

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

VIZIO, Inc.,
Petitioner,

v.

INNOVATIVE DISPLAY TECHNOLOGIES LLC,
Patent Owner.

Case IPR2016-00910
U.S. Patent No. 7,434,974

**PATENT OWNER'S PRELIMINARY RESPONSE TO PETITION FOR
INTER PARTES REVIEW**

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U.S. Patent & Trademark Office
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I. INTRODUCTION

Pursuant to 37 C.F.R. § 42.107, Innovative Display Technologies (“IDT” or “Patent Owner”) files this Preliminary Response requesting that the Board deny institution of the Petition filed by VIZIO, Inc. (“Petitioner”) challenging U.S. Patent No. 7,434,974 (the “974 patent”). This Response is timely under 35 U.S.C. § 313 and 37 C.F.R. § 42.107, as it is filed within three months of the April 20, 2016, date of the Notice of Filing Date Accorded to Petition and Time for Filing Patent Owner Preliminary Response (Paper No. 4). Patent Owner does not intend to waive any arguments by not addressing them in this Preliminary Response.

The Board should deny this petition because of VIZIO’s extreme delay in filing it. VIZIO was served with a lawsuit asserting this patent on January 2, 2014. *See* Proof of Service (Ex. 2001); *see also* Complaint in *Delaware Display Group LLC, et al. v. VIZIO, Inc.*, No. 1:13-cv-02112 (filed Dec. 31, 2013) (asserting ’974 patent) (Ex. 2002). VIZIO waited over two years and three months to file this petition, and as VIZIO admits that the same art and grounds are being considered in the proceeding that VIZIO seeks to join. Thus, Patent Owner requests that the Board deny this petition using the Director’s discretion under 35 U.S.C. § 325(d). In the alternative, Patent Owner requests that the Board deny VIZIO’s motion for joinder (Paper 3) for the same reasons, and as a result reject this petition under 35 U.S.C. § 325(a)(1).

The Board should deny this Petition because the grounds of invalidity proposed by Petitioner are insufficient. For example, the alleged deformities identified by Petitioner in Kisou are gaps that act as “light paths that stably transmit light” (Ex. 1006 at [0026]) and thus are not light extracting deformities as claimed. Furthermore, for limitations of the tray/housing, Petitioner identifies elements of Kisou that are not part of a tray/housing such as electrical wires and solder. And Kisou does not disclose or render obvious the claimed film. Petitioner does not explain how or what changes if any would need to be made to the other components of Kisou to correct for that potential change in optical effect by adding such a film.

Yagi and Kisou together fail, for example, because the two references are not combinable in manner suggested by Petitioner. The combination suggested by Petitioner adds thickness to the device in contradiction to Kisou’s goal of slimness. Moreover, the combination of Yagi and Kisou does not render obvious the claim limitation that requires that “the tray or housing provides a support for supporting and/or positioning a film near the panel member,” because the part identified by the Petitioner receives and holds an LCD, not a film.

Furuya and Niizuma together fail, for example, because two references also are not combinable in manner suggested by Petitioner. Niizuma is concerned with efficiently illuminating LCDs while Furuya opts to use additional LEDs, sacrificing

efficiency for more uniformity in luminance. This combination is improper to meet the limitation reciting a tray that entirely receives a panel member, given that Furuya explicitly teaches using its reflector plate (the alleged tray) instead of a light-guiding plate (the alleged panel member).

A. Grounds in the Petition

The Petition includes four grounds of alleged invalidity:

Ground 1: § 102(a) over Kisou (claims 1, 5, 7, 8, 10, 11);

Ground 2: § 103(a) over Kisou (claims 5, 10, 11);

Ground 3: § 103(a) over Kisou and Yagi (claims 3 & 4); and

Ground 4: § 103(a) over Furuya and Niizuma (claims 1, 3-5, 7-8, 10, 11).

B. The '974 patent

The '974 patent claims priority back to June 15, 1995. The patent generally discloses “light emitting panel assemblies” made from a specific arrangement of components that, when combined, create “very efficient panel assemblies that may be used to produce increased uniformity and higher light output from the panel members with lower power requirements, and allow the panel members to be made thinner and/or longer, and/or of various shapes and sizes.” Ex. 1001 at 1:66 through 2:3.

At the time of the priority date of the '974 patent (over 20 years ago), the claimed inventions included novel components and a novel arrangement of those

components. For example, the claims of the '974 patent include such things as (1) a panel member with a pattern of light extracting deformities that cause light to be emitted from the light emitting surface of the panel member; (2) an LED light source positioned near or against the light entrance surface of the panel; (3) a tray that 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; and (4) the tray having 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.

The written description of the '974 patent explains that the panel's deformities are "any change in the shape or geometry of the panel surface and/or coating or surface treatment that causes a portion of the light to be emitted." Ex. 1001 at 4:38-40. The '974 patent describes the functionality of the deformities with reference to Fig. 4a.

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