

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

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

v.

INNOVATIVE DISPLAY TECHNOLOGIES LLC,
Patent Owner.

Case IPR2015-01868¹
Patent 7,434,974

Before THOMAS L. GIANNETTI, MIRIAM L. QUINN, and
BEVERLY M. BUNTING, *Administrative Patent Judges*.

BUNTING, *Administrative Patent Judge*.

DECISION

FINAL WRITTEN DECISION
35 U.S.C. § 318(a) and 37 C.F.R. § 42.73

¹ Case IPR2016-00910 has been joined with this proceeding.

I. INTRODUCTION

K.J. Pretech Co., Ltd. (“Petitioner”), filed a Petition pursuant to 35 U.S.C. §§ 311–319 requesting *inter partes* review of claims 1, 3–5, 7, 8, 10, and 11 of U.S. Patent No. 7,434,974 (Ex. 1001, “the ’974 patent”). Paper 2 (“Pet.”). Patent Owner, Innovative Display Technologies LLC (“Patent Owner”), timely filed a Preliminary Response to the Petition. Paper 11 (“Prelim. Resp.”). Taking into account the arguments presented in the Preliminary Response, we determined that the information presented in the Petition establishes a reasonable likelihood that Petitioner would prevail on its challenge of claims 1, 3–5, 7, 8, 10, and 11 (“the challenged claims”) of the ’974 patent. Pursuant to 35 U.S.C. § 314, we instituted this trial on March 17, 2016, based on the grounds identified in the Order section of the Decision on Institution. Paper 15, 25. (“Dec. on Inst.”).

During the course of trial, Patent Owner timely filed a Patent Owner Response (Paper 20 (“PO Resp.”)), and Petitioner timely filed a Reply thereto (Paper 22 (“Pet. Reply”)). An oral hearing was conducted on January 10, 2017, and a transcript of the hearing is entered in the record. Paper 39 (“Tr.”). IPR2016-00910 was joined with this proceeding. Paper 24.

We have jurisdiction under 35 U.S.C. § 6. This Final Written Decision is entered pursuant to 35 U.S.C. § 318(a) and 37 C.F.R. § 42.73 as to the patentability of the challenged claims of the ’974 patent. For the reasons that follow, we determine that Petitioner has demonstrated, by a preponderance of the evidence, that claims 1, 3–5, 7, 8, 10, and 11 of the ’974 patent are unpatentable.

II. BACKGROUND

A. *Related Proceedings*

The parties identify numerous proceedings in which infringement of the '974 patent has been alleged. Pet. 1–2; Paper 5, 2–6. Patent Owner additionally identifies other petitions requesting *inter partes* review of the '974 patent, as well as related patents. Paper 5, 6. For example, in IPR2014-01092, one such petition was denied as to claims 1, 3–5, 7–11, 13 and 17 of the '974 patent. *See LG Elecs., Inc. v. Innovative Display Techs. LLC*, Case IPR2014-01092 (PTAB January 13, 2015) (Paper 9).

B. *The '974 Patent (Ex. 1001)*

The '974 patent, titled “Light Emitting Panel Assemblies,” was issued on October 14, 2008, from U.S. Patent Application No. 11/378,080 filed on March 17, 2006. Ex. 1001, at [54], [45], [21], and [22]. The '974 patent is directed to a light emitting panel assembly having a light emitting panel member received in a cavity or recess in a tray or housing (*id.* at [57]) as illustrated below in Figure 6.

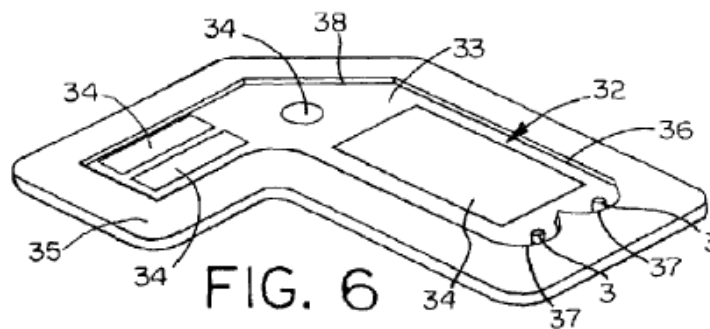


Fig. 6 is a schematic view of a light emitting panel assembly.

The light emitting panel assembly 32 includes panel member 33, one or more light sources 3, and one or more light output areas 34. *Id.* at 6:53–56. Panel assembly 32 is received within a cavity or recess 36 in tray 35.

Id. at 6:56–58. Tray 35 serves as back, end or edge reflectors for panel 33 and side and/or back reflectors for the light sources. *Id.* at 6:58–60. One or more secondary reflective or refractive surfaces 38 may be formed on the panel member to reflect a portion of the light around corners or curves in the panel member. *Id.* at 6:61–65. As shown in Figure 4a, 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.

C. Illustrative Claim

Challenged claims 1 and 7 are independent. Claim 1 is illustrative of the challenged claims and is reproduced below:

1. A light emitting panel assembly comprising
at least a light emitting panel member having a light entrance surface and a light emitting surface,
at least one LED light source positioned near or against the light entrance surface, and
a tray or housing having a cavity or recess in which the panel member is entirely received,
wherein the panel member has a pattern of light extracting deformities on or in at least one surface to cause light to be emitted from the light emitting surface of the panel member, and the tray or housing includes end walls and side walls that act as end edge reflectors and side edge reflectors for the panel member to reflect light that would otherwise exit the panel member through an end edge and/or side edge back into the panel member and toward the pattern of light extracting deformities for causing additional light to be emitted from the light emitting surface of the panel member,
wherein the tray or housing provides structural support to the panel member and has posts, tabs, or other structural features that provide a mount for mounting of the assembly into a larger assembly or device.

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Ex. 1001, 9:9–27.

D. References

The Board instituted *inter partes* review based on the following references:

References	Patents/Printed Publications	Date	Exhibit
Kisou	JP H7-64078A	March 10, 1995	1006
Niizuma	JP H5-45651	June 18, 1993	1007
Yagi	US 4,017,155	April 12, 1977	1008
Furuya	JP 6-214230	August 5, 1994	1009

Petitioner also relies on a Declaration from Mr. Thomas L. Credelle. Ex. 1004. With its response, Patent Owner submitted the Declaration of Mr. Kenneth Werner. Ex. 2006.² Transcripts of the depositions of Mr. Credelle and Mr. Werner are entered in the record as Exhibits 2007 and 1026, respectively.

E. Instituted Grounds

As explained in the Introduction section above, we instituted trial based on the following asserted grounds of unpatentability (Dec. on Inst. 25):

Reference(s)	Basis	Claims Challenged
Kisou	§ 102(a)	1, 5, 7, 8, 10, and 11
Kisou	§ 103(a)	5, 10, and 11
Kisou, Yagi	§ 103(a)	3 and 4
Furuya, Niizumz	§ 103(a)	1, 3–5, 7, 8, 10, and 11

² Petitioner’s general argument that Mr. Werner’s testimony be accorded “little or no weight” (Pet. Reply 16–17) is unpersuasive. We review the testimony of each party’s expert and allocate the appropriate weight to such testimony, as supported by the evidence.

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