

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SONY CORPORATION, SAMSUNG ELECTRONICS CO., LTD.,
SAMSUNG DISPLAY CO., LTD.
Petitioners

v.

SURPASS TECH INNOVATION LLC
Patent Owner

Case IPR2015-00863
Patent 7,202,843

**PATENT OWNER SURPASS TECH INNOVATION LLC'S
RESPONSE UNDER 37 C.F.R. § 42.120**

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LIST OF PATENT OWNER'S EXHIBITS

<u>Exhibit</u>	<u>Description</u>
2001	“Petitioner and His Money are Soon Parted: Separate Fee Payments Do Not Reduce Risk of Non-Institution of Redundant Grounds”; Authored by M. Carniaux and M. Sander; interpartesreviewblog.com, dated November 13, 2014 (accessed June 1, 2015)
2002	Joint Stipulation to Stay Cases Pending <i>Inter Partes</i> Review, filed November 20, 2014
2003	Order Granting Joint Stipulation to Stay Cases Pending <i>Inter Partes</i> Review, entered November 21, 2014
2004	Transcript for the Deposition of Thomas Credelle dated October 28, 2015, IPR2015-00863
2005-2006	Reserved
2007	Transcript for the Deposition of Richard Zech, Ph.D. dated November 13, 2015, in IPR2015-00885
2008-2017	Reserved
2018	U.S. Patent Application Publication No. 2008/0106540 to Chien <i>et al.</i>
2019	U.S. Patent No. 5,642,133 to Scheffer <i>et al.</i>
2020	U.S. Patent No. 5,280,280 to Hotto
2021	U.S. Patent No. 6,606,247 to Credelle <i>et al.</i>
2022	Declaration of William K. Bohannon In Response to Petition of Sony Corporation <i>et al.</i>

I. Introduction

a. The Petition's Analysis of the Asserted Art is Fundamentally Flawed

Samsung Electronics Co., Ltd., Samsung Display Co., Ltd. (collectively, “Samsung”), and Sony Corporation (“Sony”) (Sony and Samsung are collectively referred to as the “Petitioners”) filed the current Petition¹ for *inter partes* review of claims 4-9 of U.S. Patent No. 7,202,843 (“the ‘843 patent”) on March 16, 2015. Of the three grounds presented in the Petition, only one ground was instituted against Patent Owner Surpass Tech Innovation LLC (“Surpass”). *See* Paper 11 at 13. Specifically, the only instituted challenge raises the question of whether claims 4-9 of the ‘843 patent are rendered obvious by U.S. Patent Application Publication 2003/0156092 A1, published Aug. 21, 2003 (Ex. 1003) (“Suzuki”) in view of Japanese Laid-Open Application No. 2002-132224, published May 9, 2002 (Ex. 1005) (“Nitta”).

However, both the Petition and the declaration of Thomas Credelle (“Credelle”) (Ex. 1014) share a fatal defect in their analysis of Suzuki. Mr. Credelle, Petitioners’ technical declarant in this case, proposes to combine two references, Suzuki and Nitta, upon an unsupported assumption about the

¹ Hereinafter, the Corrected Petition (paper 4) will be referred to as “Pet.”

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