

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LG ELECTRONICS INC.

Petitioner

v.

IMMERVISION, INC.

Patent Owner

Case IPR2020-00179

Patent No. 6,844,990

PATENT OWNER'S PRELIMINARY RESPONSE UNDER 37 C.F.R.
§ 42.107

TABLE OF CONTENTS

	page
I. INTRODUCTION	1
II. THE INVENTION OF CLAIM 5 OF THE ‘990 PATENT.....	4
III. THE ASSERTED PRIOR ART	8
A. Tada	8
B. Nagaoka.....	11
C. Baker.....	14
IV. PERSON OF ORDINARY SKILL IN THE ART	16
V. CLAIM CONSTRUCTION	16
VI. PETITIONER FAILED TO DEMONSTRATE THAT THERE IS A REASONABLE LIKELIHOOD IT WILL PREVAIL WITH RESPECT TO THE CHALLENGED CLAIM OF THE ‘990 PATENT	17
A. Legal Standards	17
B. Petitioner Failed to Establish that the Code V Analysis Essential to All Grounds Was Possible at the Time of the Invention.....	19
C. Petitioner’s Use of Tada in All Grounds is Based on Impermissible Hindsight.....	22
D. None of Petitioner’s Grounds Addressed Whether Tada, As Modified, Would Satisfy its Express Operational Conditions	28
E. Petitioner Failed to Meet its Burden to Show Claim 5 Would Have Been Obvious Over Tada Alone (Ground 1).....	30
1. Petitioner’s Theory of Obviousness for Ranges Simply Being “Close Enough” is Legally Incorrect	30
2. Petitioner’s Alleged Reason to Modify Tada is Conclusory and Based on Hindsight Rather than Actual Evidence.....	32

- F. Petitioner Failed to Meet Its Burden on Grounds 2 and 3 By Glossing Over the Clear Teaching Away from the Claimed Invention by Nagaoka and Baker36
 - 1. Petitioner Ignored Nagaoka’s Overall Teaching Away from Image Point Distribution Functions Having Unsatisfactory Image Heights at the Periphery37
 - 2. Petitioner Grossly Mischaracterized Baker’s Teachings to Detract from Baker’s Clear Focus on Peripheral Content Enhancement40
- VII. CONCLUSION.....44

TABLE OF AUTHORITIES

	Page(s)
Federal Cases	
<i>Belden Inc. v. Berk-Tek LLC</i> , 805 F.3d 1064 (Fed. Cir. 2015)	35
<i>Cheese Sys., Inc. v. Tetra Pak Cheese and Powder Sys., Inc.</i> , 725 F.3d 1341 (Fed. Cir. 2013)	22
<i>In re Fulton</i> , 391 F.3d 1195 (Fed. Cir. 2004)	39, 41
<i>Galderma Labs., L.P. v. Tolmar, Inc.</i> , 737 F.3d 731 (Fed. Cir. 2013)	38, 41
<i>In re Gordon</i> , 733 F.2d 900 (Fed. Cir. 1984)	28
<i>In re Hedges</i> , 783 F.2d 1038 (Fed. Cir. 1986)	27
<i>Intelligent Bio-Sys., Inc. v. Illumina Cambridge Ltd.</i> , 821 F.3d 1359 (Fed. Cir. 2016)	18
<i>InTouch Techs., Inc. v. VGO Commc 'ns, Inc.</i> , 751 F.3d 1327 (Fed. Cir. 2014)	18
<i>KSR Int'l Co. v. Teleflex Inc.</i> , 550 U.S. 398 (2007).....	<i>passim</i>
<i>In re Magnum Oil Tools Int'l, Ltd.</i> , 829 F.3d 1364 (Fed. Cir. 2016)	18
<i>Metalcraft of Mayville, Inc. v. The Toro Co.</i> , 848 F.3d 1358 (Fed. Cir. 2017)	22
<i>Panduit Corp. v. Dennison Mfg. Co.</i> , 810 F.2d 1561 (Fed. Cir. 1987)	37
<i>PersonalWeb Techs., LLC v. Apple, Inc.</i> , 848 F.3d 987 (Fed. Cir. 2017)	24

<i>In re Peterson</i> , 315, F.3d 1325 (Fed. Cir. 2003)	30, 31
<i>Polaris Indus. v. Arctic Cat, Inc.</i> , 882 F.3d 1056 (Fed. Cir. 2018)	18
<i>In re Royka</i> , 490 F.2d 981 (CCPA 1974)	17
<i>Titanium Metals Corp. of Am. v. Banner</i> , 778 F.2d 775 (Fed. Cir. 1985)	30, 31
<i>WBIP, LLC v. Kohler Co.</i> , 829 F.3d 1317 (Fed. Cir. 2016)	24
<i>In re Wesslau</i> , 353 F.2d 238 (CCPA 1965)	27
<i>Yeda Research & Dev. Co. v. Mylan Pharm., Inc.</i> , 906 F.3d 1031 (Fed. Cir. 2018)	24
Patent Trial and Appeal Board Cases	
<i>Air Liquide Large Indus. U.S. LP v. Praxair Tech., Inc.</i> , IPR2016-01079, Paper 14 (Nov. 21, 2016)	21
<i>Gen. Plastic Indus. Co., Ltd. v. Canon Inc.</i> , IPR2015-01954, Paper 9 (Mar. 9, 2016)	28
<i>Johns Manville Corp. v. Knauf Insulation, Inc.</i> , IPR2018-00827, Paper 9 (Oct. 16, 2018)(informative).....	36
<i>Kinetic Techs., Inc. v. Skyworks Solutions, Inc.</i> , IPR2014-00529, Paper 8 (Sep. 23, 2014)	36
<i>Panduit Corp. v. Corning Optical Commc'ns LLC</i> , IPR2017-00528, Paper 7 (May 30, 2017).....	17
Federal Statutes	
35 U.S.C. § 103	20
35 U.S.C. § 314.....	17

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.