

Filed on behalf of Innovative Display Technologies LLC
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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 IPR2015-01868
U.S. Patent No. 7,434,974

PATENT OWNER'S RESPONSE

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Patent Owner Innovative Display Technologies LLC (“IDT”) hereby files this response (“Response”) to the Petition (Paper 2) (the “Petition”) for *Inter Partes* Review of U.S. Patent No. 7,434,974 (the “974 patent”) in IPR2015-01868 filed by KJ Pretech Co., Ltd. (“KJ” or “Petitioner”).

I. INTRODUCTION

The Board should confirm patentability of all challenged claims. Further, Patent Owner renews its argument that Petitioner was time-barred in filing the Petition because it is in privity with LG, the real party in interest who is also time-barred. LG’s conduct in the litigation following institution provides further evidence that Petitioner is acting at LG’s behest.

Regarding the instituted grounds, first, Petitioner has not demonstrated that JP H7-64078A (“Kisou”) anticipates several limitations of challenged claims 1, 5, 7, 8, 10, and 11. Kisou does not disclose a light emitting panel that has a pattern of light extracting deformities *for causing light to be emitted from the light emitting surface of the panel*, as required by challenged claims 1, 5, 7, 8, 10, and 11. Petitioner also fails to demonstrate that Kisou discloses end or side edge reflectors that reflect light towards such a pattern of light extracting deformities. Additionally, Kisou does not disclose a tray or housing with structural features for providing structural support for other components. Finally, Kisou does not disclose a separate film over the panel as required by dependent claims 5, 10, and 11.

Second, Petitioner has not satisfied its burden to demonstrate that dependent claims 5, 10, and 11 are obvious in view of Kisou. In this alternative argument, Petitioner tellingly argues that a person of skill in the art would be motivated to replace the diffusing surface of the panel of Kisou with a separate film. However, Kisou teaches against such a modification, and a person of skill in the art would understand that such a modified device would not function properly.

Third, Petitioner has not demonstrated that a person of skill in the art would have combined Kisou with U.S. Patent No. 4,017,155 (“Yagi”), or that such a combination would disclose the limitations of dependent claims 3 or 4. Kisou, filed in 1993, utilizes special *light-emitting diode* (“LED”) lamps that direct light downward to tunnel under the light guide. In contrast, Yagi, filed in 1974, uses a parabolic reflector to direct more of the light of an *incandescent bulb* into a reflecting plate and the bottom glass of a liquid crystal display. A person of ordinary skill would not look to Yagi to modify Kisou as Petitioner suggest.

Finally, Petitioner has not met its burden to establish that a person of ordinary skill would have combined JP 6-214230 (“Furuya”) and JP H5-45651 (“Niizuma”) to render claims 1, 3, 4, 5, 7, 8, 10 and 11 obvious. Petitioner first fails to demonstrate that a person of ordinary skill would combine the two very different approaches of Furuya, which Furuya describes as alternatives to one other. In one approach, Furuya uses a reflector, and in the other Furuya uses a light guide to achieve the same result.

There is no suggestion that the approaches could be combined. Further, a person of skill would not look to Niizuma to modify Furuya, because those references use wholly different approaches that teach away from one another. Furuya seeks a uniform display, while Niizuma intentionally seeks a non-uniform display.

Thus, the Board should confirm patentability of the challenged claims.

II. ARGUMENT

A. **Ground 1—Kisou Does Not Anticipate Claims 1, 5, 7, 8, 10, or 11**

Kisou does not disclose each and every limitation of the challenged claims as arranged in the claim, as required by Federal Circuit law. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987); *Karsten Mfg. Corp. v. Cleveland Golf Co.*, 242 F.3d 1376, 1383 (Fed. Cir. 2001). Petitioner fails to demonstrate that Kisou discloses multiple claim limitations, as set forth below.

1. Kisou Does Not Disclose a Pattern of Light Extracting Deformities to Cause Light to be Emitted from the Light Emitting Surface as Required by Elements [1.d] and [7.d]

Kisou does not disclose the following element of independent claims 1 and 7: “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.” Ex. 1001, ’974 patent at 9:14-17 and 9:48-51. Thus, Kisou does not anticipate independent claims 1 and 7, or dependent claims 5, 8, 10, or 11.

Claims 1 and 7 expressly require that the “pattern of light extracting deformities” must be for “caus[ing] light to be emitted from the light emitting surface of the panel member.” *Id.* at 9:14-17 and 9:48-51; *see also* Ex. 2006, Declaration of Ken Werner (“Werner Dec.”) at ¶80. Further, the specification of the ’974 patent is replete with support for this requirement. *See* ’974 patent at 1:50-55; 1:18-22; 2:65-3:3; 4:48-5:4; 7:1-9; 7:30-33; 7:55-58; and Figs. 4a, b, c, d, 6, 7, 9, 10, 11 *see also* Werner Dec. at ¶80. Petitioner’s expert, Thomas Credelle, agrees that the ’974 patent describes that light is emitted from the top surface of the assembly, towards the LCD and towards the viewer. *See* Ex. 2007, Deposition of Thomas Credelle (“Credelle Dep.”) at 73:1-74:18; 78:11-20; 80:12-81:23; 128:16-129:20.

Petitioner argues that the light paths 31 of Kisou are the “pattern of light extracting deformities . . . to cause light to be emitted from the light emitting surface.” *See* Petition, Paper 2 at 20. However, as shown below in Fig. 9 of Kisou, the light paths 31 are only the spaces between the light conductor 30 and the reflector 40, not the surface of the light conductor 30. *See* Ex. 1006, Kisou at Fig. 9; *see also* Werner Dec. at ¶¶81-83. Kisou describes that “*light progressing into the light paths 31 on the rear side of conductor 30 is split and diffused*” and that “*these gaps substantially constituting light paths stably transmit the light from the lamp units L to greater distances.*” Kisou at [0026]-[0027] (emphasis added).

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