

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

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

v.

SURPASS TECH INNOVATION LLC,
Patent Owner.

Case No. IPR2015-00887
U.S. Patent No. 7,420,550

**PETITIONERS' RESPONSE TO PATENT OWNER'S
MOTION FOR OBSERVATION REGARDING
CROSS-EXAMINATION OF TSU-JAE KING LIU, Ph.D.**

I. Introduction

In accordance with the Scheduling Order (Paper No. 10) as modified by the Joint Stipulation to Modify the Scheduling Order (Paper No. 21), Petitioners Samsung Electronics Co., Ltd., Samsung Display Co., Ltd., and Sony Corporation provide the following response to the motion for observation regarding the cross-examination testimony of Petitioners' reply witness Dr. Tsu-Jae King Liu (Paper No. 28) filed by Surpass Tech Innovation LLC ("Patent Owner") on April 4, 2016.

As set forth in the Responses below, Patent Owner has improperly used its observations as a vehicle to raise new issues. *See* Office Patent Trial Practice Guide, 77 Fed. Reg. at 48,768 ("An observation (or response) is not an opportunity to raise new issues, re-argue issues, or pursue objections."). Patent Owner's observations also mischaracterize Dr. Liu's testimony and reach unwarranted inferences from the cited testimony of Dr. Liu in view of other testimony of Dr. Liu cited herein that has either been omitted or ignored by Patent Owner.

Response to Observations 2 and 3 (Ex. 2027, 142:24-144:22, 144:23-145:22)

Patent Owner alleges that page 142, line 24 to page 144, line 22; page 144, line 23 to page 145, line 22; and page 144, line 23 to page 145, line 22 are relevant to the technology disclosed by Janssen '708 (Ex. 1004). Paper No. 28, pp. 1-2.

Observations 2 and 3 are improper in that Patent Owner fails to cite testimony from Dr. Liu explaining the context of the pixel symbols of Janssen

'708. The Board should consider the entirety of Dr. Liu's testimony regarding the pixel symbol of Janssen '708 at page 148, line 19 to page 149, line 1.

Response to Observation 6 (Ex. 2027, 156:7-15)

Patent Owner alleges that page 157, lines 7 to 15 is relevant to the symbol drawn by Dr. Liu in Exhibit E, the technology disclosed by Janssen '708, and to the probative weight of Dr. Liu's testimony about Janssen '708's pixel symbol in view of Kozaki (Ex. 1022). Paper No. 28, p. 2.

Observation 6 is improper in that Patent Owner fails to cite testimony from Dr. Liu explaining the context of the pixel symbol in Kozaki. The Board should consider the entirety of Dr. Liu's testimony regarding the pixel symbol of Kozaki at page 156, line 16 to page 157, line 17.

Response to Observation 7 (Ex. 2027 at 156:21-25)

Patent Owner alleges that page 156, lines 21 to 25 is relevant to the technology disclosed by Janssen '708 and to the probative weight of Dr. Liu's testimony about Janssen '708's pixel symbol in view of Kozaki. Paper No. 28, pp. 2-3.

Observation 7 is improper in that Patent Owner fails to cite testimony from Dr. Liu explaining the context of the pixel symbol in Kozaki. The Board should consider the entirety of Dr. Liu's testimony regarding the pixel symbol of Kozaki at page 156, line 16 to page 157, line 17.

Response to Observation 8 (Ex. 2027 at 159:21-160:4)

Patent Owner alleges that page 159, line 21 to page 160, line 4 is relevant to the symbol drawn by Dr. Liu in Exhibit E, the technology disclosed by Janssen '708, and to the probative weight of Dr. Liu's testimony about Janssen '708's pixel symbol in view of Johnson (Ex. 1023). Paper No. 28, p. 3.

Observation 8 is improper in that Patent Owner fails to cite testimony from Dr. Liu explaining the context of the pixel symbol in Johnson. The Board should consider the entirety of Dr. Liu's testimony regarding the pixel symbol of Johnson at page 160, line 7 to page 161, line 14.

Response to Observation 9 (Ex. 2027 at 163:1-4)

Patent Owner alleges that page 161, lines 1 to 4 are relevant to the symbol drawn by Dr. Liu in Exhibit E, the technology disclosed by Janssen '708, and to the probative weight of Dr. Liu's testimony about Janssen '708's pixel symbol in view of Moriyama (Ex. 1024). Paper No. 28, p. 3.

Observation 9 is improper in that Patent Owner fails to cite testimony from Dr. Liu explaining the context of the pixel symbol in Moriyama. The Board should consider the entirety of Dr. Liu's testimony regarding the pixel symbol of Moriyama at page 163, line 18 to page 164, line 25, and page 165, line 8 to page 166, line 17.

Response to Observations 10 and 11 (Ex. 2027 at 168:2-171:3; 173:18-20; 175:7-11; 177:16-178:16)

Patent Owner alleges that page 168, line 2 to page 171, line 3, page 173, lines 18 to 20, page 175, lines 7 to 11, and page 177, line 16 to page 178, line 16 are relevant to the probative weight of Dr. Liu's testimony about the examination of Exhibit 1025 and about the examiner's interpretation of Janssen's "pixel" elements 46 and 100. Paper No. 28, pp. 3-4.

Observations 10 and 11 are improper in that the observations are raising a new issue about the competency of the U.S. Patent Office Examiner's interpretation of Exhibit 1025, which is the U.S. counterpart application to Janssen '708. The cited testimony of Dr. Liu references a section of the Petitioners' Reply Brief (Paper No. 22, p. 23). However, Dr. Liu never offered an opinion on the examination skills or competency of the U.S. Patent Examiner with respect to Exhibit 1025. (Ex. 1020). Furthermore, the Board should consider the entirety of Dr. Liu's testimony regarding the prior art references cited in Exhibit 1025 at page 176, line 7 to page 177, line 15 and their applicability to active matrix liquid crystal displays.

Response to Observations 12 and 13 (Ex. 2027 at 179:21-180:13, 181:16-24)

Patent Owner alleges that page 179, line 21 to page 180, line 13, and page 181, lines 16 to 24 are relevant to whether Janssen '708 discloses or could be

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