

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

NICHIA CORPORATION,

Plaintiff,

v.

TCL MULTIMEDIA TECHNOLOGY
HOLDINGS, LTD., et al.,

Defendants.

Civil Action No. 16-681-RGA

MEMORANDUM OPINION

Jack B. Blumenfeld, MORRIS, NICHOLS, ARSHT & TUNNEL LLP, Wilmington, DE; Brian P. Egan, MORRIS, NICHOLS, ARSHT & TUNNEL LLP, Wilmington, DE; Kenneth A. Gallo, PAUL, WEISS, RIFKIND, WHARTON & GARRISON LLP, Washington, DC; David Cole (argued), PAUL, WEISS, RIFKIND, WHARTON & GARRISON LLP, Washington, DC; Catherine Nyarady (argued), PAUL, WEISS, RIFKIND, WHARTON & GARRISON LLP, New York, NY; Daniel J. Klein, PAUL, WEISS, RIFKIND, WHARTON & GARRISON LLP, New York, NY.

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November 28, 2017


ANDREWS, U.S. DISTRICT JUDGE:

Presently before the Court is the issue of claim construction of multiple terms in U.S. Patent No. 7,915,631 (the “’631 patent”), U.S. Patent No. 7,901,959 (the “’959 patent”), U.S. Patent No. 8,309,375 (the “’375 patent”), and U.S. Patent No. 7,855,092 (the “’092 patent”). The Court has considered the parties’ joint claim construction brief (D.I. 54), associated joint appendix (D.I. 55), and supplemental briefing. (D.I. 60, 63). The Court heard oral argument on October 31, 2017. (D.I. 66) (“Tr.”).

I. BACKGROUND

On August 8, 2016, Plaintiff Nichia Corp. filed this action against Defendants TCL Multimedia Technology Holdings, Ltd. and TTE Technology, Inc. alleging infringement of the ’631, ’959, ’375, and ’092 patents. (D.I. 1).

II. LEGAL STANDARD

“It is a bedrock principle of patent law that the claims of a patent define the invention to which the patentee is entitled the right to exclude.” *Phillips v. AWH Corp.*, 415 F.3d 1303, 1312 (Fed. Cir. 2005) (en banc) (internal quotation marks omitted). “[T]here is no magic formula or catechism for conducting claim construction.’ Instead, the court is free to attach the appropriate weight to appropriate sources ‘in light of the statutes and policies that inform patent law.’” *SoftView LLC v. Apple Inc.*, 2013 WL 4758195, at *1 (D. Del. Sept. 4, 2013) (quoting *Phillips*, 415 F.3d at 1324) (alteration in original). When construing patent claims, a court considers the literal language of the claim, the patent specification, and the prosecution history. *Markman v. Westview Instruments, Inc.*, 52 F.3d 967, 977–80 (Fed. Cir. 1995) (en banc), *aff’d*, 517 U.S. 370 (1996). Of these sources, “the specification is always highly relevant to the claim construction

analysis. Usually, it is dispositive; it is the single best guide to the meaning of a disputed term.” *Phillips*, 415 F.3d at 1315 (internal quotation marks omitted).

“[T]he words of a claim are generally given their ordinary and customary meaning. . . . [Which is] the meaning that the term would have to a person of ordinary skill in the art in question at the time of the invention, i.e., as of the effective filing date of the patent application.” *Id.* at 1312–13 (citations and internal quotation marks omitted). “[T]he ordinary meaning of a claim term is its meaning to [an] ordinary artisan after reading the entire patent.” *Id.* at 1321 (internal quotation marks omitted). “In some cases, the ordinary meaning of claim language as understood by a person of skill in the art may be readily apparent even to lay judges, and claim construction in such cases involves little more than the application of the widely accepted meaning of commonly understood words.” *Id.* at 1314.

When a court relies solely upon the intrinsic evidence—the patent claims, the specification, and the prosecution history—the court’s construction is a determination of law. *See Teva Pharm. USA, Inc. v. Sandoz, Inc.*, 135 S. Ct. 831, 841 (2015). The court may also make factual findings based upon consideration of extrinsic evidence, which “consists of all evidence external to the patent and prosecution history, including expert and inventor testimony, dictionaries, and learned treatises.” *Phillips*, 415 F.3d at 1317–19 (internal quotation marks omitted). Extrinsic evidence may assist the court in understanding the underlying technology, the meaning of terms to one skilled in the art, and how the invention works. *Id.* Extrinsic evidence, however, is less reliable and less useful in claim construction than the patent and its prosecution history. *Id.*

“A claim construction is persuasive, not because it follows a certain rule, but because it defines terms in the context of the whole patent.” *Renishaw PLC v. Marposs Societa’ per*

Azioni, 158 F.3d 1243, 1250 (Fed. Cir. 1998). It follows that “a claim interpretation that would exclude the inventor’s device is rarely the correct interpretation.” *Osram GMBH v. Int’l Trade Comm’n*, 505 F.3d 1351, 1358 (Fed. Cir. 2007) (citation and internal quotation marks omitted).

III. PATENTS AT ISSUE

1. The ’631 Patent

The ’631 patent is directed to a light emitting device containing a semiconductor light emitting component and a phosphor. (’631 patent, abstract). Claim 1 reads as follows:

1. A light emitting diode comprising:

an LED chip having an electrode;

a transparent material covering said LED chip, and

a phosphor contained in said transparent material and absorbing a part of light emitted by said LED chip and emitting light of wavelength different from that of the absorbed light;

wherein the *main emission peak* of said LED chip is within the range from 400 nm to 530 nm,

a concentration of said phosphor in the vicinity of said LED chip is larger than a concentration of said phosphor in the vicinity of the surface of said transparent material, and

said phosphor *diffuses* the light from said LED chip and suppresses a formation of an emission pattern by a partial blocking of the light by said electrode.

(*Id.* at 30:59–31:6) (disputed terms italicized).

2. The ’959 Patent

The ’959 patent is also directed to a light emitting device containing a semiconductor light emitting component and a phosphor. (’959 patent, abstract). Claim 1 reads as follows:

1. A liquid crystal display comprising:

a back light having a light emitting diode;

a liquid crystal injected between glass substrates; and

a color filter,

wherein said light emitting diode comprising:

an LED chip,

a transparent material covering said LED chip, and

a phosphor contained in said transparent material and absorbing a part of light emitted by said LED chip and emitting light of wavelength different from that of the absorbed light,

wherein said LED chip emits light having a spectrum with a peak in the range from 420 to 490 nm, said phosphor emits light having a spectrum with a peak in the range from 530 to 570 nm and a tail continuing beyond 700 nm, and said spectrum of the light emitted from said phosphor and said spectrum of the light emitted from said LED chip *overlap with each other to make a continuous combined spectrum,*

wherein a concentration of said phosphor in the vicinity of said LED chip is larger than a concentration of said phosphor in the vicinity of the surface of said transparent material.

(*Id.* at 31:2–24) (disputed terms italicized).

3. The '375 Patent

The '375 patent is directed to a method for manufacturing a light emitting device.

('375 patent, abstract). Claim 1 reads as follows:

1. A method for manufacturing a light emitting device comprising:

preparing a light emitting component having an active layer of a semiconductor, said active layer comprising a gallium nitride based semiconductor containing indium and being capable of emitting a blue color light having a spectrum with a peak wavelength within the range from 420 to 490 nm;

preparing a phosphor capable of absorbing a part of the blue color light emitted from said light emitting component and emitting a yellow color light having a broad emission spectrum comprising a peak wavelength existing around the range from 510 to 600 nm and a tail continuing

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