

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LG DISPLAY, LTD.,
Petitioner,

v.

INNOVATIVE DISPLAY TECHNOLOGIES LLC,
Patent Owner.

Case IPR2014-01094
Patent 7,404,660 B2

Before THOMAS L. GIANNETTI, NEIL T. POWELL, and BEVERLY M.
BUNTING, *Administrative Patent Judges*.

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DECISION
Denying Institution of *Inter Partes* Review
37 C.F.R. § 42.108

LG Display Co, Ltd. (“Petitioner”) filed a Petition pursuant to 35 U.S.C. §§ 311–319 to institute an *inter partes* review of claims 1, 3, 10, 16, 17, 25, 33, and 34 of U.S. Patent No. 7,404,660 B2 (Ex. 1001, “the ’660 patent”). Paper 2 (“Pet.”). Innovative Display Technologies LLC (“Patent Owner”) filed a Preliminary Response on October 16, 2014. See Paper 8 (“Prelim. Resp.”). Applying the standard set forth in 35 U.S.C. § 314(a), which requires demonstration of a reasonable likelihood that Petitioner would prevail with respect to at least one challenged claim, we deny the Petition and decline to institute an *inter partes* review of claims 1, 3, 10, 16, 17, 25, 33, and 34 of the ’660 patent based on any of the asserted grounds.

I. BACKGROUND

A. The ’660 Patent (Ex. 1001)

The ’660 patent is directed to a light emitting panel assembly 60 having a transparent light emitting panel 62 with a “greater cross-sectional width than thickness” (Ex. 1001, Abstract) as illustrated below in Fig. 10.

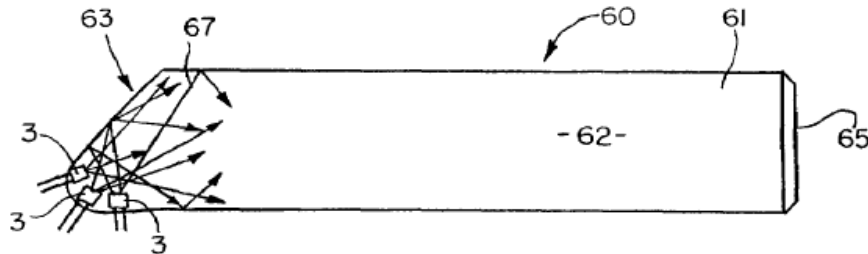


Fig. 10 is a schematic top view of a light emitting panel assembly. The light emitting panel assembly includes one or more light sources 3 that emit light in a predetermined pattern in light transition member 63, such that the light source has “a light output distribution with a greater width component than height component positioned adjacent to the input edge for directing light into the optical conductor and emission of the light from at

least one output region of the optical conductor.” *Id.* at 2:61–65; Abstract; *see also* 7:57–58; Fig. 10. The transition member 63, described as “an integral extension of one end of the light emitting panel [2] and as being generally rectangular in shape,” is configured to spread and transmit the light by the light source to the output region. *Id.* at 3:5–7; Abstract. The transition member “may be a separate piece suitably attached to the light input surface [13] of the panel member.” *Id.* at 3:11–13. Light extracting deformities “may be provided on one or both sides of the panel members or on one or more selected areas on one or both sides of the panel members.” *Id.* at 4:31–34.

B. Illustrative Claim

Claim 1 is illustrative of the claims at issue:

1. A light emitting panel assembly comprising:
 - a generally planar optical conductor having at least one input edge with a greater cross-sectional width than thickness; and
 - a plurality of light sources configured to generate light having an output distribution defined by a greater width component than height component, the light sources positioned adjacent to the input edge, thereby directing light into the optical conductor;
 - the optical conductor having at least one output region and a predetermined pattern of deformities configured to cause light to be emitted from the output region,
 - the optical conductor having a transition region disposed between the light source and the output region.

C. Related Proceedings

Patent Owner indicates that it has asserted infringement of the '660 patent in the following proceeding: Delaware Display Group LLC et al. v. LG Electronics Inc. et al., No. 1:13-cv-02109 (D. Del., filed Dec. 31, 2013). Paper 6, 2. In addition, Patent Owner lists other proceedings in which it has alleged infringement of the '660 patent. *Id.* at 2–5. Petitioner concurrently filed additional petitions challenging the patentability of the following related patents:

1. IPR2014-01092 (U.S. Patent No. 7,434,974);
2. IPR2014-01095 (U.S. Patent No. 8,215,816);
3. IPR2014-01096 (U.S. Patent No. 7,537,370); and
4. IPR2014-01097 (U.S. Patent No. 7,300,194).

D. Claim Construction

The Board interprets claims of an unexpired patent using the broadest reasonable construction in light of the specification of the patent in which they appear. 37 C.F.R. § 42.100(b); *see also* Office Patent Trial Practice Guide, 77 Fed. Reg. 48,756, 48,766 (Aug. 14, 2012). Petitioner proposes a construction for the term “deformities” appearing in claims 1, and 33. Pet. 8. Patent Owner takes no position on claim construction, other than pointing out that the parties agreed to the construction of “deformities” proffered by Petitioner in the district court. Prelim. Resp. 4–5; citing Ex. 2002, 8.¹

¹ The district court construed the phrase “pattern of deformities” and similarly “pattern of light extracting deformities” to mean “a random placement pattern or a variable pattern.” Ex. 2002, 11.

For purposes of this decision, having considered the evidence presented, we see no need to construe expressly “deformities” or any of the other terms in the challenged claims at this time.

E. References

Petitioner relies on the following references (Pet. 8–10), the Admitted Prior Art (“APA”) discussed in the ’660 patent (Pet. 8–9) and the Declaration of Dr. Michael J. Escuti (Ex. 1004):

References	Patents/Printed Publications	Date	Exhibit
Ciupke	US 5,461,547	Oct. 24, 1995 ²	1005
Pristash	US 5,005,108	April 2, 1991	1006
Tai	US 5,359,691	Oct. 25, 1994	1007
Funamoto	US 5,619,351	April 8, 1997 ³	1008

F. Grounds Asserted

Petitioner challenges claims 1, 3, 10, 16, 17, 25, 33, and 34 of the ’660 patent on the following grounds. Pet. 10.

References	Basis	Claims Challenged
Pristash	§ 102(b)	1, 3, 10, 16, 17, 25, 33, and 34
Tai	§ 102(a)	1, 3, 10, 16, and 25
Ciupke	§ 102(e)	1, 3, 10, 16, 17, 25, 33, and 34
Tai and Funamoto	§ 103(a)	25

² Petitioner relies on the July 20, 1993 filing date of Ciupke. Pet. 10.

³ Petitioner relies on the May 10, 1994 35 U.S.C. § 371 date of Funamoto.
Id.

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