

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

JAPAN DISPLAY INC., PANASONIC
LIQUID CRYSTAL DISPLAY CO., LTD.,

Plaintiffs,

v.

TIANMA MICROELECTRONICS CO.
LTD.,

Defendant.

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CIVIL ACTION NO. 2:20-CV-00283-JRG
(LEAD CASE)

CIVIL ACTION NO. 2:20-CV-00284-JRG
(MEMBER CASE)

CIVIL ACTION NO. 2:20-CV-00285-JRG
(MEMBER CASE)

ORDER

The Court issues this Order *sua sponte*. The Court held a telephonic status conference regarding the above-captioned cases on December 14, 2021. (Dkt. No. 270). At the status conference, counsel for Plaintiffs Japan Display Inc. and Panasonic Liquid Crystal Display Co., Ltd. (together, “JDI”) and Defendant Tianma Microelectronics Co. Ltd. (“Tianma”) unequivocally informed the Court that—notwithstanding this Court’s order of April 20, 2021 (Dkt. No. 57) which consolidated the three related cases for all pretrial issues only—all parties request to proceed with a single unified trial addressing all issues in the three above-captioned cases; in short, that the above three cases be consolidated and tried as a single action with a single jury trial.

Having considered the parties’ expressed preferences, and in order to efficiently manage its docket, the Court **ORDERS** that Case Nos. 2:20-cv-00283, 2:20-cv-00284, and 2:20-cv-00285 are consolidated for all purposes. Consistent with this Order, the Court sets the date for jury selection of the consolidated case for **Monday, February 28, 2022** through **Friday, March 11, 2022**.

In light of foregoing, the parties' narrowing obligations under the previous Order of November 18, 2021 (Dkt. No. 202) are **TERMINATED**. The Court **ORDERS** that JDI will proceed to trial asserting up to but not more than 8 Patents and up to but not more than 20 asserted claims. Tianma will proceed to trial asserting up to but not more than 24 prior art references. Each anticipation challenge and each obviousness combination or assertion shall be considered a separate prior art reference.¹ The parties shall have 21 hours per side to put on their evidence during trial, not including jury selection, opening statements, and closing statements.

Further, considering the consolidation ordered herein, the Court **DENIES-AS-MOOT** JDI's Motion for Reconsideration of the Court's November 18, 2021 Order (Dkt. No. 202) Requiring Plaintiffs to Narrow the Number of Asserted Patents to Fewer than Eight. (Dkt. No. 220).

Additionally, the Court **ORDERS** the parties to mediate in this consolidated case promptly and at a mutually agreeable date, but no later than **Friday, February 11, 2022**. The mediation shall be conducted by the Hon. David Folsom, 6002-B Summerfield Drive, Texarkana, Texas 75503, dfolsom@jw.com. To ensure that mediation is as productive as possible, the Court hereby **ORDERS** that each party shall personally attend such mediation with lead counsel, local counsel, and a representative who has full and unilateral authority to act on and compromise on all pending disputes. No party or representative shall leave the mediation session, once it begins, without the approval of the mediator. The district's applicable local rules shall otherwise govern and apply in all respects.

¹ For example, an assertion that prior art A invalidates counts as one prior art reference. Likewise, an assertion that prior art B invalidates counts as a second prior art reference. Also, an assertion that the combination of prior art A and prior art B invalidates counts as a separate reference. Further, the assertion that a combination of prior art B and prior art C invalidates would count as a separate prior art reference. Such an assertion would *not* allow argument that prior art C alone invalidates, unless prior art C is elected as a separate reference. In short, each unique prior art reference or combination of prior art references counts as a separate reference for these purposes.

So Ordered this

Dec 21, 2021

A handwritten signature in black ink that reads "Rodney Gilstrap". The signature is written in a cursive style with a large initial 'R' and 'G'.

RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE