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Paper 17
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG DISPLAY CO., LTD., FUNAI ELECTRIC CO., LTD., and TOSHIBA CORP.,
Petitioner,

v.

GOLD CHARM LTD.,
Patent Owner.

Case IPR2015-01417
Patent 5,966,589

Before KARL D. EASTHOM, MICHAEL R. ZECHER, and BRYAN F. MOORE, *Administrative Patent Judges*.

MOORE, *Administrative Patent Judge.*

DECISION
Denying Petitioner's Request for Rehearing
37 C.F.R. § 42.71(d)

I. INTRODUCTION

Samsung Display Co., Ltd., Funai Electric Co., Ltd., and Toshiba Corp (collectively, "Petitioner") filed a Request for Rehearing (Paper 14, "Req. Reh'g") of the Decision Granting Institution of *Inter Partes* Review (Paper 12, "Dec. on Inst.") of claims 2, 3, 5, and 6 of U.S. Patent No. 5,966,589 (Ex. 1001, "the '589 patent"), but not claim 4. In the Request for Rehearing, Petitioner argues that the Decision Granting Institution overlooked several matters in the Petition with regard to claim 4. For the reasons set forth below, the Request for Rehearing is *denied*.

II. ANALYSIS

When considering a request for rehearing, we review the Decision Granting Institution for an abuse of discretion. 37 C.F.R. § 42.71(c). The party requesting rehearing bears the burden of showing that the Decision Granting Institution should be modified, and "[t]he request must specifically identify all matters the party believes [we] misapprehended or overlooked." 37 C.F.R. § 42.71(d).

Claim 4 of the '589 patent recites that the "operative semiconductor is formed where said gate bus line overlaps said drain bus line." In the Decision Granting Institution, we determined that our construction for "where," when applied to claim 4, requires that operative semiconductor material be present at the drain bus line/gate bus line overlap. Dec. on Inst. 18, 20.

Petitioner states on rehearing that "Petitioner[] respectfully submit[s] that the Board overlooked the evidence in the Petition establishing that [,

with respect to the anticipation ground,] Takizawa discloses semiconductor material being disposed at the drain bus line/gate bus line overlap, in addition to other regions in the thin film transistor matrix device. Petition ("Pet.") at 19–26; Ex. 1012 at ¶¶ 55, 61." Reh'g Req. 4. We disagree because such evidence was not explained adequately in the Petition.

The Petition states, without further explanation, that "Takizawa also teaches formation of semiconductor layers at the crossover location. Ex. 1012, ¶ 61." Pet. 21–22. Nevertheless, the Petition contains no further explanation supporting that statement. *Id.* The Petition merely cites the Chiang declaration and does not explain sufficiently the significance of the cited testimony. *See* 37 C.F.R. § 42.22(a)(2). "Arguments must not be incorporated by reference from one document into another document." 37 C.F.R. § 42.6(a)(3). Without a sufficient explanation why Takizawa would anticipate the limitation to operative semiconductor formed where said gate bus line overlaps said drain bus line in the Petition itself, the citations to the Chiang Declaration amount to incorporation by reference of arguments made in that declaration that circumvent the page limits that apply to petitions. 37 C.F.R. § 42.24(a). Thus, we did not overlook or misapprehend Petitioner's arguments or evidence *in the Petition*. Thus, we are not persuaded by this argument.

Petitioner further argues that descriptions of Takizawa in other parts of the Petition allegedly show the limitation at issue is met and, on rehearing, explains how those sections allegedly show that limitation. Reh'g Req. 4–10 (citing Pet. 13, 18–26). However, there is no explanation in those parts of the Petition itself as to why the descriptions are relevant to the

limitation at issue, nor is there even attribution in the Petition of those descriptions to the limitation at issue. Petitioner's Rehearing Request suggests that we are required to search through the Petition to map prior art disclosure with claim elements. It is a requirement of a Petition to align the evidence and arguments with the various limitations of the challenged claims. *See* 37 C.F.R. § 42.22(a)(2) (the "petition . . . must include . . . [a] full statement of the reasons for the relief requested, including a detailed explanation of the significance of the evidence" (emphasis added)). It is unreasonable for Petitioner to expect us to infer or create arguments from the record by cobbling together disparate statements throughout the Petition. Accordingly, we are not persuaded on this basis that we erred in determining that the Petition was deficient.

III. CONCLUSION

The Request for Rehearing does not demonstrate that we misapprehended or overlooked any matters raised in the Petition when determining there was not a reasonable likelihood that Petitioner would prevail in challenging claim 4.

IV. ORDER

In consideration of the foregoing, it is hereby:

ORDERED that the Request for Rehearing is denied.

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