U.S.C. § 314(a), which requires demonstration of a reasonable likelihood that Petitioner would prevail with respect to at least one challenged claim, we grant the Petition and institute an *inter partes* review of all challenged claims.

I. BACKGROUND

A. *The ’194 patent (Ex. 1001)*

The ’194 patent is entitled “Light Emitting Panel Assemblies.” The Abstract describes the subject matter as follows:

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.

Ex. 1001, Abstract.

B. *Illustrative Claim*

Claim 1 is illustrative of the claims at issue:

1. A light emitting assembly comprising at least a light emitting panel member having a light emitting surface,

at least one light source,
at least one film, sheet, plate or substrate positioned near the light emitting surface through which light from the panel member is emitted, and
an air gap between the film, sheet, plate or substrate and the panel member, wherein at least one surface of the film, sheet, plate or substrate has one or more reflective or refractive surfaces, and at least one of the reflective or refractive surfaces has well defined optical elements or deformities for controlling the emitted light such that at least some of the light is redirected to pass through a liquid crystal display with low loss.

C. Related Proceedings

Patent Owner states that it has asserted infringement by Petitioner of the '194 patent in the following proceeding: Delaware Display Group LLC et al. v. LG Electronics, Inc. et al., No. 1:13-cv-02109 (D. Del., filed Dec. 31, 2013). Paper 5.

Patent Owner identifies numerous other proceedings in which it has alleged infringement of the '194 patent. *See* Paper 5 for a listing.

In addition, there are four other pending requests for inter partes review by Petitioner for patents related to the '194 patent. *Id.* Those are as follows:

1. IPR2014-01092 (U.S. Patent No. 7,434,974);
2. IPR2014-01094 (U.S. Patent No. 7,404,660);
3. IPR2014-01095 (U.S. Patent No. 8,215,816); and
4. IPR2014-01096 (U.S. Patent No. 7,537,370).

D. 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 also* Office Patent Trial Practice Guide, 77 Fed. Reg. 48,756, 48,766 (Aug. 14, 2012).

The only claim term for which Petitioner proposes a construction is the term “deformities,” appearing in all challenged claims. Petitioner asserts that the ’194 patent “expressly defines” the term to mean “any change in the shape or geometry of the panel surface and/or coating or surface treatment that causes a portion of light to be emitted.” Pet. 7 (citing ’194 patent, Ex. 1001, col. 4, ll. 44–48). Patent Owner takes no position on claim construction. Prelim. Resp. 4. Patent Owner points out, however, that the construction of “deformities” proffered by Petitioner was agreed to and adopted by the district court. *Id.* at 5.

We have considered Petitioner’s construction of “deformities” and determined that at this stage it should be adopted here.

We have further determined that, except as may be indicated in the discussion below, the remaining terms should be given their plain and ordinary meaning.

E. References

Petitioner relies on the following references¹:

Pristash	US 5,005,108	Apr. 2, 1991	Ex. 1006
Funamoto	US 5,619,351	May 10, 1994	Ex. 1007
Gyoko ²	JP H06-273756	Sep. 30, 1994	Ex. 1008
Kobayashi	US 5,408,388	Apr. 18, 1995	Ex. 1011
Nishio	US 5,598,280	Mar. 22, 1994	Ex. 1012

¹ The references are ordered by exhibit number with effective dates asserted by Petitioner.

² Exhibit 1008 is a certified translation of the original Japanese document, Exhibit 1009.

Petitioner also states that it is relying on Admitted Prior Art (“APA”) from the ’194 patent specification. Pet. 8; Ex. 1001, col. 2, l. 64–col. 3, l. 4. Petitioner also relies on a Declaration from Michael J. Escuti, Ph.D. (“Escuti Decl.”). Ex. 1004.

F. Grounds Asserted

Petitioner challenges claims 1, 4–6, 16, 22, 23, 27, 28, and 31 of the ’194 patent on the following grounds.

References	Basis	Claims Challenged
Pristash	§ 103(a)	1, 4–6, 28
Funamoto	§ 102(e)	1, 16, 22, 23, 27, 31
Funamoto	§ 103(a)	4, 5, 6
Gyoko	§ 102(a)	16, 22, 23, 27, 31
Kobayashi	§ 102(a)	28
Nishio	§ 102(e)	1, 4–6, 28
Nishio and Funamoto	§ 103(a)	16, 22, 23, 27, 31

II. ANALYSIS

A. Real Party-in-Interest

Patent Owner’s Preliminary Response does not identify any deficiencies in Petitioner’s arguments for obviousness or anticipation of the challenged claims. Prelim. Resp. 2. Instead, Patent Owner asserts that the Petition should be denied for failure to name two real parties-in-interest: LG Display Co., Ltd. and LG Electronics U.S.A., Inc. *Id.* at 2-3. We therefore address this challenge to the Petition before turning to the merits.

In its Preliminary Response in related IPR2014 -01096 (Paper 9 in that proceeding), Patent Owner makes the same argument. For the reasons stated in our Institution Decision in IPR2014 -01096, we determine that

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