

LG Electronics, INC. (Petitioner)
v.
Constellation Designs, LLC (Patent Owner)
Petitioner Demonstratives

Case No. IPR2023-00319
U.S. Patent No. 10,693,700
Before Hon. Brent M. Dougal, Michael T. Cygan, Scott Raevsky

FISH.

DEMONSTRATIVE EXHIBIT - NOT EVIDENCE

LGE 1033

LG Electronics, Inc. v. Constellation Designs, LLC

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Overview of the Proceedings

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Overview of the Proceedings

- US Patent No. 10,693,700 (“the 700 Patent”)
 - 103 Prior Art Grounds
 - Combination of U.S. Patent No. 7,978,777 (“777 patent”) and ATSC Recommended Practice: Guidelines for the Physical Layer Protocol, Document no. A/327:2018 (“ASTC327”)
 - Patent Owner did not raise arguments against grounds —such arguments are waived
 - Patent Owner only argued with respect to priority claim and written description support of the invention.
- Patent Owner disclaimed claims 2-3, 12-13, and 22-23
 - Claims remaining: 5, 15, 25

Ground	Claims	Prior Art Basis
4A	2-3, 12-13, and 22-23	§103 — ‘777 patent in view of ATSC322
1B	5, 15, 25	§103 – ‘777 patent in view of ATSC327

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Indivior UK Ltd. v. Reddy's Labs. S.A.

Regarding claims 7 and 12, we also agree with the Board that there is no written description support for the range of "about 48.2 wt % to about 58.6 wt %" in the '571 application. This range also does not appear in the '571 application. Indivior argues that if one looks to Tables 1 and 5, plucks out the polymer components and creates a range from the percentage totals (while ignoring contradictory statements in paragraph 65), then one has obtained the range recited in claim 7. But that amounts to cobbling together numbers after the fact. Indivior failed to provide persuasive evidence demonstrating that a person of ordinary skill would have understood from reading the '571 application that it disclosed an invention with a *range* of 48.2 wt % to 58.6 wt %. A written description sufficient to satisfy the requirement of the law requires a statement of an invention, not an invitation to go on a hunting expedition to patch together after the fact a synthetic definition of an invention. "[A] patent is not a hunting license. It is not a reward for the search, but compensation for its successful conclusion." *Brenner v. Manson*, 383 U.S. 519, 536, 86 S. Ct. 1033, 16 L. Ed. 2d 69, 1966 Dec. Comm'r Pat. 74 (1966). The Board thus had substantial evidence on which to base its conclusion that the '571 application did not provide written description support for claims 1, 7, and 12.

Indivior UK Limited v. Dr. Reddy's Laboratories S.A., 18 F.4th 1323, 1328-29 (2021), Pet. p. 3.

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