

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

WANGS ALLIANCE CORPORATION D/B/A WAC LIGHTING CO.,
Petitioner,

v.

KONINKLIJKE PHILIPS N.V.,
Patent Owner.

Case IPR2015-01292
Patent 6,586,890 B2

Before GLENN J. PERRY, TREVOR M. JEFFERSON, and
MIRIAM L. QUINN, *Administrative Patent Judges*.

PERRY, *Administrative Patent Judge*.

FINAL WRITTEN DECISION
Inter Partes Review
35 U.S.C. § 318(a) and 37 C.F.R. § 42.73

I. INTRODUCTION

This is a Final Written Decision in an *inter partes* review issued pursuant to 35 U.S.C. §318(a). We have jurisdiction under 35 U.S.C. § 6. For reasons discussed herein, and in view of the trial record, we determine that Petitioner has shown by a preponderance of the evidence that claims 15 and 23 of the '890 patent are unpatentable. However, Petitioner has not shown by a preponderance of the evidence that claims 7 and 31 of the '890 patent are unpatentable

A. Procedural History

This is a final written decision in an *inter partes* review. Wangs Alliance Corporation d/b/a Wac Lighting Co. ("Petitioner") filed a Petition (Paper 2, "Pet.") to institute *inter partes* review of claims 7, 15, 23, and 31 (the "challenged claims") of U.S. Patent No. 6,586,890 B2 ("the '890 Patent"). 35 U.S.C. § 311.

On November 25, 2015, we entered a Decision to Institute a trial (Paper 8, "Dec. Inst.") on claims 15 and 23. Following Petitioner's Request for Rehearing (Paper 11, Reh'g Req.), we expanded the scope of trial to include claims 7 and 31. Paper 18, "Reh'g. Dec."

Koninklijke Philips N.V. ("Patent Owner") filed a Patent Owner Response (Paper 32, "PO Resp.") arguing Petitioner's challenge to claims 7 and 31 only. Petitioner filed a Reply. Paper 40, "Pet. Reply." Petitioner filed a Motion to Exclude Evidence. Paper 50, "Mot. To Exclude." Patent Owner opposed. Paper 54, "Opp. Motion To Exclude." Petitioner filed a Reply in support of its Motion to Exclude. Paper 58, "Reply Mot. To Exclude." Patent Owner filed a Notice of New Arguments. Paper 52,

“Motion New Arg.” Petitioner opposed. Paper 57, “Opp. Mot. New Arg.” Patent Owner filed a Revised Motion for Observations.” Paper 55, “Rev. Mot. Obs’n.” Petitioner responded. Paper 59, “Pet. Resp. Obs’n.” A transcript of oral argument held Aug. 23, 2016, is of record as Paper 62 (“Tr.”).

B. Related Matters

Petitioner reports the following pending litigation matter related to the ’890 Patent: *Koninklijke Philips N.V. et al. v. Wangs Alliance Corporation*, Case No. 14-cv-12298-DJC (D. Mass.). Pet. 1.

Petitioner further reports that the Patent Owner is suing the Petitioner and/or other parties under one or more of U.S. Patent Nos. 6,013,988; 6,147,458; 6,250,774; 6,561,690; 6,788,011; 7,038,399; 7,352,138; 6,094,014; and 7,262,559, all of which generally relate to light emitting diodes (“LEDs”). *Id.* Petitioner indicates filing additional petitions for *inter partes* review petitions challenging U.S. Patent Nos. 6,013,988; 6,147,458; 6,586,890 B2; 6,250,774 B1; 7,038,399 B2; and 7,352,138 B2. *Id.*

C. Instituted Grounds of Unpatentability

We instituted trial based on the following grounds (Reh’g Dec. 3):

Reference(s)	Basis	Claim(s) challenged
Biebl ¹	35 U.S.C. § 102(a)	15, and 23
Biebl and ST Micro ²	35 U.S.C. § 103(a)	7, 15, 23, and 31

D. The ’890 Patent (Ex. 1001)

1. Described Invention

The ’890 Patent describes a driver circuit for supplying power to light emitting diodes (LEDs). Ex. 1001, 1:6–7. It explains that the electrical characteristics of LEDs are such that small changes in the voltage applied to a LED cause appreciable changes in current flowing through it. LED light output is proportional to LED current, and, therefore, a controlled current source is the preferred method of driving LEDs. *Id.* at 1:18–22.

Figure 1 of the ’890 Patent is reproduced below.

¹ U.S. Patent 6,400,101 B1, issued June 4, 2002 (Ex. 1003, “Biebl”).

² ST Micro Data Sheet for UC2842/3/4/5 and UC3842/3/4/5 (Ex. 1005, “ST Micro”).

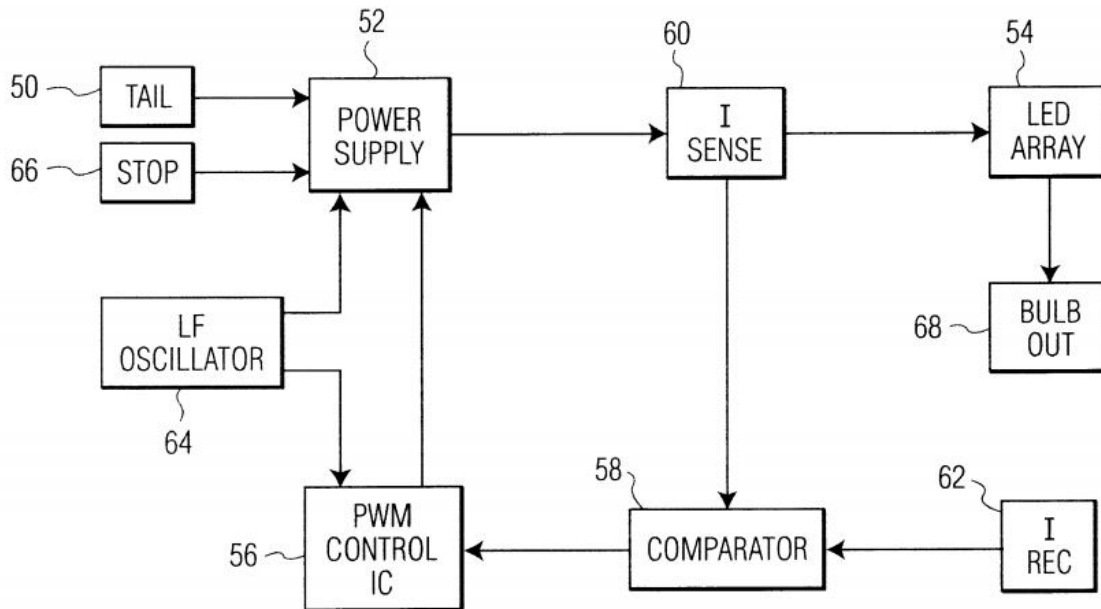


FIG. 1

Figure 1 is a block diagram of a driver for LEDs incorporated into a tail light assembly of a vehicle.

Power supply 52, providing a regulated current, includes a DC to DC converter (e.g. buck-boost power supply, boost, buck, or flyback converter). A PWM signal from PWM control IC 56 controls power supply 52 by providing a periodic drive signal of varying pulse width to control power supply 52 in response to a feedback signal related to current flowing through LED array 54. Comparator 58 compares sensed current from current sensor 60 with a reference signal from current reference 62. The output of comparator 58 controls the pulse width of the drive signal. *Id.* at 2:1–27.

2. Illustrative Claim

Petitioner and Patent Owner arguments focused on claims 7 (reproduced below) and 13.



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