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Paper 11
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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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

v.

SURPASS TECH INNOVATION LLC,
Patent Owner.

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Case IPR2015-00863
Patent 7,202,843 B2

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

MEDLEY, *Administrative Patent Judge.*

DECISION
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 4–9 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 10 ("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 institute an *inter partes* review of claims 4–9 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*

Claim 4, which is illustrative and reproduced below, is an independent claim. Claims 5–9 depend either directly or indirectly from claim 4.

> 4. A method for driving a liquid crystal display (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, and
>
> the method comprising:
>
> receiving continuously a plurality of frame data;
>
> generating a plurality of data impulses for each pixel within every frame period according to the frame data; and
>
> applying the data impulses to the liquid crystal device of one of the pixels within one frame period via the data line connected to the pixel in order to control a transmission rate of the liquid crystal device of the pixel.

*D. Asserted Grounds of Unpatentability*

Petitioner asserts that claims 4–9 are unpatentable based on the following grounds:

| Reference(s) | Basis | Challenged Claims |
|---|---|---|
| Suzuki[2] and Nitta[3] | § 103 | 4–9 |
| Jinda[4] and Nitta | § 103 | 4–9 |
| Ham[5] | § 103 | 4, 8, and 9 |

## 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).

Petitioner contends that the claim terms should be given their broadest reasonable construction in view of the specification, and should be construed

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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 2002/0044115 A1, published Apr. 18, 2002 (Ex. 1006) ("Jinda").
[5] U.S. Patent Application Publication 2003/0048247 A1, published Mar. 13, 2003 (Ex. 1007) ("Ham").

in accordance with their ordinary meaning. Pet. 8. Patent Owner argues that "applying the data impulses to the liquid crystal device of one of the pixels . . . to control a transmission rate of the liquid crystal device of the pixel" of claim 4 means applying two or more overdriven data impulses in order to control a transmission rate of the liquid crystal device. Prelim. Resp. 32.

For purposes of this decision, we need not construe "applying the data impulses to the liquid crystal device of one of the pixels . . . to control a transmission rate of the liquid crystal device of the pixel." Even assuming Patent Owner has an unduly narrow construction for "applying the data impulses to the liquid crystal device of one of the pixels . . . to control a transmission rate of the liquid crystal device of the pixel" we are persuaded that Petitioner has accounted for the limitation in the prior art under such construction.

For purposes of this decision, we need not construe any other limitations of the challenged claims.

### *B. Principles of Law*

A patent claim is unpatentable under 35 U.S.C. § 103(a) if the differences between the claimed subject matter and the prior art are such that the subject matter, as a whole, would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. *KSR Int'l Co. v. Teleflex Inc.*, 550 U.S. 398, 406 (2007). The question of obviousness is resolved on the basis of underlying factual determinations including: (1) the scope and content of the prior art; (2) any differences between the claimed subject matter and the prior art; (3) the level of ordinary skill in the art; and (4) objective evidence of nonobviousness. *Graham v. John Deere Co.*, 383 U.S. 1, 17–18 (1966).

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