

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

VIZIO, INC.,
Petitioner

v.

NICHIA CORPORATION,
Patent Owner

Case No. 2018-00386
Patent 9,490,411

PETITIONER'S REPLY TO PATENT OWNER'S RESPONSE

TABLE OF CONTENTS

I.	INTRODUCTION	1
II.	APPLICABLE LAW	2
III.	CLAIM CONSTRUCTION	3
A.	The Term “Wherein Both a Part of the Metal Part and a Part of the Resin Part Are Disposed In a Region Below an Upper Surface of the Metal Part, On Four Outer Lateral Surfaces of the Resin Package” Should Be Given its Broadest Reasonable Interpretation Consistent With the Specification	3
1.	The Specification Supports Giving Meaning to All of the Terms, Including “Region” and “Below an Upper Surface”	3
2.	By Requiring Resin Directly Under Metal, PO’s Proposed Construction Improperly Reads the Preferred Embodiments Out of the Claims.....	8
3.	PO’s Alleged Specification Support Is Not “An Upper Surface of the Metal Part, on Four Outer Lateral Surfaces of the Resin Package”	9
4.	PO’s Proposal Improperly Omits Words from the Claim	11
5.	PO’s Remaining Arguments Are Incorrect and Irrelevant	13
B.	The Term “Resin Package Comprising a Resin Part and A Metal Part” Should Be Given Its Plain and Ordinary Meaning and Is Not Limited to an LED “Singulated” From “Multiple Devices”	17
IV.	THE CHALLENGED CLAIMS ARE UNPATENTABLE.....	24
A.	Loh Discloses “A Part of the Metal part and a Part of the Resin Part Are Disposed In a Region Below an Upper Surface of the Metal Part, on Four Outer Lateral Surfaces of the Resin Package”	24
B.	Loh Discloses “a Resin Package Comprising a Resin Part and a Metal Part”	26
V.	CONCLUSION.....	28

TABLE OF AUTHORITIES

	Page(s)
Cases	
<i>Accent Packaging, Inc. v. Leggett & Platt, Inc.</i> , 707 F.3d 1318 (Fed. Cir. 2013)	8
<i>Acumed LLC v. Stryker Corp.</i> , 483 F.3d 800 (Fed. Cir. 2007)	20
<i>Akzo Nobel Coatings, Inc. v. Dow Chemical Co.</i> , 811 F.3d 1334 (Fed. Cir. 2016)	11
<i>Amgen Inc. v. Hoechst Marion Roussel, Inc.</i> , 314 F.3d 1313 (Fed. Cir. 2003)	13
<i>Andersen Corp. v. Fiber Composites, LLC</i> , 474 F.3d 1361 (Fed. Cir. 2007)	14
<i>Baldwin Graphic Systems, Inc. v. Siebert, Inc.</i> , 512 F.3d 1338 (Fed. Cir. 2008)	22
<i>Bell Atl. Network Servs. v. Covad Commc'ns Grp.</i> , 262 F.3d 1258 (Fed. Cir. 2001)	15
<i>Martek Biosciences Corp. v. Nutrinova, Inc.</i> , 579 F.3d 1363 (Fed. Cir. 2009)	20
<i>MBO Labs., Inc. v. Becton, Dickinson & Co.</i> , 474 F.3d 1323 (Fed. Cir. 2007)	8
<i>Merck & Co. v. Teva Pharm. USA, Inc.</i> , 395 F.3d 1364 (Fed. Cir. 2005)	11
<i>Research Corp. Techs., Inc. v. Microsoft Corp.</i> , 627 F.3d 859 (Fed. Cir. 2010)	22
<i>SkinMedica, Inc. v. Histogen Inc.</i> , 727 F.3d 1187 (Fed. Cir. 2013)	20
<i>Sinorgchem Co. v. ITC</i> , 511 F.3d 1132 (Fed. Cir. 2007)	20

SRI Int’l v. Matsushita Elec. Corp. of Am.,
775 F.2d 1107 (Fed. Cir. 1985) (en banc)13

Tempo Lighting, Inc. v. Tivoli, LLC,
742 F. 3d 973 (Fed. Cir. 2014)15

Thorner v. Sony Comput. Entm’t Am. LLC,
669 F.3d 1362 (Fed. Cir. 2012)17

Vanguard Prods. Corp. v. Parker Hannifin Corp.,
234 F.3d 1370 (Fed. Cir. 2000)2, 22

Vibrant Media, Inc. v. Gen. Elec. Co.,
IPR2013-00170, Paper 14 (PTAB July 29, 2013)2

Zelinski v. Brunswick Corp.,
185 F.3d 1311 (Fed. Cir. 1999)17

Other Authorities

37 C.F.R. § 42.100(b)2

GLOSSARY OF ABBREVIATIONS

Shorthand	Description
Claims	Claims 1-3, 5-8, 10, 13, and 15-20 of U.S. Patent No. 9,490,411
IPR	<i>Inter Partes</i> Review
BRI	Broadest Reasonable Interpretation
Pet.	IPR2018-00386, Paper 1, Petition for <i>Inter Partes</i> Review of United States Patent No. 9,490,411
DI	IPR2018-00386, Paper 15, Decision Granting Institution of <i>Inter Partes</i> Review
PO	Patent Owner
POSA	Person of Ordinary Skill in the Art
POR	IPR2018-00386, Paper 20, Patent Owner's Response
Pap.	Paper
Loh	U.S. Patent Publication No. 2008/0012036 (Ex. 1004)

Note: All emphasis herein added unless otherwise stated.

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.