

PTAB Upholds All Challenged Claims In LED Patent

By Britain Eakin

Law360 (June 28, 2021, 2:00 PM EDT) -- The Patent Trial and Appeal Board has upheld all 11 challenged claims in an LED patent that was challenged by Satco Products Inc., giving a boost to Seoul Semiconductor in a parallel case in New York federal court in which it has asserted the patent against Satco.

In a decision Friday, the board found that all five of Satco's invalidity arguments, two based on anticipation and three on obviousness, fail. On one of the anticipation grounds, the board said Satco had failed to show that a journal article published in 2002 discloses a key element of the claimed invention, and so it can't be found to anticipate.

The claims require a greater concentration of the chemical element indium at the core of the LED, and Satco said the journal article, referred to as Lin, meets that claim element. But the board said it was undisputed that Lin doesn't disclose a varying distribution of indium, and it rejected testimony from Satco's expert on the matter as being not credible.

It also rejected what it deemed an untimely argument Satco raised in its reply brief after Seoul Semiconductor "presented undisputed evidence" that Lin doesn't disclose "an indium composition that varies from its periphery to its core."

"Rather than explaining why its original argument in the petition was correct ... petitioner shifted its argument and improperly relied on new evidence that was absent from the petition," the decision said.

Charles Sanders of Latham & Watkins LLP, who represents Seoul Semiconductor, welcomed the board's decision.

"We're very pleased with the board's thoroughly reasoned decision upholding the patentability of Seoul Semiconductor's innovative LED technology," he told Law360 in an email Monday.

Counsel for Satco did not immediately respond to a request for comment Monday.

Seoul Semiconductor has asserted 10 patents against Satco in an infringement suit in the Eastern District of New York, including the patent at issue in Friday's decision. According to Seoul Semiconductor, the claimed invention improves the efficiency of LEDs by using an improved semiconductor structure.

The PTAB denied inter partes review of four of the 10 patents at issue in the New York case, but agreed to review six of them. Friday's decision marked the first decision to come down, with final decisions in the other five cases still pending, according to court records.

The New York case has been partially put on hold concerning the patents the PTAB agreed to review, while the rest of the New York case is proceeding apace. According to the board's decision, Seoul Semiconductor has asserted the patent at issue in three additional district court cases, to which Satco is not a party.

The patent-in-suit is U.S. Patent No. 7,667,225.

Administrative Patent Judges Erica A. Franklin, Jeffrey W. Abraham and Elizabeth M. Roesel sat on the panel for the Patent Trial and Appeal Board.

Satco Products is represented by Andrew Sommer, Barry J. Schindler and Heath J. Briggs of Greenberg Traurig LLP.

Seoul Semiconductor is represented by Charles H. Sanders and Jonathan M. Strang of Latham & Watkins LLP.

The case is Satco Products Inc. v. Seoul Semiconductor Co. Ltd., case number IPR2020-00146, at the Patent Trial and Appeal Board.

--Editing by Stephen Berg.