

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-_____

Patent 7,537,370

PETITION FOR *INTER PARTES* REVIEW
OF U.S. PATENT NO. 7,537,370

Mail Stop **Patent Board**
Patent Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

TABLE OF CONTENTS

	Page
I. MANDATORY NOTICES	1
II. PAYMENT OF FEES	4
III. STANDING	4
IV. REQUEST FOR <i>INTER PARTES</i> REVIEW OF CLAIMS 29 AND 47 OF THE '370 PATENT	4
A. Technology Background	4
B. The Alleged Invention Of The '370 Patent.....	6
V. CLAIM CONSTRUCTION	7
A. Standards For Claim Construction.....	7
B. “deformities” (claims 29 and 47)	8
C. “transition region” (claim 47)	8
VI. SUMMARY OF PRIOR ART TO THE '370 PATENT FORMING THE BASIS FOR THIS PETITION	9
A. Admitted Prior Art.....	10
B. U.S. Patent No. 5,005,108 (“Pristash”) (Ex. 1007).....	10
C. JP H03-189679 (“Suzuki”) (Ex. 1008, 1009, 1010)	10
VII. GROUNDS FOR UNPATENTABILITY OF EACH CLAIM.....	11
A. Ground 3: Claim 29 Is Unpatentable Under 35 U.S.C. § 103(a) As Being Obvious Over Suzuki	11
B. Ground 4: Claim 47 Is Unpatentable Under 35 U.S.C. § 103(a) As Being Obvious Over Suzuki In View Of Pristash.....	20
C. Motivation to combine Suzuki with Pristash	21
VIII. CONCLUSION.....	24

TABLE OF AUTHORITIES

	Page(s)
Cases	
<i>Arris Group, Inc. v. C-Cation Techs., LLC</i> , IPR2014-00747	7
<i>In re Cuozzo Speed Techs., LLC</i> , 778 F.3d 1271 (Fed. Cir. 2015)	7
<i>K.J. Pretech Co., Ltd. v. Innovative Display Techs., Ltd.</i> , IPR2015-01867, Institution Decision, Paper 15 (Mar. 17, 2016)	1, 20
<i>LG Display Co., Ltd. v. Innovative Display Techs. LLC</i> , IPR2014-01096, Final Written Decision, Paper 40 (Dec. 18, 2015).....	20
<i>Phillips v. AWH Corp.</i> , 415 F.3d 1303 (Fed. Cir. 2005)	7
Statutes	
35 U.S.C. § 102(b)	10
35 U.S.C. § 103	1, 11, 19
35 U.S.C. § 112	8
35 U.S.C. § 301(a)(2).....	7
35 U.S.C. § 311	1
35 U.S.C. § 315(b)	4
Rules	
37 C.F.R. § 42.8	1
37 C.F.R. § 42.8(b)(2).....	2
37 C.F.R. § 42.10(b)	3
37 C.F.R. § 42.103	4

Patent No. 7,537,370
Petition for *Inter Partes* Review

37 C.F.R. § 42.104(a).....	4
37 C.F.R. § 42.104(b)	4
37 C.F.R. § 42.122(b)	4

PETITIONER'S EXHIBIT LIST

Description	Exhibit #
U.S. Patent No. 7,537,370	1001
Prosecution History of U.S. Patent No. 7,537,370	1002
Complaints filed in Related District Court Cases	1003
Declaration of Credelle (“Credelle Decl.”)	1004
U.S. Patent No. 5,461,547 (“Ciupke”)	1005
U.S. Patent No. 5,408,388 (“Kobayashi”)	1006
U.S. Patent No. 5,005,108 (“Pristash”)	1007
English translation of JP H03-189679 (“Suzuki”)	1008
JP H03-189679 (“Suzuki JP”)	1009
Translation Certificate for JP H03-189679 (“Suzuki Cert.”)	1010
U.S. Patent No. 4,929,866 (“Murata”)	1011
Claim Construction Order, <i>Innovative Display Technologies LLC v. Acer, Inc., et al.</i> , No. 2:13-cv-00522 (E.D. TEx. Aug. 26, 2014), ECF No. 101	1012
Plaintiff’s Opening Claim Construction Brief, <i>Innovative Display Technologies LLC v. Acer, Inc., et al.</i> , No. 2:13-cv-00522 (E.D. Tex. June 16, 2014), ECF No. 69	1013
U.S. Patent No. 5,160,195 (“Miller”)	1014
J. A. Castellano, <i>Handbook of Display Technology</i> , Academic Press Inc., San Diego (1992)	1015
U.S. Patent No. 5,598,280 (“Nishio”)	1016
U.S. Patent No. 5,384,658 (“Ohtake”)	1017
U.S. Patent No. 5,303,322 (“Winston”)	1018
U.S. Patent No. 5,050,946 (“Hathaway”)	1019
European Patent Application Publication No. EP500960 (“Ohe”)	1020
U.S. Patent No. 5,828,488 (“Ouderkirk”)	1021
3M Product Brochure 75-0500-0403-7, “Brightness Enhancement Film (BEF)” (1993)	1022
U.S. Patent No. 5,706,134 (“Konno”)	1023
U.S. Patent No. 5,944,405 (“Takeuchi”)	1024
U.S. Patent No. 5,381,309 (“Borchardt”)	1025
Excerpt from Werner Deposition	1026
IPR2014-01096, Paper No. 11	1027

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.