UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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LG DISPLAY CO., LTD.
Petitioner

v.

SURPASS TECH INNOVATION LLC
Patent Owner

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Case: IPR2015-00885

Patent 7,202,843

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PETITIONER'S REPLY TO PATENT OWNER'S RESPONSE TO PETITION

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I.   INTRODUCTION

In its September 8, 2015 Decision, the Board correctly found there was a reasonable likelihood Petitioner would prevail in establishing that claims 4, 8, and 9 of the '843 patent are unpatentable.[1] Paper 9, Decision at 12. Patent Owner's ("Surpass") Response fails to rebut, or even address, Petitioner's arguments. Instead, Surpass mischaracterizes Petitioner's positions and the opinions and testimony of its expert, Dr. Richard Zech. Surpass also proffers an overly narrow interpretation of independent claim 4, which ironically only serves to bolster Petitioner's position that claims 4, 8, and 9 are anticipated by the Lee reference.

Surpass's Response boils down to two arguments: (1) claim 4 requires "overdriving," and (2) the Lee reference must disclose overshooting or undershooting in each subframe to satisfy all limitations of claim 4. The first argument is belied by the plain language of the claims. Claim 4 does not recite "overdriving." Claim 1 (not at issue in this proceeding) does. It is axiomatic that each patent claim is presumed to have a different scope. *See Versa Corp. v. Ag-*

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[1] On February 26, 2016, the Board issued a final decision in IPR2015-00021, holding that claims 4, 8, and 9 of the '843 patent are unpatentable as anticipated by U.S. Patent Application Publication No. 2004/0196229 ("Ham"). *Sharp Corp., et al. v. Surpass Tech Innovation LLC*, Case IPR2015-00021, Paper 44.

Bag Int'l Ltd., 392 F.3d 1325, 1329 (Fed. Cir. 2004). And Surpass has failed to proffer any reasonable argument or evidence for overcoming this presumption. This argument is further inconsistent with the Board's final decision in IPR2015-00021, holding that claim 4 does not require "overdriving." *Sharp Corp., et al. v. Surpass Tech Innovation LLC*, Case IPR2015-00021, Paper 44 at 11.

The second argument is predicated on a complete mischaracterization of Petitioner's arguments, as well as a betrayal of the '843 patent's explicit definition for "overdriving," which Surpass's own expert has endorsed. Even accepting all of Surpass's flawed and unsupported arguments, a plain review of the record to date and the arguments and evidence presented herein shows that claims 4, 8, and 9 are anticipated by Lee.

In view of the foregoing, and the arguments and evidence set forth below, Petitioner respectfully requests that the Board find the challenged claims unpatentable on the instituted ground.

II.   ARGUMENT

As a preliminary matter, Surpass and its expert concede that Lee discloses the rudimentary limitations of claim 4, namely:

a plurality of scan lines;

a plurality of data lines; and

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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

receiving continuously a plurality of frame data;

Ex. 1001, '843 Patent, Claim 4. Nor do Surpass or its expert challenge whether Lee discloses the additional limitations of claims 8 and 9:

8. The method of claim 4 further comprising: applying a scan line voltage to the switch device of the pixel via the scan line connected to the pixel in order to have the data impulses be applied to the liquid crystal device of the pixel.

9. The method of claim 4 wherein each frame data comprises a plurality of pixel data, and each pixel data corresponds to a pixel.

Id. at Claims 8 and 9. Instead, Surpass focuses on the latter two limitations of claim 4:

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.

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