INNOVATIVE DISPLAY TECHNOLOGIES LLC's EXHIBIT 2001

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MERCEDES-BENZ USA, LLC and
MERCEDES-BENZ U.S. INTERNATIONAL, INC.,
Petitioners,

v.

INNOVATIVE DISPLAY TECHNOLOGIES LLC,
Patent Owner.

Case IPR2015-00361
U.S. Patent No. 6,755,547

Trials@uspto.gov
571-272-7822

Paper 11
Entered: February 26, 2015

UNITED STATES PATENT AND TRADEMARK OFFICE

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LG DISPLAY CO., LTD.,
Petitioner,

v.

INNOVATIVE DISPLAY TECHNOLOGIES LLC,
Patent Owner.

Case IPR2014-01357
Patent No. 6,755,547

Before THOMAS L. GIANNETTI, NEIL T. POWELL, and BEVERLY M. BUNTING, *Administrative Patent Judges*.

GIANNETTI, *Administrative Patent Judge.*

DECISION
Institution of *Inter Partes* Review
37 C.F.R. § 42.108

LG Display Co., Ltd. ("Petitioner") filed a Petition pursuant to 35 U.S.C. §§ 311–319 to institute an *inter partes* review of claims 1–4, 16, and 26 of U.S. Patent No. 6,755,547, issued on June 29, 2004 ("the '547 patent"). Paper 1 ("Pet."). Innovative Display Technologies LLC ("Patent Owner") filed a Preliminary Response. Paper 9 ("Prelim. Resp."). Applying the standard set forth in 35 U.S.C. § 314(a), which requires demonstration of a reasonable likelihood that Petitioner would prevail with respect to at least one challenged claim, we grant the Petition and institute an *inter partes* review of all challenged claims.

I. BACKGROUND

A. The '547 patent (Ex. 1001)

The '547 patent is entitled "Light Emitting Panel Assemblies." The Abstract describes the subject matter as follows:

> Light emitting panel assemblies include a sheet, film or plate overlying a light emitting member. The sheet, film or plate has a pattern of deformities on one or both sides that may vary or be random in size, shape or geometry, placement, index of refraction, density, angle, depth, height and type for controlling the light output distribution to suit a particular application. Also the sheet, film or plate may have a coating or surface treatment for causing the light to pass through a liquid crystal display with low loss.

Ex. 1001, Abstract.

B. Illustrative Claim

Claim 1 is illustrative of the claims at issue:

> 1. A backlight assembly comprising a light emitting member having

> at least one light emitting area that emits light that is internally reflected within the light emitting member,
>
> a separate transparent sheet or film overlying the light emitting area with an air gap therebetween,
>
> a pattern of deformities on one side of the sheet or film having a width and length that is quite small in relation to the width and length of the sheet or film,
>
> the deformities varying at different locations on the sheet or film to direct the light that is emitted by the, light emitting member in different directions to produce a desired light output distribution such that the light will pass through a liquid crystal display with low loss.

C. Related Proceedings

Patent Owner states that it has asserted infringement by Petitioner of the ’547 patent in the following proceeding: *Delaware Display Group LLC et al. v. LG Electronics, Inc. et al*., No. 1:13-cv-02109 (D. Del., filed Dec. 31, 2013). Paper 5.

Patent Owner identifies numerous other proceedings in which it has alleged infringement of the ’547 patent. *See* Paper 5 for a listing.

In addition, there are two other pending requests for *inter partes* review by Petitioner for patents related to the ’547 patent. *Id*. Those are as follows:

1. IPR2014-01359 (U.S. Patent No. 7,914,196);
2. IPR2014-01362 (U.S. Patent No. 7,384,177).

D. Claim Construction

The Board interprets claims of an unexpired patent using the broadest reasonable construction in light of the specification of the patent in which

they appear. 37 C.F.R. § 42.100(b); *see also* Office Patent Trial Practice Guide, 77 Fed. Reg. 48,756, 48,766 (Aug. 14, 2012).

The only claim term for which Petitioner proposes a construction is the term "deformities," appearing in all challenged claims. Petitioner asserts that the '547 patent "expressly defines" the term to mean "any change in the shape or geometry of the panel surface and/or coating or surface treatment that causes a portion of light to be emitted." Pet. 7 (citing '547 patent, Ex. 1001, col. 4, ll. 42–46). Patent Owner does not address claim construction or any other substantive issue raised by Petitioner. Prelim. Resp. 2.

We have considered Petitioner's construction of "deformities" and based on the present record, determine that at this stage it should be adopted here.

We have further determined that, except as may be indicated in the discussion below, the remaining terms should be given their plain and ordinary meaning.

E. References

Petitioner relies on the following references[1]:

Pristash	US 5,005,108	Apr. 2, 1991	Ex. 1006
Ohe	US 4,729,068	Mar. 1, 1988	Ex. 1007
Nishio	US 5,598,280	Mar. 22, 1994	Ex. 1008
Kobayashi	US 5,408,388	Apr. 18, 1995	Ex. 1009
Matsumoto	US 5,386,347	Jan. 31, 1995	Ex. 1010

Petitioner also states that it is relying on Admitted Prior Art ("APA") from the '547 patent specification. Pet. 8; Ex. 1001, col. 2, l. 62–col. 3, l .2.

[1] The references are ordered by exhibit number with effective dates asserted by Petitioner.

Petitioner also relies on a Declaration of Michael J. Escuti, Ph.D. ("Escuti Decl."). Ex. 1004.

F. Grounds Asserted

Petitioner challenges claims 1–4, 16, and 26 of the '547 patent on the following grounds.

References	Basis	Claims Challenged
Ohe	§ 102(b)	1–4 and 26
Nishio	§ 102(e)	1, 3, 4 and 16
Pristash	§ 103(a)	1–4, 16 and 26
Kobayashi and Ohe	§ 103(a)	1–4, 16 and 26
Pristash and Matsumoto	§ 103(a)	1–4 and 26

II. ANALYSIS

A. Statutory Bar Under 35 U.S.C. § 315(b)

Patent Owner's Preliminary Response does not identify any deficiencies in Petitioner's arguments for obviousness or anticipation of the challenged claims. Prelim. Resp. 2. Instead, Patent Owner asserts that the Petition is barred under 35 U.S.C § 315(b). *Id*. at 2–3. We therefore address this challenge to the Petition before turning to the merits.

In its Preliminary Response, Patent Owner makes the argument that Petitioner is barred from filing the Petition because Petitioner is in privity with HP and Dell. Prelim Resp. 7. According to Patent Owner, both HP and Dell were served with complaints by Patent Owner charging infringement of the '547 patent on July 3, 2013, more than one year before the Petition was filed. *Id*. at 3. Therefore, Dell, HP, and their privies, are barred from filing this Petition under the provisions of 35 U.S.C. § 315(b). *Id*. at 4.

Patent Owner further contends that since the filing of the Petition, Petitioner has "acted to control" the cases against HP and Dell, "to protect its interests and fulfill its obligations as a supplier of LCM Modules . . . " to those companies. *Id*. at 6. Patent Owner seeks authorization to conduct additional discovery on this issue. *Id*. at 2.

Patent Owner does not provide sufficient evidence to demonstrate that Petitioner exercised control or could have exercised control over HP's and Dell's participation in the respective district court proceedings. Accordingly, we determine that based on the evidence presented at this stage of the proceeding, 35 U.S.C. § 315(b) does not bar institution of *inter partes* review.

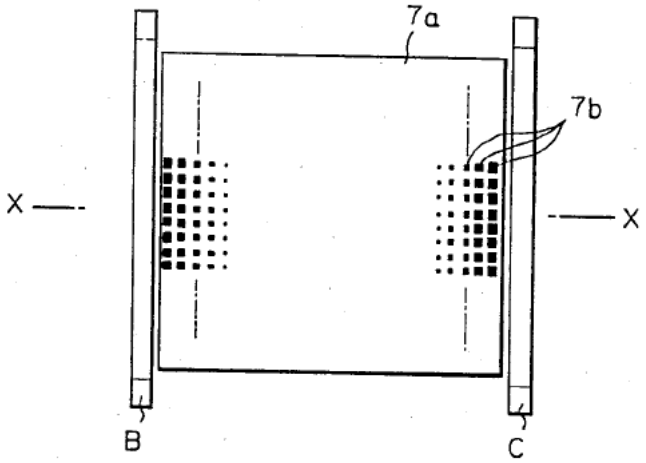
B. Asserted Grounds Based On Ohe (Claims 1–4, 26)

Petitioner contends that these claims are anticipated by Ohe under 35 U.S.C. § 102(b). Pet. 11. For the reasons that follow, we are persuaded that Petitioner has demonstrated a reasonable likelihood of prevailing on this challenge as to claims 1, 2, and 4. We are not persuaded as to claims 3 and 26.

1. Ohe Overview

Ohe describes a light diffusing device for illuminating a relatively large area at a significantly reduced optical loss. Ex. 1007, col. 1, ll. 6–10. The device includes a light reflecting film and light reflecting spots formed on the transparent film substrate. *Id*. col. 6, ll. 10–14. This is illustrated by Figure 4 of Ohe reproduced here:

Fig. 4



In Figure 4 above, transparent film substrate 7a and light reflecting spots 7a formed on the transparent film substrate are shown. Ex. 1007, col. 6, ll. 10–14. The transparent film is interposed between an ordinary light diffusing plate and a light diffusing layer. *Id*. col. 3, ll. 45–47. The film consists of a transparent substrate and a number of light reflecting small spots or places formed on the substrate film in a pattern effective for evenly distributing the quantity of light transmitted from a base plate to the light diffusing plate. *Id*. ll. 47–53.

2. Discussion

Petitioner's analysis of claims 1–4 and 26 of the '547 patent in relation to Ohe appears at pages 11–18 of the Petition. Petitioner contends that "each limitation of claims 1–4 and 26 of the '547 Patent is disclosed by Ohe." Pet. 12. For example, Petitioner identifies the "separate transparent sheet or film overlying the light emitting area . . . " in claim 1 with the light reflecting film 7 in Ohe. Pet. 13. Claim 1 further recites: "a pattern of deformities on one side of the sheet or film having a width or length that is quite small in relation to the width and length of the sheet or film . . . ." To

meet this limitation, Petitioner identifies the light reflecting small spots or small places in Ohe. *Id.* at 14. Claim 1 further recites "the deformities varying at different locations on the sheet or film to direct the light that is emitted by the light emitting member in different directions . . . ." For this limitation, Petitioner relies on the decrease in the size and density of the spots in Ohe with an increase in distance from the light source shown in Figure 4. *Id*. at 15. As noted, Patent Owner's Response does not address Ohe or any of the other references cited.

We have reviewed Petitioner's analysis of claim 1 in relation to Ohe, and find it sufficient to demonstrate that Petitioner has a reasonable likelihood of prevailing on this challenge to claim 1 based on anticipation. Pet. 12–16. Similarly, we have reviewed Petitioner's analysis of claims 2 and 4, and find it sufficient to demonstrate that Petitioner has a reasonable likelihood of prevailing on this challenge to those claims based on obviousness over Ohe. Claim 2 requires that "the deformities vary in size at different locations on the sheet . . . ." Claim 4 requires that "the deformities vary in placement at different locations on the sheet . . . ." We agree with Petitioner's analysis showing that both requirements are met by Ohe. Pet. 16–17.

We reach a different conclusion for claims 3 and 26. Claim 3 requires that "the deformities vary in shape at different locations on the sheet or film to direct the light in different directions." Petitioner's argument that the disclosure of Ohe meets this limitation is not persuasive. Ohe describes spots that vary in location and size, but not in shape. Ohe states that "[t]he size, configuration, and distribution of the light reflecting spots are designed so they cause the distribution of light transmitted through the light reflecting

film to be uniform." Ex. 1007, col. 6, ll. 3–9. We do not interpret this as describing a change in shape. We interpret the term "configuration" in Ohe as referring to the arrangement of the spots, which is shown as changing. This is consistent with the dictionary definition of "configuration" as "[t]he arrangement of the parts or elements of something." *The American Heritage Dictionary* (1975) 279.

Claim 26 includes a similar limitation, stating that "at least some of the deformities have random or varying changes in shape or geometry . . . ." We are not persuaded by Petitioner's assertion that Ohe's spots change in shape or geometry. We interpret "geometry" in accordance with its dictionary definition as "[c]onfiguration; arrangement." *Id*. at 551. For these reasons we determine that Petitioner has not demonstrated a reasonable likelihood of prevailing on its challenge to claims 3 and 26 over Ohe.

Accordingly, on the record before us, the information presented in the Petition demonstrates a reasonable likelihood that Petitioner would prevail with respect to its contention that claims 1, 2, 4, and 16 are anticipated by Ohe, but not claims 3 or 26.

B. Asserted Grounds Based On Nishio (Claims 1, 3, 4, and 16)

Petitioner's analysis of claims 1, 3, 4, and 16 of the '547 patent in relation to Nishio appears at pages 18–25 of the Petition. Petitioner contends that these claims are anticipated by Nishio under 35 U.S.C. § 102(e). Pet. 18. For the reasons that follow, we are not persuaded that Petitioner has demonstrated a reasonable likelihood of prevailing on this ground.

1. Nishio Overview

This patent describes a film lens and surface light source for

back-lighting a liquid crystal display. Ex. 1012, col. 1, ll. 7–10. Figure 6 of Nishio is reproduced here:

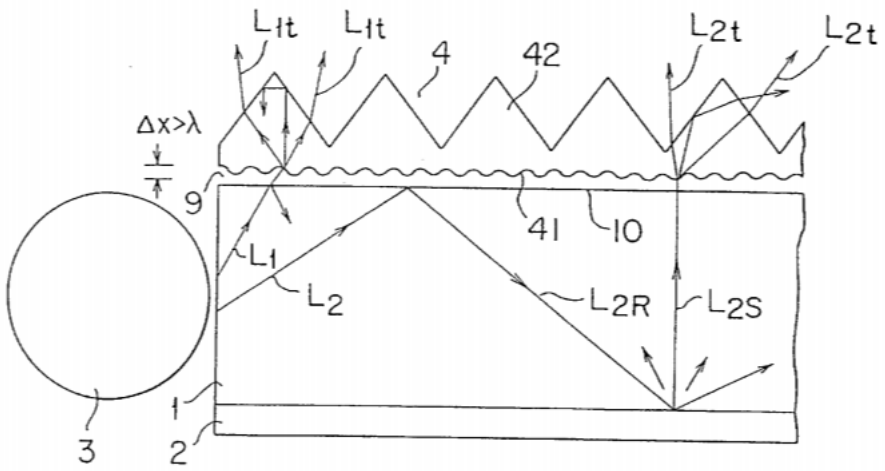


FIG. 6

In Figure 6, light guide plate 1, reflecting layer 2, light source 3, lens sheet 4, gap 9, projections 41, and lens units 42 are shown.

2. Discussion

Petitioner contends that Nishio discloses all elements of claims 1, 3, 4, and 16. Pet. 20. For example, Petitioner identifies the "light emitting member" in the claims as light guide plate 1. *Id*. at 20–21. Petitioner identifies the "transparent sheet or film overlying the light emitting area" in the claims as lens sheet 4. *Id*. at 21–22.

The claims also call for "a pattern of deformities on one side of the sheet or film having a width and length that is *quite small* in relation to the width or length of the sheet or film." (Emphasis added.) For this requirement, Petitioner identifies both projections 41 and lens units 42. *Id*. at 22–23; Escuti Decl. ¶¶ 114–116. Deformities 41 are described as having

"any rugged contour" (Ex. 1007, col. 6, ll. 39–40). Examples given are "sand-grain patterns, pear-skin patterns, etc." *Id*. at ll. 41–42. Petitioner contends that such deformities would "vary randomly" on the surface of the sheet or film. Escuti Decl. ¶117. The dictionary defines the term "pattern" as "[a] design of natural or accidental origin." *The American Heritage Dictionary* (1975) 962. In accordance with this definition, as described by Nishio, the deformities 41 do not form a pattern as they "vary randomly" and do not follow a design. The claim also calls for a pattern that is "quite small" relative to the width or length of the film. Petitioner has not demonstrated that the pattern of deformities 42 in Nishio referred to by Petitioner (Pet. 22, citing Ex. 1001, Figs. 7, 13, 14) meets this requirement.

We have reviewed the other information provided by Petitioner, including the claim chart analysis (Pet. 20–25), and are persuaded that, based on this record, Petitioner has not demonstrated a reasonable likelihood of prevailing on this challenge to claims 1, 4, and 16 for the following additional reasons. These claims call for deformities "[v]arying at different location on the sheet or film to direct the light that is emitted by the light emitting member in different directions to produce the desired light output distribution." Pet. 22. We are not persuaded by Petitioner's argument that this limitation is met either by projections 41 or lens units 42. While the projections 41 are described as having "any rugged contour" (Ex. 1007, col. 6, ll. 39–40), there is no indication that the projections are varied at different locations to direct the emitted light in different directions.

Similarly, there is no description in Nishio of varying the lens units 42 to direct the light that is emitted by the light emitting member in different directions to produce the desired light output distribution. For these reasons,

we determine that Petitioner has not demonstrated a reasonable likelihood of prevailing on its challenge to claims 1, 4, and 16 over Nishio.

Claim 3 calls for varying the shape of the deformities at different locations. While Nishio does mention that the lens units 42 may have different shapes (Ex. 1001, col. 4, ll. 50–58), there is no description of varying the shape at different locations.

Petitioner's analysis of claim 4 refers to an alternative "mesh pattern" arrangement in Nishio for projections 41 which are distributed through the plate. Pet. 24; Ex. 1001, col. 6, l. 66–col. 7, l. 4. Such a pattern fails to meet the "quite small" pattern limitation discussed *supra*. Moreover, Petitioner does not show how the pattern is varied at different locations to direct the emitted light in different directions as the claim requires. Finally, Petitioner identifies no description in Nishio of deformities 41 being prisms, prismatic, or lenticular, as claim 16 requires. The cited discussion of different shapes refers to lens units 42.

For these reasons we determine that Petitioner has not demonstrated a reasonable likelihood of prevailing on its challenge to claims 1, 3, 4, and 16 over Nishio.

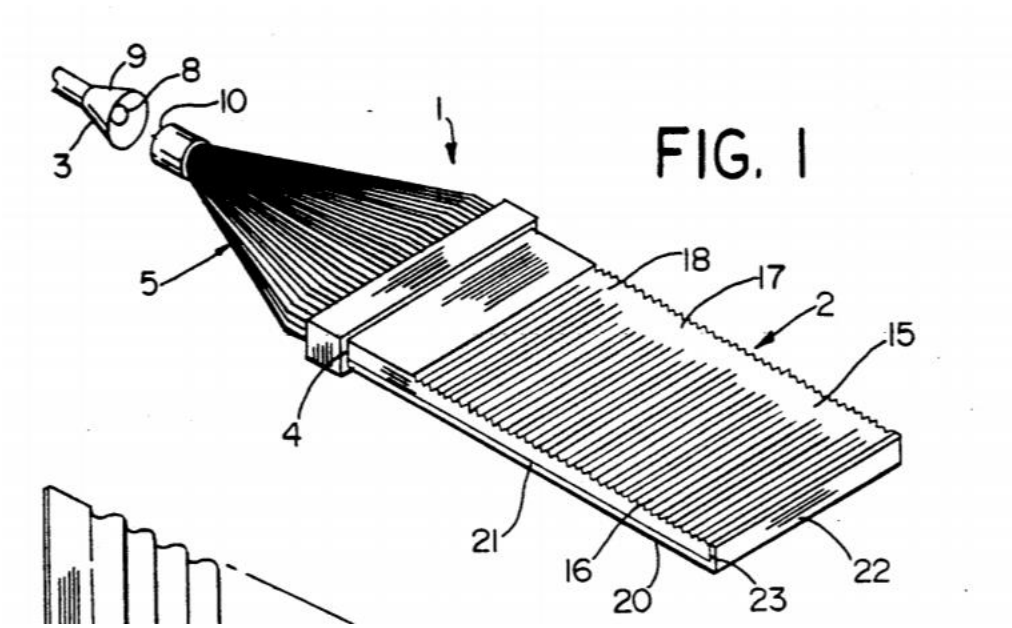
C. Asserted Grounds Based On Pristash (Claims 1–4, 16, and 26)

Petitioner contends that these claims are obvious over Pristash under 35 U.S.C. § 103(a). Pet. 11–25. For the reasons that follow, we are persuaded that Petitioner has demonstrated a reasonable likelihood of prevailing on this ground as to claims 1–3, 16, and 26. We are not persuaded that Petitioner has demonstrated a reasonable likelihood of prevailing as to claim 4.

1. Pristash Overview

Pristash describes a "[t]hin panel illuminator [that] includes a solid transparent panel member having one or more deformed output regions." Ex. 1006, Abstract. The arrangement causes light entering the panel along an input edge to be emitted along the length of the panel. *Id.*

This is illustrated in Figure 1 of Pristash, reproduced here:



In the above Figure 1, light emitting panel 2 and disruptions 16 in the exterior surface 18 of the panel are shown. Ex. 1006, col. 3, ll. 9–48.

Figure 7 of Pristash shows another embodiment of the light panel and is reproduced here:

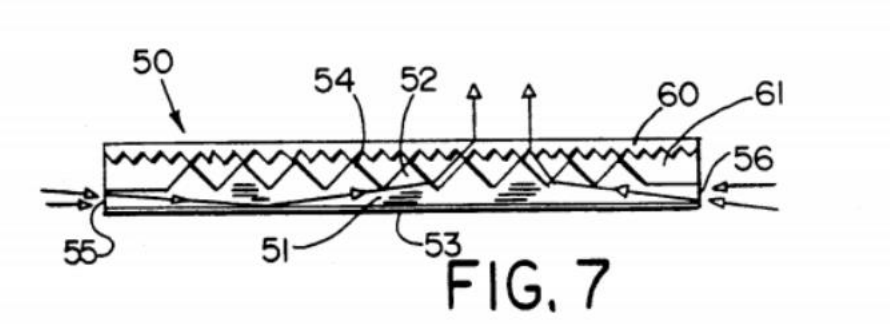


FIG. 7

In the above Figure 7, light emitting panel 50, transparent prismatic film 51, prismatic surface 52, back reflector 53, second prismatic film 60, and air gap 61 are shown.

2. Discussion

Petitioner's analysis of claims 1–4, 16, and 26 of the '547 patent in relation to Pristash appears at pages 17–34 of the Petition and paragraphs 132–167 of the Escuti Declaration. Petitioner asserts that Pristash "teaches each and every element of claims 1–4, 16, and 26." Pet. 26. For example, Petitioner identifies the claimed "light emitting member" with Pristash's transparent prismatic film 51. Pet. 29. Petitioner identifies the claimed "separate sheet or film overlying the light emitting area" with Pristash's second prismatic film 60. *Id*. Petitioner identifies the "pattern of deformities on one side of the sheet or film" with deformities 42 in Figure 5 of Pristash. *Id*. at 29–30. Further, Petitioner contends that a person of ordinary skill would have been motivated to combine the various embodiments of Pristash: "[t]herefore, it would be obvious to a person of skill in the art to alter one embodiment with a feature taught in the same patent but from different embodiment." Pet. 27; Escuti Decl. ¶ 130–31. At this stage, Patent Owner does not challenge these assertions.

We have reviewed the information provided by Petitioner, including the claim chart analysis (Pet. 28–34), and are persuaded that, based on this record, Petitioner has set forth sufficient information to demonstrate that a person of ordinary skill would have modified Pristash's Figure 7 embodiment as stated by Petitioner. We are persuaded that based on this record, Petitioner has demonstrated a reasonable likelihood of prevailing on this challenge to claims 1–3, 16, and 26 as obvious over Pristash.

Claim 4 calls for deformities that "vary in placement at different locations on the sheet . . . ." We are not convinced that this limitation is met by Pristash. The deformities in Pristash are described as varying in depth and shape, but not location. Ex. 1006, col. 4, ll. 49–54. We are not persuaded either by Petitioner's reference to certain alternative embodiments in Figures 5 and 6 of Pristash (Pet. 33) or by the Escuti Declaration (¶¶ 156–58) that this limitation is met. The cited disclosure in Pristash refers to changes in shape of the deformities and not their location.

For these reasons we determine that Petitioner demonstrates a reasonable likelihood of prevailing on its challenge to claims 1–3, 16, and 26 over Pristash, but not claim 4.

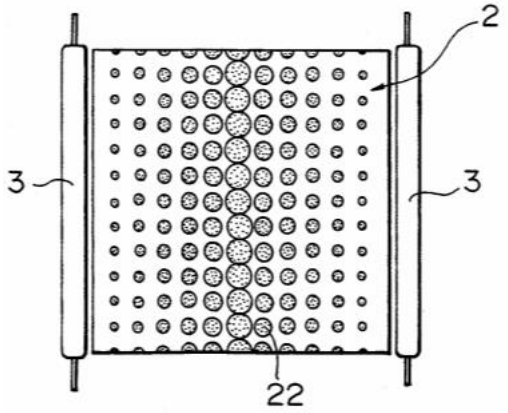
E. Asserted Grounds Based on Kobayashi and Ohe (Claims 1–4, 16, and 26)

Petitioner contends that these claims are obvious over Kobayashi and Ohe under 35 U.S.C. § 103(a). Pet. 34–45. For the reasons that follow, we are not persuaded that Petitioner has demonstrated a reasonable likelihood of prevailing on this ground.

1. Kobayashi Overview

This patent describes "planar illuminating device used as a back light for liquid crystal displays." Ex. 1011, col.1, ll. 6–9. The device has a rectangular light transmitting plate of a transparent material. *Id*. at col. 4, ll. 10–11. One side of the plate has prismatic cuts. *Id*. l. 27. The other side has a reflecting finish, e.g., an array of spot-shaped light reflecting layers. *Id*. ll. 28–29. This is illustrated by Figure 2 of Kobayashi, reproduced here:

FIG. 2



In Figure 2 above, light plate 2, fluorescent lamps 3, and array of spot-shaped reflective layers 22 (e.g., of white paint or aluminum vapor deposition) are shown. *Id*. ll. 45–47.

2. Discussion

Petitioner contends that Kobayashi and Ohe disclose "each and every element" of these claims. Pet. 34. Petitioner's rationale for combining the teachings of Kobayashi and Ohe is as follows: "It would have been obvious to combine Ohe and Kobayashi because both relate to backlight assemblies, both have the same objective of uniform light emission, and both disclose

using the claimed invention with LCDs." Pet. 37 (internal citations omitted). We are not persuaded that this rationale is sufficient. *See KSR Int'l Co. v. Teleflex Inc*., 550 U.S. 398, 417 (2007) (Obviousness showing requires "some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.") (quoting *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006)).

Furthermore, as set forth above in our analysis of Ohe under 35 U.S.C. §102, Ohe fails to teach certain elements of claims 3 and 26 that are missing also in Kobayashi, namely, deformities that "vary in shape at different locations" (claim 3) and deformities that "have random or varying changes in shape or geometry on the sheet film" (claim 26). On this record, we are not persuaded that Petitioner's citations support Petitioner's contentions.

For these reasons we determine that Petitioner does not demonstrate a reasonable likelihood of prevailing on its challenge to claims 1–4, 16, and 26 over Kobayashi and Ohe.

F. Asserted Grounds Based on Pristash and Matsumoto (Claims 1–4 and 26)

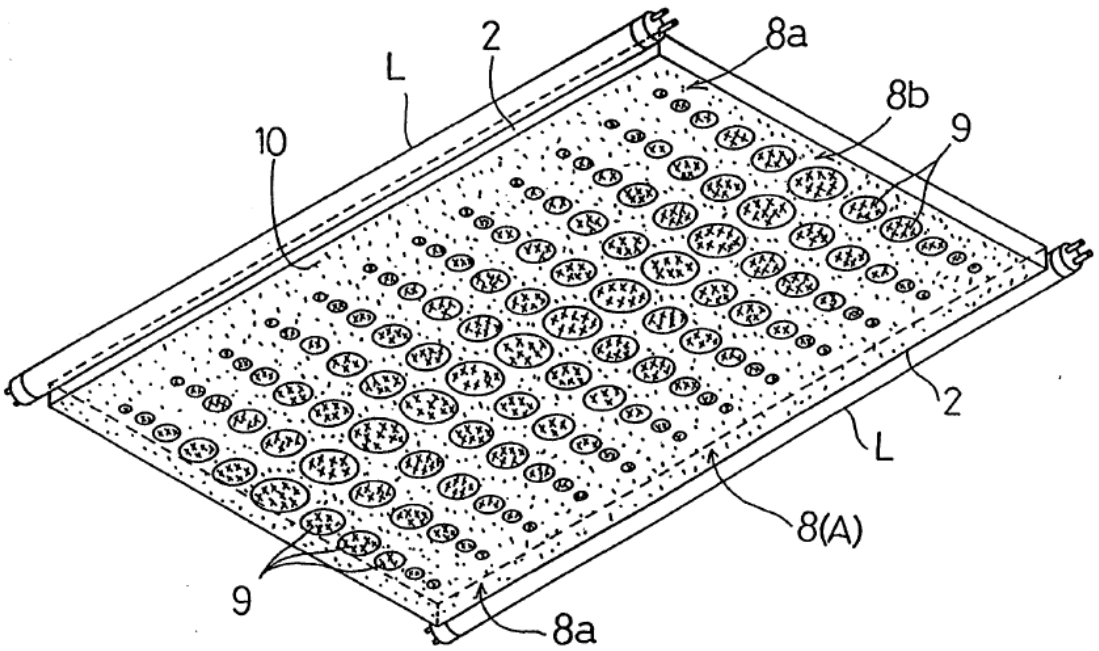
Petitioner contends that these claims are obvious over Pristash and Matsumoto under 35 U.S.C. § 103(a). Pet. 45–56. For the reasons that follow, we are not persuaded that Petitioner has a reasonable likelihood of prevailing on this ground.

1. Matsumoto Overview

This patent describes an illuminating apparatus including an edge light conductor. Ex. 1010, col. 1, ll. 11–13. In one embodiment, the device includes reflector regions formed of dot patterns. *Id*. at col. 7, ll. 25–25. A

diffusing plane includes irregular reflector regions formed of a plurality of dots having different sizes. *Id*. ll. 25–27. The dots are smaller toward the end surfaces and larger away from those surfaces. *Id*. ll. 27–29. This is illustrated in Figure 4 of Matsumoto, reproduced here:

FIG.4



In Figure 4 above, fluorescent tubes L, end regions 2, diffusing plane 8 having a plurality of dots having different sizes, irregular reflector regions 9, and modified irregular reflector regions 10 are shown. Ex. 1010, col. 7, ll. 24–35.

2. Discussion

Petitioner contends that Pristash and Matsumoto "together" disclose the limitations of these claims. Pet. 46. According to Petitioner, it would have been obvious to apply the "prismatic styles" of Figures 4 and 5 of

Kobayashi to the second prismatic film 60 of Pristash. *See* Figure 7 of Pristash, reproduced *supra*, and related discussion. According to Petitioner, this modification of Pristash would have been obvious for a number of reasons, including that "like Pristash, Matsumoto also discloses an illumination apparatus and both disclose the same objectives of uniform illumination and more efficient transmission of light." Pet. 47. We are not convinced that Petitioner has presented a sufficient rationale for combining the references. *See KSR Int'l Co. v. Teleflex Inc*., *supra.*

We have reviewed the other information provided by Petitioner, including the claim chart analysis (Pet. 39–41) and are not persuaded that, based on this record, Petitioner has demonstrated a reasonable likelihood of prevailing on this challenge to claims 1–4, 16, and 26 over Pristash and Matsumoto.

III. SUMMARY

The information presented shows there is a reasonable likelihood that Petitioner will prevail on the following challenges to patentability of the '547 patent:

A. Anticipation of claims 1, 2, and 4 by Ohe; and

B. Obviousness of claims 1–3, 16, and 26 over Pristash;

The information presented does not show there is a reasonable likelihood that Petitioner will prevail on any of the following challenges to patentability of the '547 patent:

C. Anticipation of claims 3 and 26 by Ohe;

D. Anticipation of claims 1, 3, 4, and 16 by Nishio;

E. Obviousness of claim 4 over Pristash;

F. Obviousness of claims 1–4, 16, and 26 over Kobayashi and Ohe; and

G. Obviousness of claims 1–4 and 26 over Pristash and Matsumoto.

At this stage of the proceeding, the Board has not made a final determination as to the patentability of any challenged claim or the construction of any claim term.

IV. ORDER

It is, therefore,

ORDERED that the Petition is *granted* as to all challenged claims;

FURTHER ORDERED that pursuant to 35 U.S.C. § 314(a), an *inter partes* review is hereby instituted on the following grounds:

A. Anticipation of claims 1, 2, and 4 by Ohe; and

B. Obviousness of claims 1–3, 16, and 26 over Pristash

FURTHER ORDERED that no other proposed grounds of unpatentability are authorized; and

FURTHER ORDERED that pursuant to 35 U.S.C. § 314(c) and 37 C.F.R. § 42.4, notice is hereby given of the institution of a trial commencing on the entry date of this decision.

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