

Filed on behalf of: LG Display Co., Ltd.

Entered: December 10, 2020

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
Patent 7,573,068

**DECLARATION OF GABRIEL S. GROSS IN SUPPORT OF
PETITIONER'S REPLY TO THE PATENT OWNER PRELIMINARY
RESPONSE**

LG Display
Filed 12/10/20

I, Gabriel S. Gross, declare as follows:

1. I am an attorney at the firm of Latham & Watkins LLP, counsel of record for Petitioner LG Display Co., Ltd. (“Petitioner”). I have personal knowledge of the facts set forth in this declaration and, if called as a witness, could and would testify competently to them under oath.

2. On May 22, 2020, during the *Markman* hearing, after consultation with and input from the parties and their counsel, the Court set the trial date in the pending district court action involving the '068 patent for May 17, 2021. Ex. 1037 at 106:4-109:9.

3. On August 20, 2020, the Court *sua sponte* changed the trial date and set it for March 29, 2021, without input from the parties or their counsel. Ex. 2004.

4. Petitioner promptly informed the Clerk of Court that its lead trial counsel, Douglas E. Lumish of Latham & Watkins LLP, has an unmovable conflict with the rescheduled March 29, 2021 trial date. Mr. Lumish is set to begin another trial in the District Court of Tarrant County, Texas, 17th Judicial District, on March 22, 2021 in the matter of *Cardone Industries, Inc. v. Joel Farina, et al.*, Cause No. 017-271617-14.

5. Upon being advised of this, the Clerk requested that Petitioner revisit the trial date with the Court in late January or early February 2021, and advised Petitioner that he was sure the Court would be happy to move the trial date if the

conflict remained. The conflict remains.

6. On August 31, 2020, Petitioner filed with the District Court a Notice of Conflict with Current Trial Setting to ensure that neither the Court nor Solas would be surprised by the trial date conflict it had already raised with the Court. Ex. 1036. Petitioner informed Solas of the conflict and provided notice that Petitioner may move for a continuance of the trial date.

7. I declare under penalty of perjury under the laws of the United States of America, including fines and/or imprisonment under 18 U.S.C. § 1001, that the foregoing is true and correct.

Executed on December 8, 2020 in Hillsborough, California.



Gabriel S. Gross