

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

NICHIA CORPORATION,

Plaintiff,

v.

VIZIO, INC.

Defendant.

**C.A. No. 2:16-cv-01453-JRG
(Lead Case)**

JURY TRIAL DEMANDED

DEFENDANTS' RESPONSIVE CLAIM CONSTRUCTION BRIEF

TABLE OF CONTENTS

	<u>Page</u>
I. BACKGROUND OF THE TECHNOLOGY	1
II. LEVEL OF SKILL IN THE ART	2
III. LEGAL STANDARDS	2
A. Claim Construction	2
B. Indefiniteness	3
IV. ANALYSIS.....	3
A. “Concave” and “Convex”	3
B. “Substantially Flat”	9
C. “Resin”	12
D. “A Notch Is Formed In The Metal Part”	16
E. “Inner Side Wall Surface”	18
F. Preambles of Claims 1 & 17 of the ’250 patent.....	21
G. “Cutting ... Along”	21
V. CONCLUSION.....	21

TABLE OF AUTHORITIES

	Page(s)
Cases	
<i>Abbott Labs. v. Sandoz, Inc.</i> , 566 F.3d 1282 (Fed. Cir. 2008).....	15
<i>Aylus Networks, Inc. v. Apple Inc.</i> , 856 F.3d 1353 (Fed. Cir. 2017).....	12
<i>Backyard Nature Prods. v. Woodlink, Ltd.</i> , 81 Fed. Appx. 729 (Fed. Cir. 2003).....	15, 16
<i>Bell Atl. Network Servs. v. Covad Commc’ns Grp.</i> , 262 F.3d 1258 (Fed. Cir. 2001).....	12
<i>Cloud Farm Assocs. LP v. Volkswagen Grp. of Am., Inc.</i> , 674 Fed. Appx. 1000 (Fed. Cir. 2017).....	17, 18
<i>Cuozzo Speed Techs., LLE v. Lee</i> , 136 S. Ct. 2131 (2016).....	8
<i>CVI/Beta Ventures, Inc. v. Tura LP</i> , 112 F.3d 1146 (Fed. Cir. 1997).....	15, 17
<i>Digital Biometrics, Inc. v. Identix, Inc.</i> , 149 F.3d 1335 (Fed. Cir. 1998).....	17
<i>Facebook, Inc. v. Pragmaus AV, LLC</i> , 582 F. App’x 864 (Fed. Cir. 2014)	8
<i>Fin Control Sys. Pty, Ltd., v. OAM, Inc.</i> , 265 F.3d 1311 (Fed. Cir. 2001).....	17
<i>Hearing Components, Inc. v. Shure Inc.</i> , 600 F.3d 1357 (Fed. Cir. 2010).....	10
<i>Honeywell Int’l, Inc. v. ITT Indus.</i> , 452 F.3d 1312 (Fed. Cir. 2006).....	14
<i>Honeywell Int’l Inc. v. Universal Avionics Sys. Corp.</i> , 488 F.3d 982 (Fed. Cir. 2007).....	2
<i>Irdeto Access, Inc. v. Echostar Satellite Corp.</i> , 383 F.3d 1295 (Fed. Cir. 2004).....	2

Mukherjee v. Lai,
 No. 93-1068, 1993 U.S. App. LEXIS 16042 (Fed. Cir. 1993)15

Nelson A. Taylor Co., Inc. v. Ameritex Techs., Inc.,
 C.A. No. 2:03-0263-CWH, 2006 WL 2708268 (D.S.C. Sept. 20, 2006)6

PPC Broadband, Inc. v. Corning Optical Commc’ns RF, LLC,
 815 F.3d 747 (Fed. Cir. 2016).....8

Phillips v. AWH Corp.,
 415 F.3d 1303 (Fed. Cir. 2005) (en banc).....2, 8, 20

Power Mosfet Techs., L.L.C. v. Siemens AG,
 378 F.3d 1396 (Fed. Cir. 2004).....11

Retractable Techs., Inc. v. Becton,
 653 F.3d 1296 (Fed. Cir. 2011).....16

SafeTCare Mfg. v. Tele-Made, Inc.,
 497 F.3d 1262 (Fed. Cir. 2007).....12

SAWT Inc. v. Joe Moore Constr. Inc.,
 C.A. No. CV14-036536, 7

SciMed Life Sys. v. Advanced Cardiovascular Sys.,
 242 F.3d 1337 (Fed. Cir. 2001).....14

Softspikes LLC v. MacNeil Eng’g Co., Inc.,
 C.A. No. 08-469(GMS), 2010 WL 1031657 (D. Del. Apr. 29, 2010).....6

Speedplay, Inc. v. Bebop Inc.,
 C.A. No. 95-00866-BTM, 1996 WL 33649180 (S.D. Cal. Sept. 25, 1996)6

Teva Pharms. USA, Inc. v. Sandoz, Inc.,
 135 S. Ct. 831 (Jan. 20, 2015).....3

Thorner v. Sony Computer Ent. Am. LLC,
 669 F.3d 1362 (Fed. Cir. 2012).....7, 8

Verizon Serv. Corp. v. Vonage Holdings Corp.,
 503 F.3d 1295 (Fed. Cir. 2007).....14

Vitronics Corp. v. Conceptoronic,
 90 F.3d 1576 (Fed. Cir. 1996).....4, 7

Wi-LAN USA, Inc. v. Apple Inc.,
 830 F.3d 1374 (Fed. Cir. 2016).....15

Defendants Lowe's Home Centers, LLC and L G Sourcing, Inc. (collectively, "Lowe's"); Feit Electric Company, Inc. ("Feit Electric"); and VIZIO, Inc. ("VIZIO") (all entities collectively, "Defendants") respectfully submit this Responsive Claim Construction Brief pursuant to P.R. 4-5(b).¹

I. BACKGROUND OF THE TECHNOLOGY

The asserted patents pertain generally to a light emitting diode ("LED") package and to a method for manufacturing the same. '250 patent at 1:17-21. An LED package is a semiconductor-based component that provides internal circuitry for an LED lighting product. An LED package consists of a light emitting element which is mounted on a lead frame made of metal, light reflecting material, and a housing made of thermosetting resin. '250 patent at 1:17-21. Light emitting elements (and hence LEDs) are a type of semiconductor that can be used to generate light. *Id.* at 1:27-29. The light emitting element is mounted on the metal frame. The lead frame is notched to provide open areas in which the metal frame has been removed. Thermosetting resin is applied to the package so as to fill in the openings, or notches in the lead frame, without leaving any gaps. *Id.* at 3:8-12.

Once the resin is molded to the lead frame, individual LED packages are then cut out, or "singulated." *Id.* at 5:15-17, 6:32-38. The resin-molded body is cut out along a notch, which reduces the amount of the metal lead frame that has to be cut. *Id.* at 3:32-35, 6:26-31. As a result of singulation by cutting along the notch, the outside surface of the package is a single plane with both resin and exposed metal leads. *Id.* at 2:63-3:1. This allows the simultaneous manufacture of multiple light emitting devices while maintaining a high adhesion between the lead frame and the resin. *Id.* at 2:49-53.

¹ Defendants continue to maintain their respective objections that venue in the U.S. District Court for the Eastern District of Texas is improper under 28 U.S.C. § 1400(b) and reserve their positions with respect to all defenses they have asserted in pending motions.

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.