UNITED STATES INTERNATIONAL TRADE COMMISSION
WASHINGTON, D.C.

Before the Honorable MaryJoan McNamara
Administrative Law Judge

In the Matter of **COMPONENTS FOR CERTAIN ENVIRONMENTALLY-PROTECTED LCD DIGITAL DISPLAYS AND PRODUCTS CONTAINING SAME**	**Inv. No. 337-TA-1349**

RESPONDENT'S *MARKMAN* BRIEF

for the patent upon which the present reissue is based." JXM-0009.0151–JXM-0009.0153. In response, Samsung traversed the rejection, unequivocally stating "[w]hereas *patented claims 1-10 are directed to a first embodiment illustrated in FIG. 1*, such limitations directed to the alternative embodiment illustrated in FIG. 3 are not evidenced in the claims or prosecution history of U.S. Patent 7,667,964, and are therefore directed to overlooked aspects (M.P.E.P. § 1412.02(V))." JXM-0009.0183–JXM-0009.0184 (emphasis added).

Samsung cannot now ignore this unequivocal disclaimer of embodiments beyond what is disclosed in Figure 1 (and Figure 2), which limits the scope of claims 1, 2, and 5 of the '117 Patent accordingly. *See, e.g.*, *Standard Oil Co. v. Am. Cyanamid Co.*, 774 F.2d 448, 452 (Fed. Cir. 1985) ("[A]ll express representations made by or on behalf of the applicant to the examiner to induce a patent grant" limit the interpretation of the claims "so as to exclude any interpretation that may have been disclaimed or disavowed during prosecution in order to obtain claim allowance."). Accordingly, the ALJ should construe "circuit board mounting part" subject to § 112, ¶ 6, and adopt the function and structure set forth in MRI's construction, which track the embodiment disclosed in the specification of the '117 Patent as well as Samsung's related representation as to the scope of the claims during prosecution.

C. The '253 Patent and '311 Patent

1. Level of Skill of Person of Ordinary Skill in the Art

A person of ordinary skill in the art ("POSITA") with respect to the '253 Patent and '311 Patent, as of the time of the respective date(s) of the purported invention(s), would have the following qualifications: A bachelor's degree in a pertinent discipline, such as mechanical or electrical engineering, physics, applied physics, or a related field, and would also have had at least 2 years of experience in working with electronic displays, including thermal management

associated with electronic displays. *See* JXM-0004; JXM-0005; *see also* RXM-0017 (Flasck Decl.) at ¶ 21.

2. "display assembly" ('253 Patent, claims 1, 11)

Disputed Claim Term	Samsung's Proposal	MRI's Proposal
display assembly	No construction necessary. Alternatively, plain and ordinary meaning, which is: electronic display for displaying images	module including a display panel, a backlight unit, and a circuit board to control the display panel and the backlight unit

Each of independent claims 1 and 11 of the '253 Patent recite a "display assembly" enclosed inside a "housing" of a "display device." JXM-0004.0019 at 10:36–43, JXM-0004.0020 at 11:13–23. As required by the intrinsic evidence, MRI proposes that the term "display assembly" be construed to mean a "module including a display panel, a backlight unit, and a circuit board to control the display panel and the backlight unit." In contrast, Samsung's proposed construction—"electronic display for displaying images"—fails to account for the actual claim language chosen by the applicant ("display *assembly*"), and instead attempts to *rewrite* the term so as to remove any meaning of "assembly." Such a construction improperly conflates the claim term with a separate and different claim term, "display panel," and is incorrect in view of the intrinsic evidence.

Settled law requires that different claim terms accrue different meanings, otherwise claim limitations would be rendered superfluous. *Helmsderfer v. Bobrick Washroom Equip., Inc.*, 527 F.3d 1379, 1382 (Fed. Cir. 2008) ("[D]ifferent claim terms are presumed to have different meanings."); *Applied Med. Res. Corp. v. U.S. Surgical Corp.*, 448 F.3d 1324, 1333 n.3 (Fed. Cir. 2006) ("[T]he use of two terms in a claim requires that they connote different meanings ...."); *see, e.g.*, *Deere & Co. v. Bush Hog, LLC*, 703 F.3d 1349, 1354–55 (Fed. Cir. 2012) ("Claim 1 …

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Respectfully submitted,

/s/ *Aarti Shah*

Aarti Shah
KILPATRICK TOWNSEND & STOCKTON LLP
607 14th Street, NW, Suite 900
Washington, DC 20005
Telephone: (202) 508-5800
mri-samsung1349@kilpatricktownsend.com

Russell A. Korn
David A. Reed
Joshua H. Lee
Courtney S. Dabbiere
KILPATRICK TOWNSEND & STOCKTON LLP
1100 Peachtree Street NE, Suite 2800
Atlanta, GA 30309
Telephone: (404) 815-6500
mri-samsung1349@kilpatricktownsend.com

Dario A. Machleidt
Kathleen R. Geyer
KILPATRICK TOWNSEND & STOCKTON LLP
1420 Fifth Ave., Suite 3700
Seattle, WA 98101
Telephone: (206) 467-9600
mri-samsung1349@kilpatricktownsend.com

Craig D. Cannon
Alton L. Absher, III
Andrea A. Anderson
Jonathan E. Harris
KILPATRICK TOWNSEND & STOCKTON LLP
1001 West Fourth Street
Winston-Salem, NC 27101
Telephone: (336) 607-7300
mri-samsung1349@kilpatricktownsend.com

Matthew J. Meyer
KILPATRICK TOWNSEND & STOCKTON LLP
1080 Marsh Road
Menlo Park, CA 94025
Telephone: (650) 326-2400
mri-samsung1349@kilpatricktownsend.com

Kasey E. Koballa
KILPATRICK TOWNSEND & STOCKTON LLP
4208 Six Forks Road, Suite 1400
Raleigh, NC 27609
Telephone: (919) 420-1700
mri-samsung1349@kilpatricktownsend.com

Sarah Y. Kamran
KILPATRICK TOWNSEND & STOCKTON LLLP
1801 Century Park East, Suite 2300
Los Angeles, CA 90067
Telephone: (310) 310-7015
mri-samsung1349@kilpatricktownsend.com

Counsel for Respondent Manufacturing Resources International, Inc.