

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LG DISPLAY CO., LTD.,
Petitioner,

v.

SURPASS TECH INNOVATION LLC,
Patent Owner.

Case IPR2015-00885
Patent 7,202,843 B2

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, LG Display Co., Ltd., filed a Petition requesting an *inter partes* review of claims 1, 4, 8, and 9 of U.S. Patent No. 7,202,843 B2 (Ex. 1001, “the ’843 patent”) under 35 U.S.C. §§ 311–319. Paper 2

(“Petition” or “Pet.”). Patent Owner, Surpass Tech Innovation LLC, filed a Preliminary Response. Paper 6 (“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, 8, and 9 of the ’843 patent. We do not institute an *inter partes* review of claim 1 of the ’843 patent.

A. Related Proceedings

According to Petitioner, the ’843 patent is involved in the following lawsuit: *Surpass Tech Innovation LLC v. LG Display Co. Ltd. et al.*, No. 1:14-cv-00337 (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.

C. Illustrative Claim

Claims 1 and 4 are independent claims. Claims 1 and 4, which are illustrative, are reproduced below.

1. A driving circuit for driving an 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,
 - the driving circuit comprising:
 - a blur clear converter for receiving frame data every frame period, each frame data comprising a plurality of pixel data and each pixel data corresponding to a pixel, the blur clear converter delaying current frame data to generate delayed frame data and generating a plurality of overdriven pixel data within every frame period for each pixel;
 - a source driver for generating a plurality of data impulses to each pixel according to the plurality of overdriven pixel data generated by the blur clear converter and applying the data impulses to the liquid crystal device of the pixel *via the scan line* connected to the pixel within one frame period in order to control transmission rate of the liquid crystal device; and
 - a gate driver for applying a scan line voltage to the switch device of the pixel so that the data impulses can be applied to the liquid crystal device of the pixel.

(Emphasis added.)

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 1, 4, 8, and 9 are unpatentable based on the following grounds:

Reference(s)	Basis	Challenged Claims
Lee ¹	§ 102(b)	1, 4, 8, and 9
Jinda ²	§ 102(b)	1, 4, 8, and 9
Jinda	§ 103(a)	1, 4, 8, and 9
Jinda in view of Miyai ³	§ 103(a)	1, 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

¹ Korean Patent Application No. 2000-0073673, published June 19, 2002 (Ex. 1010) (“Lee”).

² U.S. Patent Application Publication 2002/0044115, published Apr. 18, 2002 (Ex. 1008) (“Jinda”).

³ Japanese Laid-Open Publication HEI 6-62355, published Mar. 4, 1994 (Ex. 1009) (“Miyai”).

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 does not contend any specific claim terms need construction, and submits that the challenged claims should be given their plain and ordinary meaning. Pet. 10. Petitioner argues, however, that there is a typographical error in claim 1. *Id.* at 11 and 27. In support of that contention, Petitioner relies upon a Declaration of Richard Zech, Ph.D., who has been retained as an expert witness by Petitioner for the instant proceeding. Ex. 1011.

Claim 1 recites “applying the data impulses to the liquid crystal device of the pixel via the scan line.” Petitioner argues that the Specification of the ’843 patent, including independent claim 4, describes data impulses applied via the data line, not the scan line. Pet. 11. In addition, Petitioner argues that “data impulses would necessarily be applied to the data lines in order for the device to function properly.” Pet. 27 (citing Ex. 1011, ¶¶ 69–70). For purposes of applying prior art to the claims, Petitioner interprets claim 1 not as written, but rather as requiring applying data impulses via the data line, not the scan line. *See, e.g.*, Pet. 26–33. Patent Owner provides no construction for the phrase.

Petitioner’s proffered correction would materially alter what would be required of claim 1. Instead of applying impulses to a particular line of the

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