

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 IPR2015-01468
Patent 6,909,053 B2

Before KARL D. EASTHOM, BRYAN F. MOORE, and
CHARLES J. BOUDREAU, *Administrative Patent Judges*.

EASTHOM, *Administrative Patent Judge*.

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

I. INTRODUCTION

Patent Owner filed a Request for Rehearing (Paper 10, “Req. Reh’g”) of the panel’s Decision to Institute *Inter Partes* Review (Paper 14, “Institution Decision” or “Inst. Dec.”). In particular, Patent Owner seeks rehearing and reversal of our decision to institute trial with respect to claims 4–10 as unpatentable under 35 U.S.C. § 103(a) over Yamada (Ex. 1009)¹. Req. Reh’g 1.

“When rehearing a decision on petition, a panel will review the decision for an abuse of discretion.” 37 C.F.R. § 42.71(c). “The burden of showing a decision should be modified lies with the party challenging the decision.” 37 C.F.R. § 42.71(d). A rehearing “request must specifically identify all matters the party believes the Board misapprehended or overlooked, and the place where each matter was previously addressed in a motion, an opposition, or a reply.” *Id.*

For the reasons that follow, Patent Owner’s Request for Rehearing is *denied*.

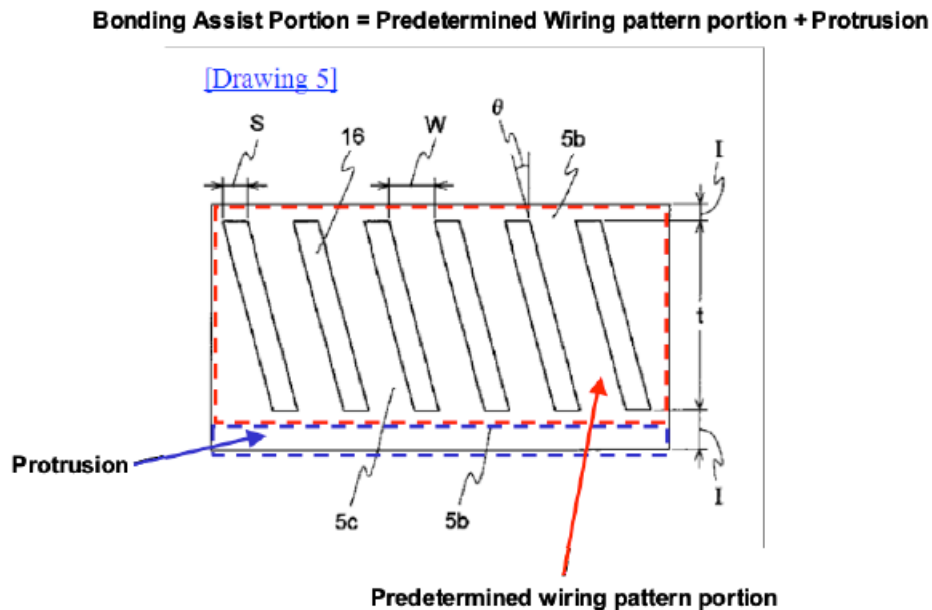
II. ANALYSIS

Patent Owner challenges the Institution Decision on the basis that it allegedly neglects to account for the protrusion and edge portion as recited in claim 4. *See* Req. Reh’g 2–8. Claim 4 recites “said bonding assist portion has a predetermined wiring pattern portion and a protrusion provided in an edge portion of said wiring pattern portion and connected to a fixed

¹ Certified English translation of Japanese Pub. Patent Application No. 2000-82870 (Mar. 21, 2000) (“Yamada”).

potential line on the side of said circuit board.” Claims 5–10 depend from claim 4.²

The Institution Decision identifies the following protrusion as annotated by Petitioner’s version of Yamada’s Figure 5:



Inst. Dec. 10 (citing Petition 33; Ex. 1002 ¶¶ 110–113). Petitioner’s annotated version of Yamada’s Figure 5 above delineates a protrusion jutting from the edge of a symmetrical wiring portion.

² Claim 1 recites “said bonding assist portion including at least one protrusion that connects to a fixed potential line on the side of said circuit board.” Patent Owner does not request rehearing with respect to claim 1, but points out that the panel stated that “[i]ndependent claim 1 is similar in scope to independent claim 1.” Req. Reh’g 4–5 (quoting Inst. Dec. 8). Patent Owner then argues that claim 4 recites features that claim 1 does not. *Id.* at 5. The Institution Decision specifically addresses the noted differences in the claim 4 protrusion, stating that “[c]laim 4 requires it to begin ‘in an edge portion of said wiring pattern portion.’” See Inst. Dec. 14.

Addressing Petitioner’s annotated version of Yamada’s Figure 5, and relating it to a similar disclosure in the ’053 patent, the Institution Decision explains that

the lower part of Yamada’s bonding assist portion in Figure 5 extends from a relatively symmetrical wiring pattern portion (e.g., as defined by either length “t,” for example, of the longitudinal extent of the slits, or also including a portion of equal widths for top and bottom strip portions 5b that further define the slits). Similarly, modifying Figure 6C of the ’053 patent to include at least one protrusion 17a extending [across] the width of the remaining bonding assist portion 17 according to the specific disclosure in the ’053 patent Specification for such a modification (i.e., any configuration or width, Ex. 1001, 11:41–44), protrusion 17a would extend from relatively symmetrical wiring pattern portion 17b of bonding assist member 17.

Id. at 13 (footnote omitted).

Patent Owner’s Request for Rehearing does not address the above findings and rationale in a clear fashion, if at all. Rather, Patent Owner contends that the Institution Decision overlooks that claim 4 requires a protrusion extending from a wiring pattern edge and overlooks a disclosed embodiment in the ’053 patent. *See* Req. Reh’g 4–5. Contrary to the arguments, the panel expressly considered a more pointed argument by Patent Owner about the protrusion extending from an edge: “Patent Owner also argues that ‘[e]very example of a protrusion . . . is a part that extends out from an edge of the bonding assist portion (i.e., the surrounding structure) and has a width less than the length of the bonding assist structure.’” *Inst. Dec.* 12 (quoting *Prelim. Resp.* 33). The Institution Decision addresses this argument: “claims are not limited to preferred embodiments,” and “the ’053 patent Specification specifically contemplates any length or width for a protrusion.” *Id.* Patent Owner agrees: “It is clear

that the claimed protrusion may have any configuration . . . , length and width.” Req. Reh’g 7.

Patent Owner also asserts that “if the ‘edge’ portion recited in claim 4 *is* the protrusion, the specifically recited protrusion becomes completely redundant.” *Id.* at 5. Contrary to that assertion, the Institution Decision does not find or reason that the protrusion is the edge portion. Rather, as indicated above, Yamada’s protrusion extends from the edge portion that defines the symmetrical wiring pattern as represented in Petitioner’s annotated version of Yamada’s Figure 5.

In essence, claim 4 is broad enough such that the claimed protrusion may extend across, and from, the whole width of a symmetrical wiring portion edge, thereby making the edge of the symmetrical wiring pattern coextensive with the edge of the beginning of the protrusion, as Yamada’s Figure 5 depicts. Patent Owner simply does not address this underlying finding and rationale of the Institution Decision squarely in its Request for Rehearing.³

The Institution Decision also explains that Yamada suggests a protrusion for another reason—i.e., Yamada generically discloses a ladder shape—as follows:

As one example, Yamada also generally discloses “a ladder shape configured by two horizontal wirings extending in a length direction of the conductive layer and a plurality of vertical

³ Even if such a protrusion cannot extend across the whole edge of a symmetrical wiring pattern for some reason not articulated clearly by Patent Owner, the record at this preliminary juncture does not reveal a patentable distinction between a protrusion that extends across 99% of edge of the wiring pattern and a wiring structure that extends fully across the edge of the wiring pattern.

wirings electrically connecting the horizontal wirings to each other and extending in a width direction of the conductive layer.” Ex. 1009 ¶ 24. On this limited record, the generally disclosed ladder structure at least suggests (to skilled artisans armed with common sense and Yamada’s teachings) protrusions at the ends of the ladder—i.e., at the ends of the vertical wirings (rails) or horizontal wirings (rungs).

Inst. Dec. 11 n.5 (citing *Wyers v. Master Lock Co.*, 616 F.3d 1231, 1239 (Fed. Cir. 2010) (“KSR and our later cases establish that the legal determination of obviousness may include recourse to logic, judgment, and common sense, in lieu of expert testimony.”) (citations omitted) (referring to *KSR Int’l Co. v. Teleflex Inc.*, 550 U.S. 398 (2007)); *DyStar Textilfarben GmbH & Co. Deutschland KG v. C.H. Patrick Co.*, 464 F.3d 1356, 1367 (Fed. Cir. 2006) (cited with approval by *KSR*, 550 U.S. at 421)).

Patent Owner also does not address this alternative preliminary finding and rationale. Based on the foregoing, Patent Owner has not met its burden in showing that the panel misapprehended or overlooked a matter and abused its discretion in initially determining that Petitioner had demonstrated a reasonable likelihood of showing the unpatentability of claims 4–10. *See* Inst. Dec. 29.

III. CONCLUSION

Patent Owner has not carried its burden of demonstrating that the Institution Decision should be modified. *See* 37 C.F.R. § 42.71(d).

IV. ORDER

Patent Owner’s Request for Rehearing is DENIED.

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