

**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 INVALIDITY CONTENTIONS**

Defendants LG Display Co., Ltd., LG Electronics, Inc., and Sony Corporation (collectively, "Defendants") hereby disclose their 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;

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’s 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’s 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’s allegations. Among other things, Solas’s Infringement Contentions lack specificity, fail to properly identify accused instrumentalities and disclose Solas’s contentions for each such accused instrumentality, and do not adequately explain Solas’s infringement theory for numerous claim elements. Solas has thus substantially prejudiced Defendants’ ability to understand, for purposes of preparing these 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’s Infringement Contentions, or presents any new assertion or contention relevant to Defendants’ Invalidity Contentions, Defendants may modify, amend, and/or supplement their Invalidity 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’s Infringement Contentions, which Defendants expressly reserve.

#### **B. Claim Construction**

The Court has not yet construed the Asserted Claims. Defendants reserve all rights to modify, amend, and/or supplement their Invalidity Contentions in accordance with the Order

Governing Proceedings following the Court's claim construction ruling or upon disclosure, alteration, or clarification by Solas of its proposed claim constructions to the extent permitted by this Court. Defendants also may modify, amend, and/or supplement these Invalidity Contentions in response to any alleged supporting evidence offered by Solas, any report from any expert witness for Solas regarding claim construction issues, any claim construction briefing filed by Solas, or any position taken by Solas concerning claim construction, infringement, or validity issues.

Defendants' Invalidity Contentions are based in part on their present understanding of Solas's Infringement Contentions. In some instances, Solas's 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's position regarding the construction of these claim limitations. Defendants may modify, amend, and/or supplement their Invalidity Contentions, including, without limitation, pursuant to the Order Governing Proceedings.

Defendants' Invalidity Contentions do not represent their agreement or view as to the meaning of any claim term contained therein. To the extent that Defendants assert that prior art is anticipatory or renders obvious claims based on any apparent construction of the Asserted Claims by Solas, Defendants' Invalidity Contentions are not—and should not be interpreted as—admissions or admissions as to the accuracy of that scope or construction. Thus, Defendants' contentions herein are not, and should in no way be seen as, admissions or admissions as to any particular claim scope or construction, any priority date, any admission that any claims have been properly asserted in this case, or as any admission that any aspect of any accused products or systems meets any particular claim element in any particular way. Defendants object to any attempt to imply claim

construction from the attached charts. These invalidity contentions are made under a variety of alternatives and do not represent Defendants' agreement or view as to the meaning, definiteness, written description support for, or enablement of any claim contained therein.

Defendants therefore take no position on any matter of claim construction in these Invalidity Contentions. Defendants may propose any claim construction they consider appropriate and to contest any claim construction they consider inappropriate. Defendants also may argue that certain claim terms, phrases, and elements are indefinite, lack written description, are not enabled, are not patentable, are not novel and/or are otherwise invalid under 35 U.S.C. § 101 or § 112.

Because of the uncertainty of claim construction, Defendants may further supplement or modify the positions and information in these Invalidity Contentions, including, without limitation, the prior art and grounds of invalidity set forth herein, after the Asserted Claims have been construed, in accordance with the Order Governing Proceedings and any other applicable court orders.

### **C. Doctrine of Equivalents**

Solas has not provided any contention that any claim limitation is allegedly infringed under the doctrine of equivalents. Should Solas receive leave to amend to add to its contentions any specific allegations of infringement under the doctrine of equivalents, Defendants may amend and supplement these Invalidity Contentions as appropriate.

### **D. Ongoing Discovery and Disclosures**

Discovery and Defendants' investigation, including Defendants' search for prior art, are ongoing. In particular, discovery has not begun and Defendants are still investigating sources of prior art in the possession of third parties. Defendants plan to issue appropriate subpoenas to third parties requesting information relating to prior art and the invalidity of the Asserted Claims. Also, Solas has not yet provided all documentation regarding prior art, conception, or reduction to

practice of the alleged inventions in its possession, custody, or control.

Accordingly, Defendants may supplement, amend, and/or alter the positions taken and information disclosed in these Invalidity Contentions after review of the documents produced in response to the applicable Initial Disclosures, Additional Disclosures, or requests for production. To the extent Solas's document production is incomplete with respect to documents relating to the invalidity of the Asserted Claims, Defendants may supplement, amend, or alter the positions taken and information disclosed in these Invalidity Contentions, if and when Solas or a third party produces additional relevant documents.

Defendants may supplement, amend, and/or alter the positions taken and information disclosed in these Invalidity Contentions including, without limitation, the prior art and grounds of invalidity set forth herein, to take into account information or defenses that may come to light as a result of Defendants' discovery efforts. Defendants may supplement, amend, and/or alter the positions taken and information disclosed in these Invalidity Contentions, pursuant to the Order Governing Proceedings. Defendants hereby incorporate by reference the relevant testimony of any fact witnesses who are deposed, provide declarations, or otherwise testify in this lawsuit. Defendants also hereby incorporate by reference the reports and testimony of any expert witnesses who opine on Defendants' behalf regarding the Asserted Patents.

#### **E. Additional Reservations of Rights**

The accompanying invalidity claim charts (Appendices A-C) identify specific instances where prior art references disclose, either expressly, implicitly in the larger context of the passage, or inherently, each limitation of the Asserted Claims and/or examples of disclosures in view of which a person of ordinary skill in the art would have considered each limitation obvious. Citations included in these charts for independent claims necessarily also apply to their associated dependent claims. Defendants have endeavored to identify the most relevant portions of the

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