

RECORD OF ORAL HEARING
UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LG DISPLAY CO., LTD.,

Petitioner,

vs.

SURPASS TECH INNOVATION LLC,

Patent Owner.

Case IPR2015-00885
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 12:00 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,
CRR, RDR

APPEARANCES:

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ON BEHALF OF THE PATENT OWNER:

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P R O C E E D I N G S

(12:00 p.m.)

JUDGE MEDLEY: On the record. This is the hearing for IPR2015-00885 between Petitioner, LG Display, and Patent Owner, Surpass Tech Innovation, involving claims 4, 8 and 9 of U.S. Patent 7,202,843.

Per the April 27th order each party will have 30 minutes of total time to present arguments. Petitioner, you will present first with respect to your case, the challenged claims and grounds and, thereafter, Patent Owner will give a response and, Petitioner, you can reserve rebuttal time.

Before we get started -- and we may not have a hearing here today -- I would like to ask counsel for both parties a few questions.

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

Patent Owner indicated on May 5, after we had already scheduled this hearing, that the time to file an appeal of our decision in the 00021 proceeding had expired.

So the Panel is wondering where that leaves us with respect to this proceeding. So I will direct that to you, first, Patent Owner.

MR. BARROW: Actually I'm Petitioner.

JUDGE MEDLEY: Oh, you're Petitioner.

1 MR. BARROW: Yes.

2 JUDGE MEDLEY: Okay. Sorry. Go ahead. I'm
3 sorry I didn't see that. Usually you are switched the other
4 way. And if you could introduce yourself, too, for the record.

5 MR. BARROW: Sure. Bill Barrow from Mayer
6 Brown on behalf of LG Display. And with me is Amanda
7 Streff, also from Mayer Brown.

8 Your Honor, so as you may recall, there was a call
9 between the parties on April 5th regarding Patent Owner's
10 request to file a motion to terminate in view of the Sharp
11 Proceeding and during that call Your Honor mentioned that the
12 proper procedural mechanism for disposing of this case would
13 be to file a request for adverse judgment.

14 And after the deadline for filing a notice of appeal
15 passed, frankly, that's what we expected Patent Owner to do.
16 We actually reached out to Patent Owner and asked them if
17 they would be filing that request. They stated that they would
18 not be, but that instead they would be filing updated
19 mandatory notices.

20 We waited to see what they included in those
21 notices, and it merely stated that the deadline had passed.

22 Our position at this point is that the proper
23 procedural mechanism is to file the request for adverse
24 judgment. Frankly, we don't understand why they have not
25 filed that request, and seeing as how this hearing is still on the

1 schedule we are here to present our substantive arguments for
2 why the claims are unpatentable and to see if the Board has
3 any questions about our substantive case.

4 JUDGE MEDLEY: Okay. Thank you. Patent
5 Owner, if you could also introduce yourself and answer that
6 question that I posed earlier.

7 MR. HELGE: Absolutely, Your Honor. Good
8 afternoon. Wayne Helge for Patent Owner, Surpass Tech
9 Innovation.

10 Your Honor, as you correctly noted, we did file the
11 updated mandatory notices. Claims 4, 8 and 9 have effectively
12 been rendered unpatentable and property rights extinguished as
13 to those claims.

14 Our point of view is that there is no case or
15 controversy. I recognize that Petitioner is seeking a request
16 for adverse judgment. Patent Owner does not intend to request
17 adverse judgment. We simply believe that there are no
18 property rights to adjudicate any more. There is simply no
19 case or controversy.

20 So, frankly, Your Honor, I have no presentation
21 today. I would simply like to reserve obviously the right to
22 address, as we mentioned on the phone call back in April, the
23 claims that have not been adjudicated in the next hearing, on
24 the 863 case, Your Honor.

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