

RECORD OF ORAL HEARING
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,

vs.

SURPASS TECH INNOVATION LLC,

Patent Owner.

Case IPR2015-00863
Patent 7,202,843 B2
Technology Center 2600
Oral Hearing Held: Thursday, May 12, 2016

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

The above-entitled matter came on for hearing on Thursday,
May 12, 2016, at 1:00 p.m., Hearing Room B, taken at the U.S. Patent and
Trademark Office, 600 Dulany Street, Alexandria, Virginia.

REPORTED BY: RAYMOND G. BRYNTESON, RMR,
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P R O C E E D I N G

(1:00 p.m.)

JUDGE MEDLEY: This is the hearing for IPR2015-00863 between Petitioner, Sony Corporation, Samsung Electronics Corporation and Samsung Display Corporation, versus Patent Owner, Surpass Tech Innovation, involving claims 4 through 9 of U.S. Patent 7,202,843.

Before we get started let me go over a few procedural things. Similar to the earlier hearing we had today, I would like to ask counsel for both parties a few questions before we get started.

As the parties are aware, on February 26, 2016 in IPR2015-00021 claims 4, 8 and 9 at issue in this proceeding were held to be unpatentable in the 00021 proceeding.

Patent Owner indicated on May 5th, 2016 in this proceeding that the time to file an appeal of our decision in the 21 proceeding to the Federal Circuit has expired.

So the Panel is wondering where that leaves us with respect to this proceeding as to claims 4, 8 and 9. So I will let Patent Owner address that first and then let Petitioner follow up.

MR. HELGE: Thank you, Your Honor. Wayne Helge for Patent Owner, Surpass Tech Innovation.

Your Honor, it is true that, as you correctly noted, that claims 4, 8 and 9 were held unpatentable in that prior

1 case, the 21 case. We do not have specific arguments directed
2 towards those claims.

3 In the papers I will tell you that we did make
4 arguments directed to those claims, and that deals with the
5 combination of the references that apply to all of the claims at
6 issue here, claims 4 through 9.

7 We will not -- or we don't intend to make specific
8 arguments that are unique to claims 4, 8 and 9. We would
9 specifically like to address obviously the claims that have not
10 been decided yet.

11 JUDGE MEDLEY: Okay. And as in the earlier
12 case, we are considering issuing an order to show cause to the
13 Patent Owner to explain why we shouldn't enter judgment with
14 respect to 4, 8 and 9. Just to clarify the record, we're not
15 going to write specifically about claims 4, 8 and 9. That will
16 likely be forthcoming.

17 MR. HELGE: Understood, Your Honor. May I ask
18 a question about that?

19 JUDGE MEDLEY: Yes.

20 MR. HELGE: Do you anticipate that there will be
21 a separate decision dealing with claims 4, 8 and 9 and then the
22 remainder of the claims as well, or do you expect that all
23 claims will be dealt with in one comprehensive decision?

24 JUDGE MEDLEY: I don't think we know that
25 right now. What I was kind of envisioning was giving the OC,

1 waiting to quickly get your response and then, if those claims
2 are off the table, we would enter judgment with respect to
3 those claims.

4 MR. HELGE: Understood.

5 JUDGE MEDLEY: And then do a final written
6 decision with respect to the other claims. Do you see an issue
7 with that?

8 MR. HELGE: No, Your Honor. That's what I was
9 expecting. Thank you.

10 JUDGE MEDLEY: Okay. So, Petitioner, if you
11 could please introduce yourself and just address this issue.

12 MR. HANLEY: Certainly, Your Honor. Walter
13 Hanley for Petitioners.

14 As to the claims that remain, 5 through 7, they are
15 dependent upon claim 4 ultimately. So, therefore, while the
16 issue of the patentability are not -- of claim 4, in our view,
17 has been decided finally in the Sharp proceeding, it remains
18 relevant to look at the limitations of claim 4, as they are
19 incorporated into the dependent claims 5 through 7, to
20 continue to argue that those limitations are found on the prior
21 art. That is the basis for this IPR.

22 So I will be -- I intend to be making some
23 arguments about the limitations in claim 4 relative to the prior
24 art, simply because they are incorporated by reference into
25 claims 5 through 7.

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