

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG DISPLAY CO., LTD., TOSHIBA CORPORATION, and
FUNAI ELECTRIC CO., LTD.,
Petitioners,

v.

GOLD CHARM LTD.,
Patent Owner.

Case IPR2015-01499
Patent 6,211,534 B1

Before MICHAEL R. ZECHER, BRYAN F. MOORE, and
CHARLES J. BOUDREAU, *Administrative Patent Judges*.

ZECHER, *Administrative Patent Judge*.

DECISION

Denying Institution of *Inter Partes* Review
35 U.S.C. § 314(a) and 37 C.F.R. § 42.108

I. INTRODUCTION

Petitioners, Samsung Display Company Limited, Toshiba Corporation, and Funai Electric Company Limited (collectively, “SDC”), filed a Petition requesting an *inter partes* review of claims 1–9 of U.S. Patent No. 6,211,534 B1 (“the ’534 patent,” Ex. 1001). Paper 2 (“Pet.”). Patent Owner, Gold Charm Limited (“Gold Charm”), timely filed a Preliminary Response. Paper 8 (“Prelim. Resp.”).

We have jurisdiction under 35 U.S.C. § 314(a), which provides that an *inter partes* review may not be instituted unless the information presented in the Petition shows “there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.” Taking into account the arguments presented in Gold Charm’s Preliminary Response, we conclude that the information presented in the Petition does not establish that there is a reasonable likelihood that SDC will prevail in challenging any of claims 1–9 of the ’534 patent as unpatentable under 35 U.S.C. § 103(a). We, therefore, deny the Petition.

A. *Related Matters*

The ’534 patent has been asserted in the following district court cases: (1) *MiiCs & Partners, America, Inc., v. Toshiba Corp.*, No. 1:14-cv-00803-RGA (D. Del.); (2) *MiiCs & Partners, America, Inc., v. Funai Electric Co.*, No. 1:14-cv-00804-RGA (D. Del.); and (3) *MiiCs & Partners, America, Inc., v. Mitsubishi Electric Corp.*, No. 1:14-cv-00805-RGA (D. Del.) (dismissed on July 7, 2015). Pet. 1; Paper 5, 2–3. In addition to this Petition, SDC filed other petitions challenging the patentability of a certain subset of claims in the following patents owned by Gold Charm: (1) U.S. Patent No. 5,850,275 (Case IPR2015-01416); (2) U.S. Patent No. 5,966,589

(Case IPR2015-01417); (3) U.S. Patent No. 5,995,176 (Case IPR2015-01448); (4) U.S. Patent No. 7,460,190 B2 (Case IPR2015-01452); (5) U.S. Patent No. 6,909,053 B2 (Case IPR2015-01468); (6) U.S. Patent No. 5,870,163 (Case IPR2015-01469); (7) U.S. Patent No. 6,417,833 B1 (Case IPR2015-01479); (8) U.S. Patent No. 6,734,927 B2 (Case IPR2015-01491); (9) U.S. Patent No. 5,790,092 (Case IPR2015-01497); and (10) U.S. Patent No. 6,816,213 B2 (Case IPR2015-01525).

A. The '534 Patent

The '534 patent, titled “Thin Film Transistor Array and Method for Fabricating the Same,” issued April 3, 2001, from U.S. Patent Application No. 09/310,574, filed on May 12, 1999. Ex. 1001, at [54], [45], [21], [22]. The '534 patent claims priority to Japanese Patent Application No. 10-150592, filed on May 14, 1998. *Id.* at [30].

As the title suggests, the '534 patent generally relates to a thin film transistor (“TFT”) array and, in particular, to a TFT array used, e.g., in a liquid crystal display that is free from electrostatic damage during the manufacturing process. Ex. 1001, 1:6–12. According to the '534 patent, one of the problems to be solved in this field of endeavor is decreasing or avoiding electrostatic damage caused by electrification during the fabrication process of the TFT array or by abnormal discharge in the film forming apparatus. *Id.* at 1:15–22. Conventional techniques to solve this problem have their disadvantages because they make it impossible to perform an inspection for detecting defects in the TFTs after finishing the fabrication process. *Id.* at 1:29–32, *see also id.* at 1:57–59 (further disclosing that conventional techniques make it impossible to perform an

inspection for detecting defects in the TFTs for displays with high precision).

The '534 patent purportedly addresses these disadvantages associated with the conventional techniques by providing a TFT array that decreases discharge between gate wirings and a common line on the gate wiring side, as well as decreases discharge between signal lines and the common line on the signal line side. Ex. 1001, 3:49–55. These decreases in discharge purportedly help to suppress the electrostatic damage that may occur during the manufacturing process. *Id.* at 3:56–62.

B. Illustrative Claim

Of the challenged claims, claims 1, 6, and 8 are independent. Independent claims 1, 6, and 8 each are directed to a TFT array. Claims 2–5 directly depend from independent claim 1; claim 7 directly depends from independent claim 6; and claim 9 directly depends from independent claim 8. Independent claim 1 is illustrative of the challenged claims and is reproduced below:

1. A thin film transistor array comprising:
 - a substrate;
 - a plurality of pixel electrodes formed on said, substrate and disposed in a matrix having rows and columns;
 - a plurality of thin film transistors (TFTs) for display which are formed on said substrate and each of which is connected to a corresponding one of said pixel electrodes;
 - a plurality of gate wirings which are formed on said substrate, which are formed by a first conductor layer, each of which is disposed along every row of said pixel electrodes and each of which is used for supplying a gate signal to said TFTs in a corresponding row;
 - a plurality of signal lines which are formed on said substrate, which are formed by a second conductor layer, each

of which is disposed along every column of said pixel electrodes, and each of which is used for supplying a data signal to said TFTs in a corresponding column;

a common conductor line on the gate wiring side formed on said substrate and extending in a direction perpendicular to the direction of extension of said gate wirings;

a common conductor line on the signal line side formed on said substrate and extending in a direction perpendicular to the direction of extension of said signal lines;

nonlinear elements which are respectively disposed between one end of each of said gate wirings and said common conductor line on the gate wiring side and between one end of each of said signal lines and said common conductor line on the signal line side, and each of which comprises a plurality of TFTs;

wherein one of gate electrodes of said TFTs in each of said nonlinear elements disposed between one ends of said gate wirings and said common conductor line on the gate wiring side is formed separately from said common conductor line on the gate wiring side;

wherein one of source/drain electrodes of said TFTs in each of said nonlinear elements disposed between one ends of said signal lines and said common conductor line on the signal line side is formed separately from said common conductor line on the signal line side;

wherein said one of the gate electrodes of said TFTs in each of said nonlinear elements disposed between one ends of said gate wirings and said common conductor line on the gate wiring side is electrically coupled to said common conductor line on the gate wiring side via contact holes formed in an insulating film formed on said first and second conductor layers and via a third conductor layer; and

wherein said one of the source/drain electrode of said TFTs in each of said nonlinear elements disposed between one ends of said signal lines and said common conductor line on the signal line side is electrically coupled to said common conductor line on the signal line side via contact holes formed

in said insulating film formed on said first and second conductor layers and via said third conductor layer.

Ex. 1001, 15:34–16:24.

C. Prior Art Relied Upon

SDC relies upon the following prior art references:

Noguchi	US 5,220,443	June 15, 1993 (filed Apr. 29, 1991)	Ex. 1004
Satou	US 5,930,607	July 27, 1999 (PCT filed Oct. 2, 1996)	Ex. 1003

D. Asserted Ground of Unpatentability

SDC challenges claims 1–9 of the '534 patent based on the asserted ground of unpatentability (“ground”) set forth in the table below. Pet. 3, 24–60.

References	Basis	Challenged Claims
Satou and Noguchi	§ 103(a)	1–9

II. ANALYSIS

A. Real Parties in Interest

In its Petition, SDC certifies that the following parties are the real parties in interest in this proceeding: (1) Samsung Display Co., Ltd.; (2) Toshiba Corporation; (3) Funai Electric Co., Ltd.; (4) Toshiba America, Inc.; (5) Toshiba America Information Systems, Inc.; (6) Funai Corporation, Inc.; and (7) P&F USA, Inc. Pet. 1. In response, Gold Charm contends that the Petition should be denied for failing to name all real parties in interest, as required by 35 U.S.C. § 312(a)(2). Prelim. Resp. 4–14. We then authorized SDC to file a Reply that addresses Gold Charm’s arguments regarding

whether the Petition identifies all real parties in interest. Paper 9, 2–3. We also authorized Gold Charm to file a Sur-reply limited to addressing the issues raised in SDC’s Reply. *Id.* SDC timely filed its Reply (Paper 10) and Gold Charm timely filed its Sur-reply (Paper 11).

The current situation does not require us to assess the merits of the real parties in interest issue because, as we explain below, the dispositive issue in this proceeding is whether SDC provides a sufficient rationale to combine the teachings of Satou and Noguchi. Consequently, we need not reach and, therefore, do not address whether SDC identifies all real parties in interest in its Petition, as required by § 312(a)(2).

B. Claim Construction

In an *inter partes* review, we construe claims by applying the broadest reasonable interpretation in light of the specification. 37 C.F.R. § 42.100(b); *In re Cuozzo Speed Techs., LLC*, 793 F.3d 1268, 1278–79 (Fed. Cir. 2015). Under the broadest reasonable interpretation standard, and absent any special definitions, claim terms or phrases are given their ordinary and customary meaning, as would be understood by one of ordinary skill in the art, in the context of the entire disclosure. *In re Translogic Tech., Inc.*, 504 F.3d 1249, 1257 (Fed. Cir. 2007).

In its Petition, SDC proposes constructions for the claim phrases “first conductor layer,” “second conductor layer,” and “third conductor layer” (all challenged claims). Pet. 8–9. In response, Gold Charm accepts SDC’s proposed constructions for these claim phrases, but also proposes a construction for the claim phrase “formed separately” (claims 1–5). Prelim. Resp. 34–36. We, however, need not assess the parties’ proposed constructions because they are not necessary to resolve the dispositive issue

discussed below. *See, e.g., Vivid Techs., Inc. v. Am. Sci. & Eng'g, Inc.*, 200 F.3d 795, 803 (Fed. Cir. 1999) (only those claim terms or phrases that are in controversy need to be construed, and only to the extent necessary to resolve the controversy).

C. Obviousness Over the Combination of Satou and Noguchi

SDC contends that claims 1–9 of the '534 patent are unpatentable under § 103(a) over the combination of Satou and Noguchi. Pet. 24–60. SDC explains how this proffered combination teaches the subject matter of each challenged claim (*id.*), and relies upon the Declaration of Thomas L. Credelle (Ex. 1006) to support its positions. We have considered SDC's explanations and supporting evidence, but we are not persuaded that SDC has presented a sufficient rationale to combine the teachings of Satou and Noguchi.

We begin our analysis with the principles of law that generally apply to a ground based on obviousness, followed by brief overviews of Satou and Noguchi, and then we address the parties' contentions regarding whether SDC has presented a sufficient rationale to combine the teachings of Satou and Noguchi.

1. Principles of Law

A claim is unpatentable under § 103(a) if the differences between the claimed subject matter and the prior art are such that the subject matter, as a whole, would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. *KSR Int'l Co. v. Teleflex Inc.*, 550 U.S. 398, 406 (2007). The question of obviousness is resolved on the basis of underlying factual determinations, including: (1) the scope and content of the prior art; (2) any differences

between the claimed subject matter and the prior art; (3) the level of skill in the art; and (4) where in evidence, so-called secondary considerations.

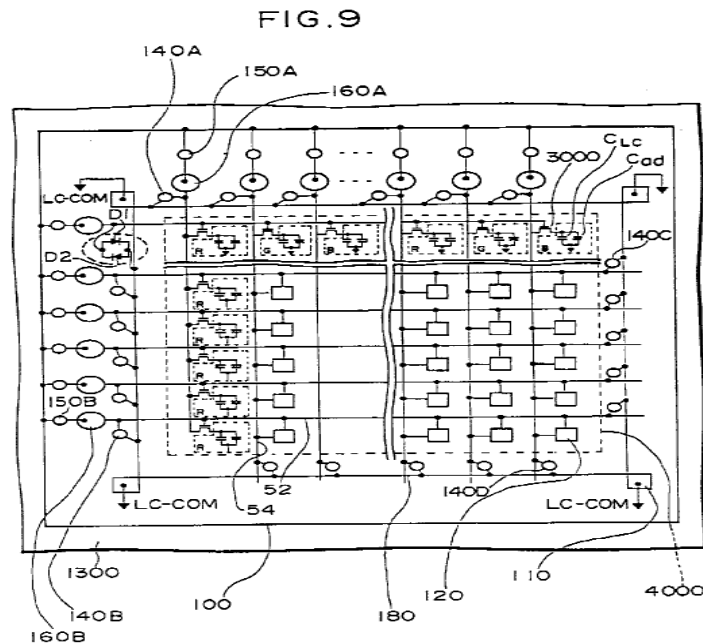
Graham v. John Deere Co., 383 U.S. 1, 17–18 (1966).

An invention “composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art.” *KSR*, 550 U.S. at 418. Instead, a determination of unpatentability on a ground of obviousness must include “‘articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.’” *Id.* (quoting *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006)). The obviousness evaluation “should be made explicit,” and it “can be important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the elements in the way the claimed new invention does.” *Id.* We analyze the asserted ground with the principles identified above in mind.

2. *Satou* Overview

Satou generally relates to methods for preventing the electrostatic destruction of an active element included in a liquid crystal display device, such as a TFT included in an active matrix substrate. *Ex. 1003*, 1:8–12, 1:53–56. *Satou* discloses at least three embodiments. *Id.* at 6:10–14, 9:10–13, 13:1–5. The discussion of *Satou* below focuses primarily on the second embodiment, particularly Figures 9 and 10. *Id.* at 9:10–13, Figs. 9, 10.

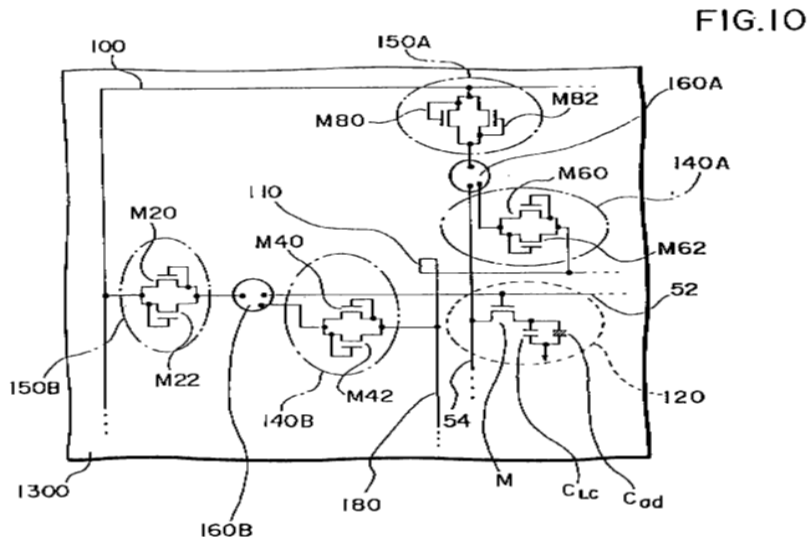
Figure 9 of *Satou*, reproduced below, illustrates a compositional example of the active matrix substrate. *Ex. 1003*, 5:21–22, 9:14–16.



As shown in Figure 9, pixel parts 4000 are formed from multiple pixels 120, each of which includes TFT 3000. Ex. 1003, 9:23–25. Each TFT 3000 is attached to the intersecting points of scanning line 52 and signal line 54. *Id.* at 9:25–27. Each end of scanning line 52 and signal line 54 is attached to pads 160A and 160B, first protective elements 140A and 140B are connected between the pads and LC-COM line 180, and second protective elements 150A and 150B are formed between the pads and guard ring 100. *Id.* at 9:28–33. LC-COM line 180 also is connected to a facing electrode through silver point pad 110. *Id.* at 9:33–35.

Satou further discloses that pads 160A and 160B are electrodes used to connect the bonding wire. Ex. 1003, 9:36–39. LC-COM line 180 is a line that, when applied with an electric potential, becomes the standard liquid crystal drive. *Id.* at 9:40–42.

Figure 10 of Satou, reproduced below, illustrates the practical arrangement of the static electricity protective elements in the periphery of pads 160A and 160B. Ex. 1003, 5:23–24, 10:40–42.



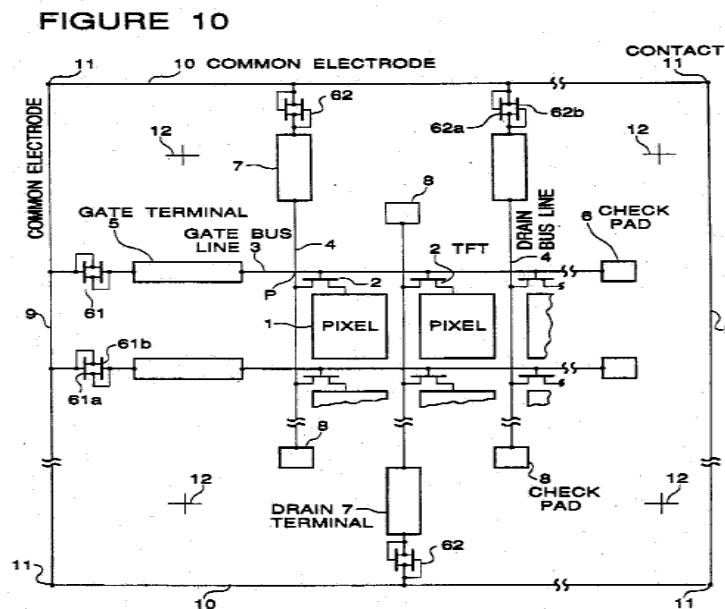
As shown in Figure 10, protective element 140A is constructed of TFTs M60 and M62, which, in turn, are connected between a gate/drain. Ex. 1003, 10:43–45. Protective elements 140B, 150A, and 150B are constructed in the same manner, i.e., protective element 140B is formed by TFTs M40 and M42, which, in turn, are connected between a gate/drain; protective element 150A is formed by TFTs M80 and M82, which, in turn, are connected between a gate/drain; and protective element 150B is formed by TFTs M20 and M22, which, in turn, are connected between a gate/drain. *Id.* at 10:45–50.

3. Noguchi Overview

Noguchi generally relates to a matrix wiring substrate used as, e.g., a drive electrode assembly of an active matrix liquid crystal display and, in particular, a matrix wiring substrate having a common electrode for preventing an electrostatic breakdown or destruction in a manufacturing

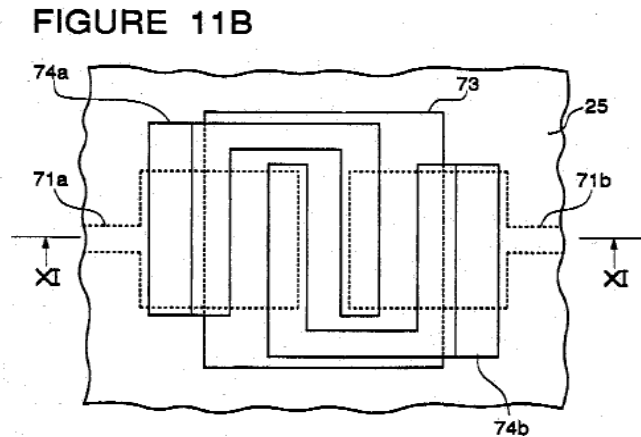
process. Ex. 1004, 1:9–14, *see also id.* 2:37–41 (stating that an objective of the invention disclosed by Noguchi “is to provide a matrix wiring substrate capable of effectively preventing the electrostatic breakdown or destruction and capable of allowing to easily execute the wiring check”).

Figure 10 of Noguchi, reproduced below, illustrates one embodiment of the matrix wiring substrate. Ex. 1004, 4:19–21, 7:53–55.



As shown in Figure 10, non-linear elements 61 and 62 include a pair of field effect transistors, such as TFTs. Ex. 1004, 7:61–64. In particular, non-linear element 61 includes TFTs 61a and 61b, whereby the source and the drain of TFT 61a, which has its gate and drain short-circuited to each other, are connected to the drain and the source, respectively, of TFT 61b, which also has its gate and drain short-circuited to each other. *Id.* at 7:65–8:2. Non-linear element 62 includes TFTs 62a and 62b connected in a similar manner. *Id.* at 8:2–4.

Figure 11B of Noguchi, reproduced below, illustrates the circuit arrangement of non-linear element 61 connected to gate bus line 3 in the matrix wiring substrate illustrated in Figure 10. Ex. 1004, 4:22–27, 8:7–12.



As shown in Figure 11B, non-linear element 61 includes gate electrodes 71a and 71b formed from lower level wiring. Ex. 1004, 8:13–15. These gate electrodes are located separately from each other on glass substrate 25 so as to leave a predetermine space there between. *Id.* at 8:15–17. Gate insulator 72 (not illustrated above) and amorphous silicon (“a-Si”) film 73 are deposited on gate electrodes 71a and 71b in named order. *Id.* at 8:17–19. Contact holes are formed in gate insulator 72 to reach these gate electrodes. *Id.* at 8:19–21. Source-and-drain electrodes 74a and 74b, which resemble a U-shape, are formed on a-Si film 73 in such a way that one end of these source-and-drain electrodes contacts gate electrodes 71a and 71b. *Id.* at 8:21–26.

Figure 12B of Noguchi illustrates the circuit arrangement of non-linear element 62 connected to drain bus line 4 in the matrix wiring substrate illustrated in Figure 10. Ex. 1004, 4:28–33, 8:27–32. The circuit arrangement of non-linear element 62 is essentially the same as the circuit

arrangement of non-linear element 61. *Compare id.* at 8:33–46, *with id.* at 8:13–26.

4. *Rationale to Combine*

SDC relies upon essentially the same rationale to combine the teachings of Satou and Noguchi for each of independent claims 1, 6, and 8. *See* Pet. 38–40 (presenting SDC’s rationale to combine for independent claim 1), 54 (reiterating essentially the same rationale to combine for independent claim 6). Our analysis below solely focuses on SDC’s rationale to combine the teachings of Satou and Noguchi to satisfy the limitations of independent claim 1.

In its Petition, SDC contends that one of ordinary skill in the art would have looked to the teachings of Noguchi for further guidance on how to configure Satou’s nonlinear element 140A on the signal side because both Noguchi and Satou solve the problem of electrostatic destruction of an active element included in a liquid crystal display device using essentially the same structure. Pet. 38–39 (citing Ex. 1003, 1:52–56; Ex. 1004, 2:38–41; Ex. 1006 ¶ 76). SDC also contends that Satou teaches that the TFT of a protective element may be designed using an additional indium tin oxide (“ITO”) metal layer connection between the source/drain and the gate of the TFT. *Id.* at 39 (citing Ex. 1006 ¶ 76). SDC further argues that Noguchi teaches configurations in which (1) the layer organization of the protective element on the gate wiring side is similar to that on the signal line side; and (2) on both the gate wiring side and the signal line side, the source/drain at the top layer of one of the TFTs of the protective element is connected to the gate at the bottom layer of that TFT. *Id.* SDC then argues that one of ordinary skill in the art, starting with Satou’s teaching of an additional ITO

metal layer to connect the source/drain of a protective element TFT with its gate, would implement the features consistent with the configurations taught by Noguchi. *Id.* As a result, SDC asserts that one of ordinary skill in the art would structure Satou's signal line side protective element TFT in similar manner to its gate wiring side counterpart, such that its source/drain electrode is connected to the gate through contact holes using a third conductor layer. *Id.* (citing Ex. 1006 ¶ 76).

In response, Gold Charm contends that SDC's rationale to combine the teachings of Satou and Noguchi, particularly its statements that these asserted references solve the same problem using essentially the same structure, falls short of providing an articulated reason with a rational underpinning that supports a legal conclusion of obviousness. Prelim. Resp. 37–38. Gold Charm argues that, even it were to assume that both Satou and Noguchi solve the same problem of electrostatic destruction of an active element included in a liquid crystal display device using essentially the same structure, this, by itself, does not explain why one of ordinary skill in the art would have combined the teachings of Satou and Noguchi in a way that accounts for all the features of the challenged claims. *Id.* Gold Charm also argues that, because the devices of Satou and Noguchi are very different both in structure and function, they are incapable of being combined in the manner proposed by SDC. *Id.* at 39–42.

On the present record, we are not persuaded that SDC has articulated a sufficient rationale to combine the teachings of Satou and Noguchi. With respect to SDC's assertion that the teachings of Satou and Noguchi are capable of being combined because both of these references solve the same problem using essentially the same structure, this assertion, at best, indicates

that Satou and Noguchi are analogous art to each other. Merely asserting that these prior art references are analogous art to each other, however, does not suffice as an articulated reason with a rational underpinning to combine their respective teachings—more is required to support the legal conclusion of obviousness. *See KSR*, 550 U.S. at 418.

With respect to SDC's assertion that one of ordinary skill in the art would have implemented components of Satou's active matrix substrate in accordance with the configurations taught by Noguchi, this assertion lacks a convincing rationale as to why one of ordinary skill in the art would have looked to Noguchi for guidance as to how these components disclosed in Satou should be re-configured in the manner required by independent claim 1. Based on this assertion, we understand SDC to argue that the components disclosed in Satou's active matrix substrate account for all the features required by independent claim 1, but these components are not configured in the same manner required by this claim. We further understand SDC to argue that one of ordinary skill in the art would have looked to the configurations taught by Noguchi in order to achieve the particular configuration of features required by independent claim 1. Without engaging in impermissible hindsight reconstruction, it is not clear to us why one of ordinary skill in the art would have looked to the configurations taught by Noguchi, especially given that, according to SDC, Noguchi solves the same problem as Satou using essentially the same structure. *See Grain Processing Corp. v. Am.-Maize Prods. Co.*, 840 F.2d 902, 907 (Fed. Cir. 1988) (quoting *Orthopedic Equip. Co. v. United States*, 702 F.2d 1005, 1012 (Fed. Cir. 1983)) ("Care must be taken to avoid hindsight reconstruction by using 'the patent in suit as a guide through the maze of prior art references,

combining the right references in the right way so as to achieve the result of the claims in suit.””).

We also are not persuaded by the supporting testimony of Mr. Credelle regarding SDC’s rationale to combine the teachings of Satou and Noguchi because it essentially repeats the arguments advanced by SDC in its Petition. *Compare* Pet. 38–40, *with* Ex. 1006 ¶¶ 76, 77. For instance, Mr. Credelle testifies that one of ordinary skill in the art would have combined the teachings of Satou and Noguchi because they solve the same problem using essentially the same structure. Ex. 1006 ¶ 76 (citing Ex. 1003, 1:52–56; Ex. 1004, 2:38–41). Similar to our explanation above, simply demonstrating that these prior art references are analogous art to each other does not suffice as an articulated reason with a rational underpinning to combine their respective teachings—more is required to support the legal conclusion of obviousness. *See KSR*, 550 U.S. at 418.

Mr. Credelle also testifies that one of ordinary skill in the art would have implemented components of Satou’s active matrix substrate in accordance with the configurations taught by Noguchi. Ex. 1006 ¶ 76. Similar to our explanation above, without engaging in impermissible hindsight reconstruction, it is not clear to us why one of ordinary skill in the art would have looked to the configurations taught by Noguchi, especially given that, according to SDC, Noguchi solves the same problem as Satou using essentially the same structure. *See Grain Processing*, 840 F.2d at 907.

5. Summary

Based on the record before us, SDC has not demonstrated a reasonable likelihood that it would prevail on its assertion that claims 1–9 would have been obvious over the combination of Satou and Noguchi

because SDC does not provide a sufficient rationale to combine the respective teachings of these asserted references.

III. CONCLUSION

Taking into account the arguments presented in Gold Charm's Preliminary Response, we conclude that the information presented in the Petition does not demonstrate that there is a reasonable likelihood that SDC would prevail in challenging claims 1–9 of the '534 patent as unpatentable under § 103(a).

IV. ORDER

In consideration of the foregoing, it is ORDERED that the Petition is DENIED and no trial is instituted.

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