

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TCL ELECTRONICS HOLDINGS LTD. (F/K/A TCL MULTIMEDIA
TECHNOLOGY HOLDINGS, LTD.),
TCL INDUSTRIES HOLDINGS CO., LTD.,
TCL INDUSTRIES HOLDINGS (H.K.) LIMITED,
TTE TECHNOLOGY, INC. (D/B/A TCL NORTH AMERICA),
TTE CORPORATION, TCL MOKA INTERNATIONAL LIMITED,
TCL MOKA MANUFACTURING S.A. DE C.V.,
TCL KING ELECTRICAL APPLIANCES (HUIZHOU) CO. LTD.,
MANUFACTURAS AVANZADAS S.A. DE C.V.,
TCL SMART DEVICE (VIETNAM) CO., LTD.,
SHENZHEN TCL NEW TECHNOLOGY CO., LTD.,
TCL OPTOELECTRONICS TECHNOLOGY (HUIZHOU) CO., LTD.,
TCL OVERSEAS MARKETING LTD., and
TCL TECHNOLOGY GROUP CORPORATION (F/K/A TCL CORP.),
Petitioner,

v.

LG ELECTRONICS INC.,
Patent Owner.

IPR2023-00239
Patent 9,080,740 B2

Before ROBERT J. WEINSCHENK, JOHN A. HUDALLA, and
GARTH D. BAER, *Administrative Patent Judges*.

WEINSCHENK, *Administrative Patent Judge*.

DECISION
Granting Institution of *Inter Partes* Review
35 U.S.C. § 314

I. INTRODUCTION

A. Background and Summary

TCL Electronics Holdings Ltd. (f/k/a TCL Multimedia Technology Holdings, Ltd.), TCL Industries Holdings Co., Ltd., TCL Industries Holdings (H.K.) Limited, TTE Technology, Inc. (d/b/a TCL North America), TTE Corporation, TCL Moka International Limited, TCL Moka Manufacturing S.A. de C.V., TCL King Electrical Appliances (Huizhou) Co. Ltd., Manufacturas Avanzadas S.A. de C.V., TCL Smart Device (Vietnam) Co., Ltd., Shenzhen TCL New Technology Co., Ltd., TCL Optoelectronics Technology (Huizhou) Co., Ltd., TCL Overseas Marketing Ltd., and TCL Technology Group Corporation (f/k/a TCL Corp.) (collectively, “Petitioner”) filed a Petition (Paper 1, “Pet.”) requesting an *inter partes* review of claims 1–31 (“the challenged claims”) of U.S. Patent No. 9,080,740 B2 (Ex. 1001, “the ’740 patent”). LG Electronics Inc. (“Patent Owner”) filed a Preliminary Response (Paper 8, “Prelim. Resp.”) to the Petition.

An *inter partes* review may not be instituted unless “the information presented in the petition . . . and any response . . . shows that there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.” 35 U.S.C. § 314(a). Further, a decision to institute may not institute on fewer than all claims challenged in the petition. 37 C.F.R. § 42.108(a). Based on the arguments and evidence of record, Petitioner demonstrates a reasonable likelihood of prevailing in showing that at least one of the challenged claims of the ’740 patent is unpatentable. Accordingly, we institute an *inter partes* review as to the

challenged claims of the '740 patent on all the grounds of unpatentability in the Petition.

B. Real Parties in Interest

The parties identify themselves as the only real parties in interest.
Pet. 1–2; Paper 6, 2.

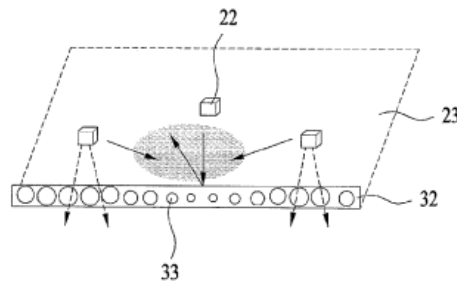
C. Related Matters

The parties indicate that the '740 patent is the subject of the following district court case: *LG Electronics Inc. v. TCL Electronics Holdings Ltd. (f/k/a TCL Multimedia Technology Holdings, Ltd.)*, No. 2:22-cv-00122 (E.D. Tex.). Pet. 2; Paper 6, 2.

D. The '740 Patent

The '740 patent relates to “a direct-type planar lighting device which improves an edge luminance uniformity.” Ex. 1001, 1:62–64. Figure 19 of the '740 patent is reproduced below.

FIG. 19



Id. at Fig. 19. Figure 19 shows several light sources 22 disposed on reflection layer 23. *Id.* at 7:63–67, 9:22–30. Edge 32 of reflection layer 23 includes several holes 33 of different sizes. *Id.* at 8:59–60, 9:22–30. The portions of edge 32 that are relatively far from light sources 22 include

smaller holes 33 so that only a small amount of the light emitted from light sources 22 passes through holes 33 and most of the light is reflected. *Id.* at 9:9–15. As a result, the “brightness of an area which may be relatively dark due to great distance from the light source 22 is thus reinforced.” *Id.* On the other hand, the portions of edge 32 that are close to light sources 22 include larger holes 33 so that a large amount of the light emitted from light sources 22 passes through holes 33. *Id.* at 9:16–21. The “brightness of an area which may be relatively bright is thus regulated.” *Id.*

E. Illustrative Claim

Of the challenged claims, claims 1, 22, and 31 are independent. Claim 1 is reproduced below.

1. A planar lighting device comprising:
 - a circuit substrate;
 - a plurality of light sources disposed on the circuit substrate;
 - a reflection layer disposed on the circuit substrate, the reflection layer comprising
 - a first surface having a plurality of openings where the respective light sources are located,
 - a second surface connected to the first surface, wherein the second surface has an inclination with respect to the first surface, and
 - a hole pattern having a plurality of through holes provided in the second surface of the reflection layer, wherein at least two through holes of the hole pattern are different in size; and
 - an optical sheet disposed on the light sources.

Ex. 1001, 10:34–48.

F. Evidence

Petitioner submits the following evidence:

Evidence	Exhibit No.
Declaration of Thomas Credelle (“Credelle Declaration”)	1003
Yokota, US 2012/0069248 A1, published Mar. 22, 2012 (“Yokota”)	1004
Matsumoto, US 2012/0287347 A1, published Nov. 15, 2012 (“Matsumoto”)	1005
Ha, US 2011/0013119 A1, published Jan. 20, 2011 (“Ha”)	1006
Kim, US 7,275,852 B2, issued Oct. 2, 2007 (“Kim”)	1008

G. Asserted Grounds

Petitioner asserts that the challenged claims are unpatentable on the following grounds:

Claim(s) Challenged	35 U.S.C. §	References/Basis
1–3, 7–29, 31	103	Yokota, Matsumoto
30	103	Yokota, Matsumoto, Ha
4–6	103	Yokota, Matsumoto, Kim

II. ANALYSIS

A. Level of Ordinary Skill in the Art

Petitioner argues that a person of ordinary skill in the art would have had “a bachelor’s level degree in mechanical engineering, physics, optics, or a similar field and at least two years of industry experience designing LCD modules with direct backlights.” Pet. 7–8 (citing Ex. 1003 ¶¶ 19–21). Petitioner’s description of the level of ordinary skill in the art is supported by the testimony of Petitioner’s declarant, Mr. Thomas Credelle. Ex. 1003 ¶¶ 19–21. Patent Owner does not dispute Petitioner’s description at this stage of the proceeding. Prelim. Resp. 8. We adopt Petitioner’s description for purposes of this Decision.

B. Claim Construction

In an *inter partes* review proceeding, a patent claim is construed using the same standard used in a civil action under 35 U.S.C. § 282(b), including construing the claim in accordance with the ordinary and customary meaning of the claim as understood by one of ordinary skill in the art and the prosecution history pertaining to the patent. 37 C.F.R. § 42.100(b). Neither party proposes an express construction for any claim terms. Pet. 4; Prelim. Resp. 8. We determine that no claim terms require express construction for purposes of this Decision.

C. Obviousness of Claims 1–3, 7–29, and 31 over Yokota and Matsumoto

Petitioner argues that claims 1–3, 7–29, and 31 would have been obvious over Yokota and Matsumoto. Pet. 29–71. For the reasons discussed below, Petitioner demonstrates a reasonable likelihood of prevailing in showing that claims 1–3, 7–29, and 31 would have been obvious over Yokota and Matsumoto.

1. Claim 1

Claim 1 recites “[a] planar lighting device.” Ex. 1001, 10:34. Petitioner presents evidence that Yokota teaches a planar backlight unit. Pet. 30 (citing Ex. 1004, code (57), ¶ 59, Fig. 1). Patent Owner does not dispute that the Yokota and Matsumoto combination teaches the preamble of claim 1. On this record, Petitioner shows sufficiently that the Yokota and Matsumoto combination teaches the preamble of claim 1.¹

¹ Because Petitioner presents evidence that the prior art teaches the recitations in the preamble of claim 1, at this stage of the proceeding, we need not decide whether the preamble is limiting.

Claim 1 recites “a circuit substrate.” Ex. 1001, 10:35. Petitioner presents evidence that Yokota teaches a mounting board. Pet. 30–32 (citing Ex. 1004 ¶¶ 56, 68, 73, Fig. 1). Patent Owner does not dispute that the Yokota and Matsumoto combination teaches this limitation of claim 1. On this record, Petitioner shows sufficiently that the Yokota and Matsumoto combination teaches this limitation of claim 1.

Claim 1 recites “a plurality of light sources disposed on the circuit substrate.” Ex. 1001, 10:36. Petitioner presents evidence that Yokota teaches a plurality of light emitting diodes (“LEDs”) disposed on the mounting board. Pet. 32–33 (citing Ex. 1004 ¶ 68, Fig. 1). Patent Owner does not dispute that the Yokota and Matsumoto combination teaches this limitation of claim 1. On this record, Petitioner shows sufficiently that the Yokota and Matsumoto combination teaches this limitation of claim 1.

Claim 1 recites “a reflection layer disposed on the circuit substrate.” Ex. 1001, 10:37–38. Petitioner presents evidence that Yokota teaches a reflective sheet disposed on the mounting board. Pet. 33 (citing Ex. 1004 ¶ 76, Figs. 1, 2). Patent Owner does not dispute that the Yokota and Matsumoto combination teaches this limitation of claim 1. On this record, Petitioner shows sufficiently that the Yokota and Matsumoto combination teaches this limitation of claim 1.

Claim 1 recites that the reflection layer comprises “a first surface having a plurality of openings where the respective light sources are located.” Ex. 1001, 10:39–40. Petitioner presents evidence that Yokota’s reflective sheet includes a main plane with circular clearance openings where the LEDs are located. Pet. 34 (citing Ex. 1004 ¶ 77, Figs. 1, 2). Patent Owner does not dispute that the Yokota and Matsumoto combination

teaches this limitation of claim 1. On this record, Petitioner shows sufficiently that the Yokota and Matsumoto combination teaches this limitation of claim 1.

Claim 1 recites that the reflection layer comprises “a second surface connected to the first surface, wherein the second surface has an inclination with respect to the first surface.” Ex. 1001, 10:41–43. Petitioner presents evidence that Yokota teaches an inclined surface connected to the main plane such that the inclined surface has an inclination with respect to the main plane. Pet. 34–35 (citing Ex. 1004 ¶¶ 75, 76, 78, 79, Fig. 2). Patent Owner does not dispute that the Yokota and Matsumoto combination teaches this limitation of claim 1. On this record, Petitioner shows sufficiently that the Yokota and Matsumoto combination teaches this limitation of claim 1.

Claim 1 recites that the reflection layer comprises “a hole pattern having a plurality of through holes provided in the second surface of the reflection layer, wherein at least two through holes of the hole pattern are different in size.” Ex. 1001, 10:44–47. Petitioner presents evidence that Yokota teaches a plurality of apertures provided in the inclined surface. Pet. 36–38 (citing Ex. 1004 ¶¶ 15, 16, 24, 76, 79, 81, 89, 90, Figs. 2, 3). Petitioner presents evidence that Matsumoto teaches a reflection sheet with a pattern of different-sized dots provided on a sloped portion of the reflection sheet. *Id.* at 36, 41–46 (citing Ex. 1005 ¶¶ 77, 78, 81, 83, 84, 86, 88, 89, 102, 103, Figs. 7–9). As discussed in more detail below, Petitioner also presents evidence that it would have been obvious to combine the cited teachings of Yokota and Matsumoto so that at least two of the apertures in Yokota’s inclined surface are different in size. *Id.* at 46–48 (citing Ex. 1003 ¶¶ 135–138). Patent Owner does not dispute that the Yokota and

Matsumoto combination teaches this limitation of claim 1. On this record, Petitioner shows sufficiently that the Yokota and Matsumoto combination teaches this limitation of claim 1.

Claim 1 recites “an optical sheet disposed on the light sources.” Ex. 1001, 10:48. Petitioner presents evidence that Yokota teaches a diffusive sheet disposed on the LEDs. Pet. 48 (citing Ex. 1004 ¶¶ 59, 73, 74, Figs. 1, 2). Patent Owner does not dispute that the Yokota and Matsumoto combination teaches this limitation of claim 1. On this record, Petitioner shows sufficiently that the Yokota and Matsumoto combination teaches this limitation of claim 1.

2. Claims 2, 3, 7–29, and 31

Independent claims 22 and 31 recite limitations similar to those discussed above for claim 1. Dependent claims 2, 3, 7–21, and 23–29 depend from claims 1 or 22. Petitioner presents evidence that the Yokota and Matsumoto combination teaches the limitations of claims 2, 3, 7–29, and 31. Pet. 49–71. Patent Owner does not dispute that the Yokota and Matsumoto combination teaches the limitations of claims 2, 3, 7–29, and 31. On this record, Petitioner shows sufficiently that the Yokota and Matsumoto combination teaches the limitations of claims 2, 3, 7–29, and 31.

3. Reason to Combine

Petitioner argues that a person of ordinary skill in the art would have had reason to combine the cited teachings of Yokota and Matsumoto. Pet. 46–48 (citing Ex. 1003 ¶¶ 135–138). In particular, Petitioner presents evidence that because Yokota indicates that the “size, location, pattern, and spacing” of its apertures can be “selected according to the design of the backlight,” a person of ordinary skill in the art would have found it obvious

to use Matsumoto’s pattern for Yokota’s apertures. *Id.* at 46–47 (citing Ex. 1003 ¶ 136; Ex. 1004 ¶ 81). Petitioner also presents evidence that the Yokota and Matsumoto combination would have involved combining known elements (i.e., Yokota’s apertures and Matsumoto’s pattern) from similar devices (i.e., backlight units) to yield predictable results (i.e., reducing reflection and providing uniform luminance). *Id.* at 47–48 (citing Ex. 1003 ¶ 138). Petitioner also presents evidence that using Matsumoto’s pattern for Yokota’s apertures would have improved Yokota’s backlight unit by “optimiz[ing] uniformity of illumination.” *Id.* (citing Ex. 1003 ¶ 138).

Patent Owner responds that Petitioner does not show sufficiently that a person of ordinary skill in the art would have had reason to combine the cited teachings of Yokota and Matsumoto. Prelim. Resp. 19–29. First, Patent Owner argues that “Petitioner assumes that the solution presented in Yokota would have a problem further requiring modifications to achieve ‘uniformity of illumination,’” but Petitioner does not point to “excerpts of Yokota, Matsumoto, or other sources to support their conclusory opinion that the small apertures taught in Yokota result in non-uniform illumination.” *Id.* at 21–22 (citing Pet. 40, 47; Ex. 1003 ¶ 136). And, according to Patent Owner, “even if Yokota had the hypothesized problem, Petitioner merely provides conclusory statements that the dot pattern of Matsumoto would improve Yokota.” *Id.* at 22.

On this record, Patent Owner’s argument is unavailing. Petitioner does not need to show that using Matsumoto’s pattern for Yokota’s apertures “was an ‘improvement’ in a categorical sense.” *See Intel Corp. v. PACT XPP Schweiz AG*, 61 F.4th 1373, 1381 (Fed. Cir. 2023). Rather, Petitioner only needs to show that Matsumoto’s pattern was a “suitable option” for

Yokota's apertures. *See id.* As discussed above, Petitioner presents evidence that Matsumoto's pattern reduces reflection and provides uniform luminance in a backlight unit, and a person of ordinary skill in the art would recognize that Matsumoto's pattern would function similarly when used for the apertures in Yokota's backlight unit. Pet. 47–48; Ex. 1003 ¶ 138 (“The prior art solutions of Yokota and Matsumoto are used in the same environment . . . on the same element . . . in the same area . . . for the same purpose.”).

Moreover, Petitioner also presents evidence that Matsumoto's pattern would have improved Yokota's backlight unit. Specifically, Petitioner presents evidence that different locations on an inclined portion of a reflection layer receive a different number of light rays from a light source. Pet. 41–42; Ex. 1003 ¶ 129; Ex. 1005 ¶¶ 83–84. Matsumoto, therefore, teaches using different-sized reflection reduction elements at different locations on the inclined portion. Pet. 45–46; Ex. 1005 ¶¶ 80–81. Petitioner presents evidence that because Yokota and Matsumoto include similar inclined portions, Matsumoto's pattern of different-sized reflection reduction elements would have improved Yokota's backlight unit by further optimizing uniformity of illumination. Pet. 47–48; Ex. 1003 ¶ 138.

Second, Patent Owner argues that Petitioner “assumes that the specific solution provided in claims 1, 22, and 31 of the '740 Patent was well known,” but “[t]his appears to be nothing more than a hindsight modification of the cited art to reflect the claimed invention.” Prelim. Resp. 23–24 (citing Pet. 46–47). On this record, Patent Owner's argument is unavailing. As discussed above, Petitioner presents evidence that Matsumoto's pattern reduces reflection and provides uniform luminance in a

backlight unit, and a person of ordinary skill in the art would recognize that Matsumoto's pattern would function similarly when used for the apertures in Yokota's backlight unit. Pet. 47–48; Ex. 1003 ¶ 138. Petitioner also presents evidence that the proposed combination would have improved Yokota's backlight unit by further optimizing uniformity of illumination. Pet. 47–48; Ex. 1003 ¶ 138. Thus, Petitioner's reasons for combining Yokota and Matsumoto are more than just hindsight.

Third, Patent Owner argues that “Petitioner's expert declaration parrots, near verbatim, statements in the Petition, with no further analysis or support,” and “[s]uch testimony is entitled to no weight.” Prelim. Resp. 24 (citing Pet. 36–48; Ex. 1003 ¶¶ 119–138). On this record, Patent Owner's argument is unavailing. Petitioner's declarant, Mr. Credelle, provides specific reasons why a person of ordinary skill in the art would have combined Yokota and Matsumoto. *See, e.g.*, Ex. 1003 ¶ 136 (“to optimize the uniformity of illumination”); *id.* ¶ 138 (“The prior art solutions of Yokota and Matsumoto are used in the same environment . . . on the same element . . . in the same area . . . for the same purpose.”). Mr. Credelle also cites to specific portions of Yokota and Matsumoto to support his analysis. *See, e.g., id.* ¶¶ 135–136 (citing Ex. 1004 ¶¶ 81, 84, 90, 92; Ex. 1005 ¶¶ 77, 81, 89).

Fourth, Patent Owner argues that a person of ordinary skill in the art “would **not** be motivated to combine Yokota and Matsumoto” because “[t]hese references solve different problems in different ways.” Prelim. Resp. 25. Specifically, Patent Owner contends that “Yokota solves the problem of ‘disproportionality higher luminosity in a peripheral part’ (i.e., **bright** regions) by using holes placed in the peripheral region of a reflective

sheet,” whereas “Matsumoto solves the problem of *dark* regions in the border region by using a dot pattern.” *Id.* (citing Ex. 1004 ¶¶ 12, 80; Ex. 1005 ¶ 80). On this record, Patent Owner’s argument is unavailing. “The Supreme Court’s decision in *KSR* . . . directs us to construe the scope of analogous art broadly.” *Wyers v. Master Lock Co.*, 616 F.3d 1231, 1238 (Fed. Cir. 2010). Here, Yokota and Matsumoto are both reasonably pertinent to a particular problem addressed by the ’740 patent, namely, the problem of non-uniform luminance in a lighting device. Pet. 7, 37, 41; Ex. 1001, 1:62–64, 6:18–29; Ex. 1004 ¶¶ 11–12; Ex. 1005 ¶¶ 8–9.

Fifth, Patent Owner argues that “[p]hysical differences between Yokota and Matsumoto would discourage a [person of ordinary skill in the art] from combining the references.” Prelim. Resp. 26. In particular, Patent Owner contends that “Yokota emphasizes the light **absorption** properties of dots and holes,” whereas “Matsumoto describes . . . dots as a ‘light **reflecting** portion.’” *Id.* (citing Ex. 1004 ¶ 90; Ex. 1005 ¶ 77). On this record, Patent Owner’s argument is unavailing. Yokota’s apertures and Matsumoto’s dots are both reflection-reduction elements. Pet. 37, 46; Ex. 1004 ¶¶ 13, 80; Ex. 1005 ¶¶ 77, 79. For example, Yokota teaches that its apertures “*reduce[]* the amount of light that is reflected on the inclined surface.” Ex. 1004 ¶ 80 (emphasis added). Similarly, Matsumoto teaches that its dots “*lower* the light reflectance of an area.” Ex. 1005 ¶ 79 (emphasis added). Thus, we are not persuaded that a person of ordinary skill in the art would have been discouraged from combining the cited teachings of Yokota and Matsumoto.

Sixth, Patent Owner argues that a person of ordinary skill in the art “would recognize that replacing the dots of Matsumoto with holes would

result in an undesired bright portion because light would be reflected from the metal chassis.” Prelim. Resp. 26–28. On this record, Patent Owner’s argument is unavailing. Petitioner does not propose replacing Matsumoto’s dots with Yokota’s apertures. *See* Pet. 46–48. Rather, as discussed above, Petitioner proposing using Matsumoto’s pattern of different-size reflection reduction elements for Yokota’s apertures. *Id.*; Ex. 1003 ¶¶ 135–138.

Seventh, Patent Owner argues that a person of ordinary skill in the art “would not modify the small holes of Yokota to include large holes” because “Yokota emphasizes that the through holes be small . . . to prevent large amounts of light from being reflected from the obverse side of the metal chassis towards the LCD panel.” Prelim. Resp. 28–29 (citing Ex. 1004 ¶ 80). On this record, Patent Owner’s argument is unavailing. Although Yokota describes “small apertures,” Yokota also explains that the “size . . . of the small apertures . . . are preferably optimized through experiments.” Ex. 1004 ¶¶ 80–81. Thus, we are not persuaded that Yokota teaches away from using a pattern of apertures in which some are larger than others.

4. Summary

For the foregoing reasons, Petitioner demonstrates a reasonable likelihood of prevailing in showing that claims 1–3, 7–29, and 31 would have been obvious over Yokota and Matsumoto.

D. Obviousness of Claim 30 over Yokota, Matsumoto, and Ha

Petitioner argues that claim 30 would have been obvious over Yokota, Matsumoto, and Ha. Pet. 71–75. Petitioner identifies evidence indicating that the Yokota, Matsumoto, and Ha combination teaches the limitations of claim 30, and that a person of ordinary skill in the art would have had reason to combine these references. *Id.* Other than the arguments discussed above,

Patent Owner does not raise any arguments relating to this asserted ground. On this record, Petitioner demonstrates a reasonable likelihood of prevailing in showing that claim 30 would have been obvious over Yokota, Matsumoto, and Ha.

E. Obviousness of Claims 4–6 over Yokota, Matsumoto, and Kim

Petitioner argues that claims 4–6 would have been obvious over Yokota, Matsumoto, and Kim. Pet. 75–81. Petitioner identifies evidence indicating that the Yokota, Matsumoto, and Kim combination teaches the limitations of claims 4–6, and that a person of ordinary skill in the art would have had reason to combine these references. *Id.* Other than the arguments discussed above, Patent Owner does not raise any arguments relating to this asserted ground. On this record, Petitioner demonstrates a reasonable likelihood of prevailing in showing that claims 4–6 would have been obvious over Yokota, Matsumoto, and Kim.

III. CONCLUSION

Petitioner demonstrates a reasonable likelihood of prevailing in showing the unpatentability of at least one of the challenged claims of the '740 patent. At this stage of the proceeding, we have not made a final determination with respect to the patentability of any of the challenged claims.

IV. ORDER

It is hereby

ORDERED that, pursuant to 35 U.S.C. § 314(a), an *inter partes* review of claims 1–31 of the '740 patent is instituted with respect to all grounds of unpatentability set forth in the Petition; and

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FURTHER ORDERED that, pursuant to 35 U.S.C. § 314(c) and 37 C.F.R. § 42.4(b), *inter partes* review of the '740 patent shall commence on the entry date of this Order, and notice is hereby given of the institution of a trial.

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