

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

VIZIO, INC.,
Petitioner,

v.

NICHIA CORP.,
Patent Owner.

Case IPR2018-00386 (Patent 9,490,411 B2)
Case IPR2018-00437 (Patent 9,537,071 B2)

Record of Oral Hearing
Held: March 5, 2019

Before SALLY C. MEDLEY, WILLIAM V. SAINDON, and
NATHAN A. ENGELS, *Administrative Patent Judges*.

Case IPR2018-00386 (Patent 9,490,411 B2)
Case IPR2018-00437 (Patent 9,537,071 B2)

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The above-entitled matter came on for hearing on Tuesday, March 5, 2019, commencing at 1:01 p.m. at the U.S. Patent and Trademark Office, 600 Dulany Street, Alexandria, Virginia.

1 MS. HIGGINS: Thank you. Slide 4, please. So Petitioner has
2 provided our positions and our evidence in our briefing. To assist the board
3 in considering the record, we will address today in our opening discussion
4 four topics along with any questions the Board may have.

5 I will first address the two claim construction issues, and we'll show
6 how the prior reference Loh meets those two terms.

7 My colleague, Mr. Bonny, will then address the lack of written
8 description support for Patent Owner's proposed amended claims in the 071
9 patent as well as the unpatentability of Patent Owner's proposed amended
10 claims under 35 U.S.C. Section 103.

11 Slide 5, please. So we're going to start with this disputed claim
12 term, which is unique to the 386 proceeding involving the 411 patent.

13 Slide 6, please. And we see here independent Claim 1 of the 411
14 patent, which recites in the highlighted language both a part of the metal part
15 and a part of the resin part are disposed in a region below an upper surface
16 of the metal part on four outer lateral surfaces of the resin package.

17 Now as shown in Figure 1, which is an annotated figure from the
18 Petition, both a part of the metal part, which is colored in blue and a part of
19 the resin part, colored in green, are disposed in a region below an upper
20 surface of the metal part outlined in blue on four outer lateral surfaces of the
21 resin package.

22 To be clear, it is the region below an upper surface of the metal part
23 that is outlined in blue. The blue line illustrates the upper boundary of the
24 region, which is in the resin package.

1 Turn to Slide 7, please. Now the term disposed in a region below an
2 upper surface of the metal part on four outer lateral surfaces of the resin
3 package should be given its plain and ordinary meaning consistent with the
4 specification under the broadest reasonable interpretation that's applicable in
5 this proceeding.

6 First, the claim self-requires that a part of the metal part and a part of
7 the resin part are disposed in a region. And the claim language itself
8 specifies the region. The region must be below an upper surface of the
9 metal part. And the region is outlined in blue in Figure 1. And the region
10 must also be on four outer lateral surfaces of the resin package, which is
11 outlined by the red lines in Figure 1.

12 Second, consistent with the patent claims and specification, the plain
13 meaning of below is at a lower level than.

14 Slide 8, please. Now, as the Federal Circuit case law tells us,
15 specification is the single best guide to the meaning of the term. The
16 figures for all embodiments disclose both a part of the metal part and a part
17 of the resin part disposed in a region that is below, i.e. at a lower level than
18 an upper surface of the metal part. All of the figures support the broadest
19 reasonable interpretation.

20 Slide 9, please. So consistent with the claims and specification,
21 contemporary dictionary definitions confirm the plain meaning of below,
22 that it's at a lower level than. As Dr. Shanfield explained, a person of
23 ordinary skill would have understood that when resin is below an upper
24 surface, it is at a lower level than the upper surface.

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