

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
Patent 7,434,974 B1
October 3, 2016

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. 7,434,974 B2 (the “’974 Patent”), the Board found that Petitioner K.J. Pretech Co., Ltd. demonstrated a reasonable likelihood of prevailing on all four Grounds based on all challenged claims and that the Petition is not time-barred under 35 U.S.C. § 315(b). *See* Institution Decision (“Dec.”), Paper 15, at 10, 13, 17, 23, 24-25. Patent Owner filed a response on July 1, 2016 (“Resp.”). The Response is just a rehash of arguments that the Board addressed while making the above-referenced findings in the Institution Decision. Nothing in the Response should disturb these findings. Thus, for the reasons set forth in the Petition (“Pet.”) and further explained below, the challenged claims of the ’974 Patent are unpatentable.

II. GROUND 1: CLAIMS 1, 5, 7, 8, 10, and 11 ARE ANTICIPATED BY KISOU

Patent Owner argues that Kisou does not anticipate claims 1, 5, 7, 8, 10, and 11 because Kisou does not disclose claim elements [1.d]/[7.d], [1.e]/[7.e], [1.f]-[1.g]/[7.f]-[7.g], and a separate film as required by dependent claims 5, 10, and 11. *See* Resp. at 2. As explained below, however, these arguments are based on improper characterizations or misunderstanding of Kisou.

A. Kisou discloses a pattern of light extracting deformities to cause light to be emitted from the light emitting surface in accordance with claim elements [1.d] and [7.d]

Patent Owner's arguments regarding Kisou's disclosure of claim elements [1.d] and [7.d] ignore the Board's construction of the term "deformities" and rest on the false premise that "**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.**" Resp. at 5 (emphasis added).

In its Institution Decision, the Board agreed that "deformities" should be construed 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." Dec. at 5 (citing Pet. at 7 (citing '974 patent, Ex. 1001, 4:36–40)). Patent Owner has not disputed this. Indeed, the paragraphs of Kisou cited by Patent Owner explicitly disclose how Kisou's recessed light paths 31 meet this construction.

First, as demonstrated by the paragraphs in Kisou cited by Patent Owner, the recessed light paths 31 are changes in shape of the surface of light conductor 30. Kisou places "**the light paths 31 on the rear side of conductor 30.**" Kisou at [0027]; Resp. at 5 (emphasis added); Ex. 1026, 53:9-12; 58:9-12. Kisou discloses that the "**recessed light paths 31 [] are formed on a rear surface of the light conductor 30.**" Kisou at [0026] (emphasis added); *see* Pet. at 20. Moreover, Kisou emphasizes that "**the recessed light paths 31 impart the light conductor 30 with a**

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