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Paper 12
Date Entered: August 26, 2015

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SONY CORPORATION, SAMSUNG ELECTRONICS CO., LTD., and SAMSUNG DISPLAY CO., LTD.,
Petitioner,

v.

SURPASS TECH INNOVATION LLC,
Patent Owner.

Case IPR2015-00862
Patent 7,202,843 B2

Before SALLY C. MEDLEY, BRYAN F. MOORE, and BETH Z. SHAW, *Administrative Patent Judges.*

MEDLEY, *Administrative Patent Judge.*

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

I. INTRODUCTION

Petitioner, Sony Corporation, Samsung Electronics Corporation, and Samsung Display Corporation, filed a Petition requesting an *inter partes* review of claims 1–3 of U.S. Patent No. 7,202,843 B2 (Ex. 1001, "the '843

patent") under 35 U.S.C. §§ 311–319. Paper 4[1] ("Petition" or "Pet."). Patent Owner, Surpass Tech Innovation LLC, filed a Preliminary Response. Paper 11 ("Prelim. Resp."). We have jurisdiction under 35 U.S.C. § 314. Section 314 provides that an *inter partes* review may not be instituted "unless . . . the information presented in the petition . . . shows that there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition."

For the reasons that follow, we do not institute an *inter partes* review of claims 1–3 of the '843 patent.

A. Related Proceedings

According to Petitioner, the '843 patent is involved in the following lawsuit: *Surpass Tech Innovation LLC v. Samsung Display Co., Ltd. et al.*, No. 14-cv-00337-LPS (D. Del.). Pet. 1.

B. The '843 Patent

The '843 patent relates to a method and system for driving an LCD panel. The panel includes a plurality of scan lines, a plurality of data lines, and a plurality of pixels. Each pixel is connected to a corresponding scan line and a corresponding data line, and each pixel includes a liquid crystal device and a switching device connected to the corresponding scan line, data line and liquid crystal device. Ex. 1001, 2:19–26, Fig. 4. The system includes a driving circuit for applying two data impulses to a pixel electrode within one frame period to avoid blurring. *Id.* at 1:8–12, 4:34–40.

[1] Petitioner filed a Corrected Petition. We refer to the Corrected Petition in rendering the decision.

C. Illustrative Claim

Claims 2 and 3 depend directly from claim 1, which is illustrative and is reproduced below.

> 1. A driving circuit for driving an LCD panel, the LCD panel comprising:
>
> a plurality of scan lines;
>
> a plurality of data lines; and
>
> a plurality of pixels, each pixel being connected to a corresponding scan line and a corresponding data line, and each pixel comprising a liquid crystal device and a switching device connected to the corresponding scan line, the corresponding data line, and the liquid crystal device,
>
> the driving circuit comprising:
>
> a blur clear converter for receiving frame data every frame period, each frame data comprising a plurality of pixel data and each pixel data corresponding to a pixel, the blur clear converter delaying current frame data to generate delayed frame data and generating a plurality of overdriven pixel data within every frame period for each pixel;
>
> a source driver for generating a plurality of data impulses to each pixel according to the plurality of overdriven pixel data generated by the blur clear converter and applying the data impulses to the liquid crystal device of the pixel *via the scan line* connected to the pixel within one frame period in order to control transmission rate of the liquid crystal device; and
>
> a gate driver for applying a scan line voltage to the switch device of the pixel so that the data impulses can be applied to the liquid crystal device of the pixel.

(Emphasis added.)

D. Asserted Grounds of Unpatentability

Petitioner asserts that claims 1–3 are unpatentable based on the following grounds:

Reference(s)	Basis	Challenged Claims
Suzuki,[2] Nitta,[3] and Lee[4]	§ 103	1 and 2
Jinda,[5] Nitta, and Lee	§ 103	1 and 3

II. ANALYSIS

A. Claim Interpretation

In an *inter partes* review, claim terms in an unexpired patent are given their broadest reasonable construction in light of the specification of the patent in which they appear. 37 C.F.R. § 42.100(b). Under the broadest reasonable construction standard, claim terms are given their ordinary and customary meaning, as would be understood by one of ordinary skill in the art in the context of the entire disclosure. *In re Translogic Tech., Inc.*, 504 F.3d 1249, 1257 (Fed. Cir. 2007). Any special definition for a claim term must be set forth with reasonable clarity, deliberateness, and precision. *In re Paulsen*, 30 F.3d 1475, 1480 (Fed. Cir. 1994).

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[2] U.S. Patent Application Publication 2003/0156092 A1, published Aug. 21, 2003 (Ex. 1003) ("Suzuki").
[3] Japanese Laid-Open Application No. 2002-132224, published May 9, 2002 (Ex. 1005) ("Nitta").
[4] U.S. Patent Application Publication 2003/0214473 A1, published Nov. 20, 2003 (Ex. 1006) ("Lee").
[5] U.S. Patent Application Publication 2002/0044115 A1, published Apr. 18, 2002 (Ex. 1007) ("Jinda").

Petitioner argues that there is a typographical error in claim 1. Pet. 24. Claim 1 recites "applying the data impulses to the liquid crystal device of the pixel *via the scan line*." Petitioner argues that "via the scan line" should be read as "via the data line." *Id.* For purposes of applying prior art to the claims, Petitioner interprets claim 1 not as written, but rather as requiring applying data impulses via the data line. *See, e.g.*, Pet. 26, 52. Patent Owner provides no construction for the phrase.

Petitioner's proffered correction would materially alter what would be required of claim 1. Instead of applying impulses to a particular line of the apparatus, the correction would require the application of impulses to a completely different line of the apparatus. We find that the proposed change is not a minor one, but a material change of what is required.

A patent claim may be corrected through claim construction "only if (1) the correction is not subject to reasonable debate based on consideration of the claim language and the specification and (2) the prosecution history does not suggest a different interpretation of the claims." *Novo Indus., L.P. v. Micro Molds Corp.*, 350 F.3d 1348, 1357 (Fed. Cir. 2003). But "courts may not redraft claims, whether to make them operable or to sustain their validity." *Chef Am., Inc. v. Lamb-Weston, Inc.*, 358 F.3d 1371, 1374 (Fed. Cir. 2004). The burden is on Petitioner to show that a claim contains the kind of error that is considered a drafting error. 37 C.F.R. § 42.20(c).

In support of its assertions that a person of ordinary skill in the art at the time of the invention would have understood the reference "via the scan line" to be a drafting error meant to be "via the data line," Petitioner relies upon a Declaration of Thomas Credelle, who has been retained as an expert witness by Petitioner for the instant proceeding. Ex. 1015.

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