

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

VIZIO, INC.,
Petitioner,

v.

NICHIA CORPORATION,
Patent Owner.

Case IPR2017-00558
Patent No. 8,309,375

**PATENT OWNER'S MOTION AND CERTIFICATION
UNDER 37 C.F.R. § 42.100(b) REQUESTING EXPIRED
PATENT CLAIM CONSTRUCTION**

Notice of Request for Relief

Patentee moves for a district court-type claim construction under 37 C.F.R.

§ 42.100(b), which provides:

A claim in an unexpired patent that will not expire before a final written decision is issued shall be given its broadest reasonable construction in light of the specification of the patent in which it appears. A party may request a district court-type claim construction approach to be applied if a party certifies that the involved patent will expire within 18 months from the entry of the Notice of Filing Date Accorded to Petition. The request, accompanied by a party's certification, must be made in the form of a motion under §42.20, within 30 days from the filing of the petition.

Material Facts

1. The patent subject to the pending petition, U.S. Patent No. 8,309,375 (“the ’375 patent”), will expire within 18 months from the entry of the Notice of Filing Date Accorded to Petition, which notice was entered on January 19, 2017.
2. This motion is being filed within 30 days from the filing of the petition, which occurred on December 30, 2016.

Certification

Patentee hereby certifies, through the undersigned signature of its counsel, that the ’375 patent will expire on July 29, 2017.

Requested Relief

Patentee respectfully submits that the requirements of 37 C.F.R. § 42.100(b) are met. Accordingly, Patentee requests that the Board grant this motion and apply a district court-type claim construction in any instituted IPR proceeding.

Dated: January 30, 2017

Respectfully submitted,

/s/ David E. Cole

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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), I certify that on January 30, 2017, a true and correct copy of the foregoing PATENT OWNER'S MOTION AND CERTIFICATION UNDER 37 C.F.R. § 42.100(b) REQUESTING EXPIRED PATENT CLAIM CONSTRUCTION was served by Priority Mail Express on the following counsel of record for VIZIO, Inc.:

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