

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LG DISPLAY CO., LTD.,
Petitioner,

v.

INNOVATIVE DISPLAY TECHNOLOGIES LLC,
Patent Owner.

Case IPR2014-01096
Patent 7,537,370

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

GIANNETTI, *Administrative Patent Judge*.

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

LG Display Co., Ltd. (“Petitioner”) filed a Corrected Petition¹ pursuant to 35 U.S.C. §§ 311–319 to institute an *inter partes* review of claims 1, 4, 8, 13, 15, 27, 29, and 47 of U.S. Patent No. 7,537,370 (“the ’370 patent”). Paper 4 (“Pet.”). Innovative Display Technologies LLC (“Patent Owner”) filed a Preliminary Response. Paper 9 (“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 grant the Petition and institute an *inter partes* review of claims 15 and 27. We deny the Petition as to the other claims challenged.

I. BACKGROUND

A. The ’370 patent (Ex. 1001)

The ’370 patent is entitled “Light Emitting Panel Assemblies.” The Abstract describes the subject matter as follows:

Light emitting panel assemblies include an optical panel member having a pattern of light extracting deformities on or in one or both sides to cause light to be emitted in a predetermined output distribution. The pattern of light extracting deformities on or in one side may have two or more different types or shapes of deformities and at least one of the types or shapes may vary along the length or width of the panel member. Where the light extracting deformities are on or in both sides, at least some of the deformities on or in one side may be of a different type or shape or vary in a different way or manner than the deformities on or in the other side.

Ex. 1001, Abstract.

¹ In this proceeding we will refer to the Corrected Petition as “the Petition.”

B. Illustrative Claim(s)

Claim 1 is illustrative of the claims at issue:

1. A light emitting panel assembly comprising at least one light source,
an optical panel member having at least one input edge for receiving light from the at least one light source, the panel member having front and back sides and a greater cross sectional width than thickness,
both the front and back sides having a pattern of light extracting deformities that are projections or depressions on or in the sides to cause light to be emitted from the panel member in a predetermined output distribution,
where the pattern of light extracting deformities on or in at least one of the sides varies along at least one of the length and width of the panel member and
at least some of the light extracting deformities on or in one of the sides are of a different type than the light extracting deformities on or in the other side of the panel member, and
at least one film, sheet or substrate overlying at least a portion of one of the sides of the panel member to change the output distribution of the emitted light such that the light will pass through a liquid crystal display with low loss.

C. Related Proceedings

Patent Owner states that it has asserted infringement by Petitioner of the '370 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 7.

Patent Owner identifies numerous other proceedings in which it has alleged infringement of the '370 patent. *See* Paper 7 for a listing.

In addition, there are four other pending requests for *inter partes* review by Petitioner for patents related to the '370 patent. *Id.* Those are as follows:

1. IPR2014-01092 (U.S. Patent No. 7,434,974);
2. IPR2014-01094 (U.S. Patent No. 7,404,660)
3. IPR2014-01095 (U.S. Patent No. 8,215,816); 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).

The only claim term for which Petitioner proposes a construction is the term “deformities,” appearing in all challenged claims. Petitioner asserts that the ’370 patent “expressly defines” the term to mean “any change in the shape or geometry of a surface and/or coating or surface treatment that causes a portion of light to be emitted.” Pet. 7 (citing ’370 patent, Ex. 1001, col. 4, ll. 36–40). Patent Owner takes no position on claim construction. Prelim. Resp. 4. Patent Owner points out, however, that the construction of “deformities” proffered by Petitioner was agreed to and adopted by the district court. *Id.* at 5.

We have considered Petitioner’s construction of “deformities” and determined that at this stage it should be adopted here.

We have further determined that, except as may be indicated in the discussion below, the remaining terms should be given their plain and ordinary meaning.

E. References

Petitioner relies on the following references²:

Pristash	US 5,005,108	Apr. 2, 1991	Ex. 1006
Ohe	EP 0 500 960 A1	Feb. 9, 1992	Ex. 1007
Kobayashi	US 5,408,388	Apr. 18, 1995	Ex. 1008

Petitioner also states that it is relying on Admitted Prior Art (“APA”) from the ’974 patent specification. Pet. 8; Ex. 1001, col. 2, ll. 58–65. Petitioner also relies on a Declaration from Michael J. Escuti, Ph.D. (“Escuti Decl.”). Ex. 1004.

F. Grounds Asserted

Petitioner challenges claims 1, 4, 8, 13, 15, 27, 29, and 47 of the ’370 patent on the following grounds.

References	Basis	Claims Challenged
Pristash	§ 103(a)	1, 4, 8, 13, 15, 27, 29, and 47
Ohe	§ 102(b)	1, 4, 8, and 29
Kobayashi	§ 102(a)	1, 4, and 29
Kobayashi and Pristash	§ 103(a)	13, 15, 27, and 47

II. ANALYSIS

A. Asserted Grounds Based On Pristash

(Claims 1, 4, 8, 13, 15, 27, 29, and 47)

Petitioner contends that these claims are obvious over Pristash under 35 U.S.C. § 103(a). Pet. 11–25. For the reasons that follow, we are not persuaded that Petitioner has a reasonable likelihood of prevailing on this ground.

² The references are ordered by exhibit number with effective dates asserted by Petitioner.

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.