

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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K.J. PRETECH CO., LTD.

*Petitioner,*

v.

INNOVATIVE DISPLAY TECHNOLOGIES LLC

*Patent Owner.*

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*Inter Partes* Review of U.S. Patent No. 7,434,974

IPR Case No.: IPR2015-01868

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**PETITIONER'S OPPOSITION TO PATENT OWNER'S FIRST MOTION  
FOR ADDITIONAL DISCOVERY ON PRIVACY FROM K.J. PRETECH**

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## I. INTRODUCTION

The Board authorized Patent Owner to file a narrow Motion for Additional Discovery, limited to “the supplier agreement and referred-to discovery response admissions.” Order, Paper 6, at 2. The Board noted that “Patent Owner’s motion should address what evidence shows that the referred to supply agreement and discovery response admissions from the related district court proceeding are relevant to determining whether LG Display or LG Electronics and Petitioner are privies.” *Id.* at 3. In addition, the Board noted that Patent Owner should specify clearly the discovery response admissions [from the related district court proceeding] it seeks to discover.” *Id.*

Knowing there are no privity issues, KJ Pretech reached out to Patent Owner prior to the filing of the motion to agree to provide the supply agreement and to relay LG’s agreement to permit cross use of the relevant discovery responses (i.e., the materials the Board permitted Patent Owner to move for discovery on) in order to avoid motion practice. Patent Owner ignored KJ Pretech’s request to meet and confer on this issue to avoid motion practice and now improperly seeks to expand the discovery sought outside that authorized by the Board. Further, even if authorized, Patent Owner’s requested additional discovery is not “necessary in the interest of justice.” 35 U.S.C. § 316(a)(5); 37 C.F.R. § 42.51(b)(2)(i). And, Petitioner’s agreement to produce the materials the

Board authorized to be sought renders Patent Owner's Motion moot.<sup>1</sup> Any discovery sought beyond these items is a fishing expedition. Simply put, Petitioner is not in privity with LG, and the related district court discovery demonstrates that LG had no control or funding of the K.J. Pretech IPRs.

## II. FACTUAL BACKGROUND

LG Display Co., Ltd. ("LGD") and LG Electronics, Inc. ("LGE") (collectively, "LG") were sued in a related district court proceeding, and both LGD and LGE separately filed *inter partes* review ("IPR") petitions. Mot., at 2. During the underlying litigation, Patent Owner sought identification of LG's suppliers in an attempt to get materials from backlight unit ("BLU") suppliers, one of which is Petitioner K.J. Pretech. Ex. 1022, 7/28/15 Ltr. J. Perkins to J. Beaber; Ex. 1023, 8/6/15 Redacted Discovery Dispute Letter, Case No. 1:13-cv-02109-RGA, Dkt. 75 (Aug. 6, 2015), at 1-3. The Court in the related proceeding ordered LG to use best efforts to get those materials from its suppliers. Ex. 1024, Order, Case No. 1:13-cv-02109-RGA, Dkt. 84 (Aug. 17, 2015), at ¶5.

In response to the Court's order, LG contacted Petitioner K.J. Pretech and

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<sup>1</sup> Petitioner agrees to produce the supplier agreement produced in the district court litigation in the IPRs once an appropriate protective order is entered. Additionally, LG has agreed to permit Patent Owner to use specific discovery responses from the district court litigation in these proceedings.

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