

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LG ELECTRONICS, INC., and
LG ELECTRONICS U.S.A., INC.
Petitioners

v.

TOSHIBA SAMSUNG STORAGE TECHNOLOGY KOREA CORPORATION
Patent Owner

Patent No. RE43,106

PETITION
to Institute an *Inter Partes* Review of U.S. Patent No. RE43,106
under 37 C.F.R. § 42.100 et seq.

Mail Stop PATENT BOARD
Patent Trial and Appeal Board
United States Patent and Trademark Office
PO Box 1450
Alexandria, Virginia 22313-1450
Submitted Electronically via the Patent Review Processing System

TABLE OF CONTENTS

TABLE OF AUTHORITIES	V
EXHIBIT LIST	VII
I. STATEMENT OF THE PRECISE RELIEF REQUESTED	1
II. GROUNDS FOR STANDING.....	1
III. MANDATORY NOTICES	2
IV. IDENTIFICATION OF CHALLENGES.....	3
V. SUMMARY OF THE '106 PATENT	3
A. Overview.....	3
B. The '106 Patent.....	4
1. Conventional Optical Pickups Were Compatible With Both CDs and DVDs	4
2. The Purported Invention of the '106 Patent is the Use of a Diffractive Element Rather than the Thin Film Element of Conventional Optical Pickups.....	8
C. Challenged Claims of the '106 Patent.....	11
D. Claim Construction.....	12
E. Prosecution History	13
1. Prosecution of the '611 Application.....	14
2. Prosecution of the Reissue Application.....	15
VI. PERSON OF ORDINARY SKILL IN THE ART	16
VII. CLAIMS 7-19 OF THE '106 PATENT ARE UNPATENTABLE	17
A. The '106 Patent Presents an Obvious Variation of Conventional Optical Pickups	19

B. Ground 1 – Claims 7-19 of the ’106 Patent Are Obvious Over Admitted Prior Art and Katayama22

1. One of Ordinary Skill in the Art Would Have Combined Katayama and the Admitted Prior Art to Arrive at the Lens of Claim 722

2. Claim 7.....25

3. Claim 8.....40

4. Claims 9-1142

5. Claim 12.....45

6. Claims 13-17.....47

7. Claim 18.....51

8. Claim 19.....534

9. Secondary Considerations55

VIII. CONCLUSION.....59

TABLE OF AUTHORITIES

Cases

Agrizap, Inc. v. Woodstream Corp., 520 F.3d 1337 (Fed. Cir. 2008)24

Concrete Appliances Co. v. Gomery, 269 U.S. 177 (1925).....56

Constant v. Advanced Micro-Devices, Inc., 848 F.2d 1560 (Fed. Cir. 1988)17

Ecolochem, Inc. v. Southern Cal. Edison Co., 227 F.3d 1361 (Fed. Cir. 2000)59

Geo M. Martin Co. v. Alliance Mach. Sys. Int’l LLC, 618 F.3d 1294
(Fed. Cir. 2010).....56

In re Am. Acad. of Sci. Tech. Ctr., 367 F.3d 1359 (Fed. Cir. 2004).....12

In re Cuozzo Speed Techs., LLC, No. 2014-1301, 2015 U.S. App. LEXIS
11714 (Fed. Cir. July 8, 2015)12

In re Nomiya, 509 F.2d 566 (CCPA 1975)17

Intri-Plex Technologies Inc. v. Saint-Gobain Perf. Plastics Rencol Ltd., Case
No. IPR 2014-00309, 2014 WL 2623456 (P.T.A.B. June 10, 2014).17

KSR Int’l Co. v. Teleflex, Inc., 550 U.S. 398 (2007)23

Sundance, Inc. v. DeMonte Fabricating Ltd., 550 F.3d 1356 (Fed. Cir. 2008)23

The Int’l Glass Co. v. United States, 408 F.2d 395 (Ct. Cl. 1969)59

Tokyo Keiso Co., LTD v. SMC Corp., 307 Fed. Appx. 446 (Fed. Cir. 2009).....17

Statutes

35 U.S.C. § 102(a)19

35 U.S.C. § 102(e)19

35 U.S.C. § 103(a)1, 3

35 U.S.C. § 311-319.....1

Rules

37 C.F.R. § 42.100 1

37 C.F.R. § 42.100(b) 12

37 C.F.R. § 42.101 1

37 C.F.R. § 42.101(a)-(c)..... 1, 2

37 C.F.R. § 42.8(b)(1)-(4)..... 2, 3

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.