

LG Again Loses Bid For AIA Review Of Display Patent's Claim

By **Kevin Penton**

Law360, New York (February 3, 2016, 8:28 PM ET) -- The Patent Trial and Appeal Board on Tuesday shot down LG's bid to get a second crack under the America Invents Act at invalidating a claim that is part of a multimedia system display patent owned by a subsidiary of chipmaker Advanced Micro Devices Inc.

The PTAB rejected LG Electronics Inc.'s petition to challenge the claim as a joinder to a June decision by the board to grant an inter partes review of another claim that is part of U.S. Patent Number 7,095,945 B1, according to the decision.

In LG's original petition that sought IPRs of the two claims, the electronics giant alleged that claim 21 is invalid because it is anticipated by a previous patent, while in the instant petition, the company alleged that the claim is made obvious by a combination of patents, according to the PTAB's decision.

The board sided with the argument by AMD subsidiary ATI Technologies ULC that LG should not be allowed to use the PTAB's findings in the initial petition as a "road map" for a "second bite at the apple," as LG is now asserting arguments that it could have made during the first petition, according to the decision.

"Although there may be efficiencies to gain from addressing the same claims in inter partes review that are at issue in pending district court litigation," the decision reads, "permitting second chances without constraint undermines judicial efficiency by expending our resources on issues that were adequately presented the first time."

AMD and ATI launched a complaint in March 2014 against LG, alleging that it infringed nine patents that enable "immersive graphics, high-definition video, and innovative features that power millions of electronic devices," according to the filing.

The allegedly infringing products include LG televisions, smartphones, tablets, Blu-ray players, projectors and appliances that embody or practice the patented inventions, according to the complaint.

The case, in the Northern District of California, has been stayed pending the resolution of the IPRs, according to a Jan. 18 joint status report.

The PTAB also denied LG's request for an IPR of claim 21 with the updated prior art, as more than a year has passed since AMD and ATI filed the underlying complaint, according to the decision.

Michael B. Ray, an attorney representing ATI, declined to comment.

Counsel for LG could not be reached on Wednesday for comment.

The patent-at-issue is U.S. Patent Number 7,095,945 B1.

LG is represented by Robert G. Pluta and Amanda K. Streff of Mayer Brown LLP.

ATI is represented by Michael B. Ray, Lestin L. Kenton Jr. and Michael D. Specht of Sterne Kessler Goldstein & Fox PLLC.

The case is LG Electronics Inc. v. ATI Technologies ULC, case number IPR2015-01620, before the Patent Trial and Appeal Board.

--Additional reporting by Kat Greene. Editing by Emily Kokoll.

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