

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TIANMA MICROELECTRONICS CO. LTD.,
Petitioner,

v.

JAPAN DISPLAY INC.,
Patent Owner

Case IPR No: IPR2021-01029

Patent No. 9,310,654

DECLARATION OF ERIC J. KLEIN IN SUPPORT OF PATENT OWNER
JAPAN DISPLAY INC.'S PRE-INSTITUTION SUR-REPLY

JAPAN DISPLAY INC. - EX. 2008

I. INTRODUCTION

1. I, Eric J. Klein, hereby declare under penalty of perjury that, to the best of my knowledge, the following statements are true and correct:

2. I am with a partner at Vinson & Elkins LLP (“V&E”) and counsel to plaintiff Japan Display, Inc. (“Patent Owner”) in *Japan Display Inc., Panasonic Liquid Crystal Display Co., Ltd. v. Tianma Microelectronics Co. Ltd.*, C.A. Nos. 2:20-cv-00283-JRG, [LEAD CASE], 2:20-cv-00284-JRG, 2:20-cv-00285-JRG (E.D. Tex.).

3. I submit this declaration in support of Patent Owner's pre-institution sur-reply.

4. I have personal knowledge of the facts provided in this declaration and can and will testify competently to them if called upon to do so.

5. On October 12, 2021, the Court issued an order requiring the Patent Owner to narrow the asserted claims in the district court case to no more than eight claims from each patent and no more than a total of thirty-five claims by Monday, October 25, 2021. In its response to this Order, JDI will not drop U.S. Patent No. 9,310,654 (i.e., the patent challenged in this proceeding).

6. The parties are currently taking expert discovery and have agreed upon the following deposition dates:

Plaintiff's Experts

- 1) October 20, 2021 - Mr. Kubota (License)
- 2) October 20, 2021 – Mr. Credelle (Invalidity)
- 3) October 21, 2021 – Mr. Credelle (Invalidity)
- 4) October 25, 2021 – Dr. Silzars (Infringement)
- 5) October 26, 2021 – Dr. Silzars (Infringement)
- 6) October 28, 2021 – Mr. Kemmerer (Damages)

Defendant's Experts

- 7) October 21, 2021 – Mr. Katayama (License)
- 8) October 21, 2021 – Mr. Flasck (Infringement)
- 9) October 22, 2021 – Mr. Flasck (Infringement)
- 10) October 28, 2021 – Mr. Flasck (Invalidity)
- 11) October 29, 2021 – Mr. Flasck (Invalidity)
- 12) October 21, 2021 – Dr. Smith (Invalidity)
- 13) October 22, 2021 – Dr. Smith (Infringement)
- 14) October 25, 2021 – Mr. Reed (Damages)
- 15) November 2, 2021 – Dr. Schubert (Infringement)
- 16) November 3, 2021 – Dr. Schubert (Infringement)
- 17) November 16, 2021 – Dr. Schubert (Invalidity)
- 18) November 17, 2021 – Dr. Schubert (Invalidity)

This declaration and my opinions herein are made to the best of my knowledge and understanding, and based on the material available to me, at the time of signing this declaration. I declare that all statements made herein on my own knowledge are true and that all statements made on information and belief are believed to be true, and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001.

Respectfully submitted,

Dated: October 22, 2021

/Eric J. Klein/
Eric J. Klein