UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LG DISPLAY CO., LTD.,
Petitioner

v.

SOLAS OLED, LTD.,
Patent Owner

Case IPR2020-01238
U.S. Patent No. 7,573,068

PATENT OWNER PRELIMINARY RESPONSE

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PATENT OWNER'S EXHIBIT LIST

Exhibit No.	Description
2001	Solas's preliminary infringement contentions cover pleading in *Solas OLED Ltd. v. LG Display Co., Ltd., LG Electronics, Inc., and Sony Corporation*, Case No. 6:19-cv-236-ADA (*"Solas v. LG"*) served on November 26, 2019
2002	Scheduling Order, *Solas v. LG*, Dkt. 59 (W.D. Tex., Dec. 21, 2019)
2003	Claim Construction Order, *Solas v. LG*, Dkt. 79 (W.D. Tex., June 9, 2019)
2004	Order Setting Jury Selection and Trial, *Solas v. LG*, Dkt. 86 (W.D. Tex. Aug. 20, 2020)
2005	Amended Scheduling Order, *Solas v. LG*, Dkt. 133-1 (W.D. Tex., Nov. 20, 2020)
2006	Joint Claim Construction Statement, *Solas v. LG*, Dkt. 76 (W.D. Tex. May 1, 2020)
2007	Law360 Article: West Texas Judge Says He Can Move Faster Than PTAB
2008	WDTex Divisional Standing Order Regarding Trials in Waco dated August 18, 2020
2009	Judge Gilstrap Order regarding Eastern District of Texas in-person trials dated November 20, 2020.
2010	Defendants' final invalidity contentions cover pleading in *Solas v. LG* served on July 31, 2020

One of the primary objectives of the AIA was "to provide an effective and efficient ***alternative*** to district court litigation." But this IPR cannot be an alternative (much less an effective and efficient one) to a WDTex trial between Petitioner and Patent Owner scheduled to almost a full year before the FWD deadline. The parties have invested heavily in that case and at the time of the institution decision, almost all the pretrial work on the '068 patent, including on invalidity, will be done. Only a jury trial will remain. Under the PTAB's precedential orders in *NHK Spring* and *Fintiv*, the Board should deny institution under § 314(a).

I. BACKGROUND

A. District Court Factual Background

On August 23, 2019, Plaintiff Solas filed an amended complaint in the Western District of Texas against Defendants LG Display Co., Ltd., LG Electronics, Inc. and Sony Corporation asserting infringement of U.S. Patent No. 7,907,137 ("'137 patent"). *Solas OLED Ltd. v. LG Display Co., Ltd., LG Electronics, Inc., and Sony Corporation*, Case No. 6:19-cv-236-ADA ("WDTex Case"), Dkt. 23 (W.D. Tex., Aug. 23, 2019). On August 26, or shortly thereafter, LG Display was served with the complaint. WDTex Case, Dkt. 29.

On November 26, 2019, Solas served preliminary infringement contentions. The contentions identified the asserted claims of the '068 as follows: claims 1, 5, 10, 12, 13, and 17. Ex. 2001 (PICs Cover Pleading).

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