

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

SOLAS OLED LTD., an Irish corporation,

Plaintiff,

v.

LG DISPLAY CO., LTD., a Korean corporation; LG ELECTRONICS, INC., a Korean corporation; and SONY CORPORATION, a Japanese corporation,

Defendants.

CASE NO. 6:19-CV-00236-ADA

JURY TRIAL DEMANDED

**DEFENDANTS LG DISPLAY CO., LTD., LG ELECTRONICS, INC.
AND SONY CORPORATION'S FINAL JOINT INVALIDITY CONTENTIONS**

Defendants LG Display Co., Ltd., LG Electronics, Inc., and Sony Corporation (collectively, "Defendants") hereby disclose their Final Joint Invalidity Contentions. Defendants contend that each of the claims asserted by Plaintiff Solas OLED Ltd. ("Solas" or "Plaintiff") is invalid under at least 35 U.S.C. §§102, 103, and/or 112.

I. GENERAL STATEMENT AND RESERVATION OF RIGHTS

A. Asserted Claims

On November 26, 2019, Solas served Defendants with Infringement Contentions, alleging infringement of U.S. Patent Nos. 7,432,891 (the "'891 patent"), 7,573,068 (the "'068 patent"), and 7,907,137 (the "'137 patent") (collectively, the "Asserted Patents"). Solas alleges Defendants infringe the following claims of the Asserted Patents (collectively, the "Asserted Claims"):

- Claims 1 and 3 of the '891 patent;
- Claims 1, 5, 10, 12, 13, and 17 of the '068 patent;
- Claims 10, 11, 15, 36, 37, and 39 of the '137 patent.

On March 20, 2020, Solas served Defendants with its First Amended Infringement Contentions. In its First Amended Infringement Contentions, Solas alleged additional infringement theories under the doctrine of equivalents for the '891 patent and the '068 patent. Additionally, Solas alleged additional literal infringement grounds for the '068 patent. Unless otherwise noted, Defendants will hereinafter refer to Solas' November 26, 2019 Infringement Contentions and March 20, 2020 First Amended Infringement Contentions collectively as "Solas' Infringement Contentions."

Pursuant to the Order Governing Proceedings-Patent Case, entered November 8, 2019 (Dkt. 50) ("Order Governing Proceedings"), Defendants do not provide any contentions regarding any claims not asserted in Solas' Infringement Contentions. To the extent that the Court permits Solas to assert additional claims against Defendants, each Defendant reserves the right to disclose new, amended, or supplemental invalidity contentions.

Defendants provide these disclosures consistent with the schedule currently in place, and do so without waiving any right to receive from Solas such full and complete specific infringement disclosures as should have been provided from the outset. Solas' Infringement Contentions are deficient in multiple respects and do not provide Defendants with sufficient information to understand the specific accused features and components and the alleged factual and evidentiary bases for Solas' allegations. Among other things, Solas' Infringement Contentions lack specificity, fail to properly identify accused instrumentalities and disclose Solas' contentions for each such accused instrumentality, and do not adequately explain Solas' infringement theory for numerous claim elements. Solas has thus substantially prejudiced Defendants' ability to understand, for purposes of preparing these Final Invalidity Contentions, what Solas alleges to be the scope of the Asserted Claims. To the extent Solas modifies or amends any assertion or contention in Solas' Infringement Contentions, or presents any new assertion or contention

relevant to Defendants’ Final Invalidation Contentions, Defendants may modify, amend, and/or supplement their Final Invalidation Contentions. Defendants’ compliance with the current schedule should not be viewed as a waiver of any right to seek relief regarding the deficiencies in Solas’ Infringement Contentions, which Defendants expressly reserve.

B. Claim Construction

The Court held the Markman hearing on May 22, 2020 and issued the Claim Construction Order on June 9, 2020. Dkt. 82 (“Claim Construction Order”). The Court construed the claim terms disputed by the parties as follows:

Relevant Claims	Term	Final Constructions
Claims 10 and 36 of ’137 patent	“a gradation current having a current value”	a current, which conveys information about a level
Claims 10, 15, 36, 37, and 39 of ’137 patent	“gradation signal”	signal conveying information about a level
Claims 15 and 39 of the ’137 patent	“generates, as the gradation signal, a nonlight emitting display voltage having a predetermined voltage value” “a non-light emitting display voltage having a predetermined voltage value for allowing the optical element to perform a non-light emitting operation is generated as the gradation signal”	Not indefinite.
Claims 10 and 36 of ’137 patent	“through a data line” “through the data line”	Plain and ordinary meaning ¹ ¹ [Footnote is not for the jury] The threshold voltage is detected through and the compensation voltage is applied through the same data line that the gradation current is supplied through.
Claim 10 of ’137 patent	“before”	Plain and ordinary meaning
Claim 36 of ’137 patent	“after”	Plain and ordinary meaning

Relevant Claims	Term	Final Constructions
Claims 1 and 3 of '891 patent	“a third thin film transistor which during driving its gate through a driving conductor taps a diode driving current at an output of said first current-driving transistor and supplies a current measuring-[measuring] and voltage regulating circuit, said current measuring- and voltage regulating circuit providing to the data conductor a voltage signal which is dependent on a current measuring result and a voltage comparison”	Plain and ordinary meaning. The claimed “providing” by the current measuring- and voltage regulating circuit (“said current measuring- and voltage regulating circuit providing to the data conductor a voltage signal which is dependent on a current measuring result and a voltage comparison”) is not required to occur during driving of the third thin film transistor’s gate.
Claims 1 and 3 of '891 patent	“current measuring”	Plain and ordinary meaning
Claim 3 of '891 patent	“wherein all above mentioned elements of the driving circuit are located at a same side of said light emitting diode”	wherein all above mentioned elements of the driving circuit are electrically connected to and physically located on the same side of the layers of said light emitting diode
Claim 1 of '068 patent	“formed on said plurality of supply lines along said plurality of supply lines”	formed on said plurality of supply lines over the length or direction of said plurality of supply lines
Claim 13 of '068 patent	“connected to said plurality of supply lines along said plurality of supply lines”	connected to said plurality of supply lines over the length or direction of said plurality of supply lines
Claims 1 and 13 of '068 patent	“patterned”	Note: The Court believes that it is unnecessary to separately construe part of a claim term and/or prior to construing the entire claim term. Therefore, the Court’s preliminary construction for this term is contained within the Court’s preliminary construction for “patterned together.”
Claims 1 and 13 of '068 patent	“patterned together”	patterned to fit together, wherein patterned may consist of one or more fabrication steps
Claims 1 and 13 of '068 patent	“signal lines”	Plain and ordinary meaning wherein the plain and ordinary

Relevant Claims	Term	Final Constructions
		meaning is conductive lines supplying signals
Claims 1, 10, 12, 13, and 17 of '068 patent	“feed interconnections”	conductive structures in a different layer or layers than the supply line that also provide connections to a source that supplies voltage and/or current

Dkt. 82.

The parties also agreed to the following constructions:

Relevant Claims	Term	Final Constructions
Claims 10 and 36 of '137 patent	“luminance gradation”	light emitting level
Claims 1, 13 of the '068 patent	“supply lines”	conductive lines supplying current or voltage

Defendants provide these Final Invalidation Contentions in light of the aforementioned Claim Construction Order and applying the Court’s constructions, and their present understanding of Solas’ Infringement Contentions.. In some instances, Solas’ Infringement Contentions contradict the teachings of the Asserted Patents, contradict the understanding of the claim terms by a person of ordinary skill in the art, are internally inconsistent, and are vague and conclusory concerning how the claim limitations supposedly read on the accused products or activities. As a result, Defendants are currently unable to fully discern Solas’ position regarding the construction of these claim limitations. Defendants reserve all rights to modify, amend, and/or supplement these Final Invalidation Contentions, including, without limitation, in response to any alleged supporting evidence offered by Solas, any position taken by Solas concerning claim construction that is inconsistent with the Court’s aforementioned constructions and/or for claim terms other than the aforementioned construed terms, any position taken by Solas concerning infringement or validity issues, or pursuant to the Order Governing Proceedings.

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