

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

SOLAS OLED LTD.,

*Plaintiff,*

v.

Case No. 6:19-cv-00236-ADA

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

*Defendants.*

**PLAINTIFF SOLAS OLED LTD.’S FIRST SUPPLEMENTAL  
RESPONSES AND OBJECTIONS TO DEFENDANTS’  
FIRST SET OF INTERROGATORIES (NOS. 1-17)**

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, Plaintiff Solas OLED Ltd. (“Solas”) hereby objects and responds to Defendants LG Display Co., Ltd, LG Electronics, Inc and Sony Corporation’s (collectively “Defendants”) First Set of Interrogatories as follows:

**I. PRELIMINARY STATEMENT**

Discovery in this matter is still ongoing. Solas is presently pursuing its investigation and analysis of the facts and law relating to this case and has not completed such investigation or preparation for trial. Therefore, these responses and objections, while based on diligent factual exploration by Solas and its counsel, reflect only Solas’s current state of knowledge, understanding and belief with regard to the matters about which inquiry has been made. Solas anticipates that,

LG Display Co., Ltd.  
Exhibit 1031  
LG Display v. Solas

Pursuant to Federal Rule of Civil Procedure 33(d), Solas has produced or will produce documents from which further information responsive to this interrogatory may be determined, including at least the following: SOLAS\_LG\_0003193-97

Solas's investigation is ongoing; Solas reserves the right to modify or supplement this response should additional information become available.

**INTERROGATORY NO. 14:**

For each Asserted Claim of each Asserted Patent, describe whether you assert the claim is valid, and for each claim you assert is valid: (a) describe in detail each and every basis for your contention of validity; (b) with respect to each prior art reference, or combination of prior art references, identified by Defendants as a basis for invalidity under 35 U.S.C. § 102 or § 103, describe in detail each and every basis on which you contest such assertion of invalidity, including but not limited to which, if any, limitation of each claim you assert is not disclosed by that prior art reference or combination of prior art references, and describe in detail the complete basis for any disagreement you have with the analysis set forth by Defendants; (c) with respect to 35 U.S.C. § 112, describe in detail each and every basis for your contention that the requirements of 35 U.S.C. § 112 are satisfied, including describe in detail the complete basis for any disagreement you have with § 112 analysis set forth by Defendants; (d) identify all Documents you assert support your assertions of validity; and (e) identify the three (3) Persons most knowledgeable about the factual bases for your assertions.

**RESPONSE TO INTERROGATORY NO. 14:**

Solas objects to this interrogatory on the grounds that it is overbroad and unduly burdensome. Solas objects to this interrogatory on the grounds that it is impermissibly compound. Solas further objects to this interrogatory to the extent that it seeks information protected by the

attorney-client privilege, the work product doctrine, or any other applicable privilege. Solas further objects that this interrogatory seeks contentions upon matters which Defendants carry the burden of proof. Solas further objects to this request because it prematurely seeks disclosure of expert opinion.

Subject to and without waiving its specific or general objections, Solas responds as follows. Solas asserts that each of the Asserted Claims is valid. The Asserted Patents are entitled to a presumption of validity and Defendants have failed to rebut that presumption. An expert opinion on validity would be premature at this point at least because Defendants have not yet served their expert reports detailing their theories as to the alleged invalidity of the Asserted Claims. Defendants carry the burden of proof to show by clear and convincing evidence that the Asserted Claims are invalid, and Solas is not required to respond to theories that have not yet been fully propounded by Defendants. Should Defendants serve expert reports setting forth their theories alleging that the Asserted Claims are invalid, Solas will serve a rebuttal expert report concerning validity, on December 4, 2020, in accordance with the Court's Scheduling Order (Dkt. No. 59), and Solas directs Defendants to that expert report.

Solas's investigation is ongoing; Solas reserves the right to modify or supplement this response should additional information become available.

**SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 14 (SEPT. 11, 2020):**

Solas further responds as follows. As to § 112, Solas incorporates its supplemental response to Defendants' Interrogatory No. 10. As to alleged lack of enablement or indefiniteness, Defendants bear the burden to prove these defenses by clear and convincing evidence. Defendants' assertions are deficient and do not provide Solas with adequate notice. For example, Defendants' final invalidity contentions merely list various claim elements as purportedly lacking enablement

or being indefinite without any additional explanation, making it impossible for Solas to understand or even respond to Defendants' assertions. To the contrary, a POSITA would understand in view of the intrinsic and extrinsic evidence that each of the terms Defendants' identify are enabled and not indefinite. Further, Solas incorporates all materials cited in the parties' claim construction briefing concerning these limitations or portions thereof. To the extent that relevant claim language was construed by the Court, the claim construction proceedings in this case provide further support that the terms are enabled and not indefinite.

As to prior art invalidity, Solas identifies and incorporates the relevant record in the file histories of the Asserted Patents, as well as any reexam or IPR proceedings. For example, Solas incorporates any Patent Owner Preliminary Responses and Patent Owner Responses (and material cited therein) that were or will be served in IPRs on the Asserted Patents, including:

- IPR2020-01238 on the '068 patent filed by Defendant LG Display Co., Ltd.; IPR2020-01055 on the '137 patent filed by Defendant LG Display Co., Ltd; and IPR2020-00177 on the '891 patent filed by Defendant LG Display Co., Ltd.

Further, Defendants have not shown that the lengthy list of alleged "prior art" is really prior art or that it provides any legitimate basis to invalidate these claims under any specific theory of anticipation or obviousness.

As to obviousness, Defendants have not charted any combination of references, or indicated which elements are missing from any reference or where those missing elements could be found in a different prior art reference. Defendants' analysis of obviousness purporting to provide motivation to combine some "references identified in Appendix B" with "other references in Appendix B" does not provide Solas with notice of Defendants' invalidity theories because it does not identify specific combinations of references and specific claim limitations. In their final

invalidity contentions, Defendants state “[t]o the extent that Solas contends that **any** of the references identified in Appendix B do not disclose these limitations, a person of ordinary skill in the art would have arrived at the purported invention based on her own background knowledge and/or **one or more** of the prior art references identified in the chart below.” Defendants then present long string cites to various portions of the cited art for various limitations. Thus, for just a single claim element, Defendants attempt to combine any of the more than twenty references cited in its Appendix B with any other reference cited in Appendix B, resulting in thousands of possible permutations. If Defendants have an actual theory of invalidity based on obviousness, it is well-hidden among these thousands of possible combinations. It is unduly burdensome to ask Solas to address each of these, and Solas will not do so. In addition, none of these alleged combinations include any analysis of why a POSITA would look to the cited portion of the prior art and combine that with a particular embodiment described in a different reference. Defendants take a similar approach to obvious combinations involving references cited in Appendices A and C to their invalidity contentions, and the vast number of possible combinations similarly prevents Solas from learning of Defendants’ actual invalidity theories.

As to Defendants’ purported anticipation analysis included in the claim charts attached to Defendants’ invalidity contentions, it is filled with citations to different embodiments within each alleged prior art reference. For this reason, the analysis is deficient. Defendants have also not offered any analysis as to why any of the citations offered actually disclose the relevant claim limitation. Solas disagrees that any of these citations satisfy Defendants’ burden to prove by clear and convincing evidence that any of the claim limitations are present in the alleged prior art, much less that each limitation of any asserted claim is present in the prior art. Nor does Defendants’ cursory assertions adequately show that a POSITA would understand that any claim limitation is present by clear and convincing evidence. Defendants’ anticipation (and obviousness) assertions

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