

SEL EXHIBIT NO. 2004

CHI MEI INNOLUX CORP. v. PATENT OF SEMICONDUCTOR ENERGY
LABORATORY CO., LTD.

IPR2013-00064

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7 CHIMEI OPTOELECTRONICS USA, INC.,
ACER AMERICA CORPORATION,
8 VIEWSONIC CORPORATION,
VIZIO, INC.
9

10
11 UNITED STATES DISTRICT COURT
12 CENTRAL DISTRICT OF CALIFORNIA
13

14 SEMICONDUCTOR ENERGY
LABORATORY CO., LTD.,

15 Plaintiff,

16 v.

17 CHIMEI INNOLUX CORPORATION,
18 CHI MEI OPTOELECTRONICS USA,
INC., ACER AMERICA
19 CORPORATION, VIEWSONIC
CORPORATION, VIZIO, INC., and
20 CUSTOMER DEFENDANTS
DIGITAL, LLC,
21

22 Defendants.
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CASE NO. SACV12-0021-JST (JPRx)

**DEFENDANTS' REPLY IN SUPPORT
OF THEIR MOTION TO STAY
LITIGATION PENDING OUTCOME
OF *INTER PARTES* REVIEW**

Date: December 21, 2012
Time: 2:30 p.m.
Place: Hon. Josephine Staton Tucker
Courtroom 10A
411 W. 4th St. # 1-053
Santa Ana, California

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CASES

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Kornit Digital Ltd. v. All Am. Mfg. & Supply Co Am. Mfg. & Supply Co.,
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