

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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K.J. PRETECH CO., LTD.,  
Petitioner

v.

INNOVATIVE DISPLAY TECHNOLOGIES LLC,  
Patent Owner

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Case IPR2015-01867  
Patent 7,537,370 B1  
October 3, 2016

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**PETITIONER'S REPLY TO PATENT OWNER'S RESPONSE**

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## **I. INTRODUCTION**

In its March 17, 2016 Institution Decision on U.S. Patent No. 7,537,370 B2 (the “’370 Patent”), the Board correctly found that: (1) Petitioner has demonstrated a reasonable likelihood of prevailing in proving that claim 29 would have been obvious over JP H03-189679 to Suzuki (“Suzuki”); (2) Petitioner has demonstrated a reasonable likelihood of prevailing in proving that claim 47 would have been obvious over Suzuki and U.S. Patent No. 5,005,108 to Pristash (“Pristash”); and (3) the Petition is not time-barred under 35 U.S.C. § 315(b). *See* Institution Decision (“Dec.”), Paper 15, at 15-17 and 18-19. In response to the Institution Decision, Patent Owner filed a response on July 1, 2016 (“POR”). The POR includes alleged distinctions between prior art and challenged claims that have already been addressed by the Board while making the above-referenced findings. Nothing in the POR should disturb these findings. Thus, for the reasons set forth in the Petition and further explained below, claims 29 and 47 of the ’370 Patent are unpatentable.

## **II. CLAIM 29 IS RENDERED OBVIOUS BY SUZUKI**

Patent Owner argues that claim 29 is not rendered obvious by Suzuki because Suzuki does not disclose element [29.e] requiring “at least some of the light extracting deformities on or in one of the sides vary in a different way or manner than the light extracting deformities on or in the other side of the panel

member.” Mr. Werner agreed this is the sole limitation in dispute. *See* Ex. 1032, Werner Dep. Tr. at 242:22-244:5.

Patent Owner’s primary argument is that the disclosure of “[e]mbossed patterns having different pitches . . . on the front and back surfaces of the transparent light guide” does not correspond to varying deformities in different ways on one side of the panel member. POR at 4-7. This argument is inapposite to the explicit disclosure of the ’370 Patent. As explained in the Institution Decision and as admitted by Patent Owner, the ’370 Patent discloses that deformities may be varied by, for example, varying the density of deformities on the light guide. Dec. at 15-16; *see also* POR at 4-5. Patent Owner states that changing the pitch of the deformities does not correlate to a change in density of deformities. *See* POR at 5-6. Such a distinction is technically incorrect. As explained by Mr. Credelle during his deposition, pitch “could be related to density . . . [for example i]f you have five dots per inch versus two dot per inch, you would have different densities, but you would have a pitch of five and a pitch of two. They would have different densities. So that would be the relationship.” Ex. 2007 (Credelle Dep.) at 173:2-10. Thus, Mr. Credelle explained that as the density of dots varied per square inch, the pitch also varied.

For example, Patent Owner does not dispute that Suzuki discloses that “[e]mbossed patterns having different pitches may be formed on the front and back

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