

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TIANMA MICROELECTRONICS CO. LTD.,
Petitioner,

v.

JAPAN DISPLAY INC. AND
PANASONIC LIQUID CRYSTAL DISPLAY CO., LTD.,
Patent Owners

Case IPR No: IPR2021-01060

Patent No. 10,330,989

**PATENT OWNERS JAPAN DISPLAY INC. AND PANASONIC LIQUID
CRYSTAL DISPLAY CO., LTD.'S PRELIMINARY RESPONSE TO
PETITION FOR *INTER PARTES* REVIEW OF UNITED STATES PATENT
NO. 10,330,989 PURSUANT TO 35 U.S.C. § 313, 37 C.F.R. § 42.107**

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EXHIBIT LIST

Ex.2001	First Amended Docket Control Order (Dkt. No. 140)
Ex.2002	Order denying Defendant's Motion to Transfer (Dkt. No. 115)
Ex.2003	Defendant's Motion for Leave to Supplement Invalidity Contentions (Dkt. No. 131)
Ex.2004	Order granting Tianma Microelectronics Co. Ltd.'s Motion for Leave to Supplement Invalidity Contentions (Dkt. No. 142)
Ex.2005	Assignment of U.S. Patent Application No. 09/582,655 (issuing as Abe (Ex.1007))
Ex.2006	Assignment of U.S. Patent Application No. 10/237,911 (parent to '989 patent)
Ex.2007	Prosecution History for U.S. Patent Application No. 10/237,911 (parent to '989 patent)
Ex.2008	Assignment of U.S. Patent Application No. 09/977,352 (issuing as Kurahashi (Ex.1008))
Ex.2009	S. H. Lee, S.L. Lee, H.Y. Kim, T.Y. Eom, 16.4L: <i>Late-News Paper: A novel Wide-Viewing-Angle Technology: Ultra-Trans View™, Hyundai Electronics Industries</i> (1999 SID)
Ex.2010	Declaration of Thomas L. Credelle under 37 C.F.R. § 1.68
Ex.2011	Curriculum Vitae of Thomas L. Credelle

I. INTRODUCTION

Japan Display Inc. and Panasonic Liquid Crystal Display Co., Ltd. (together, “Patent Owner”) submit this Response to IPR2021-01060 for *Inter Partes* Review (“Petition”) of U.S. Patent No. 10,330,989 (“the ’989 Patent”) (Ex.1001) filed by Tianma Microelectronics Co., Ltd. (“Petitioner”). This Petition should be denied for two reasons: (1) weighing of the *Fintiv* factors for discretionary denial under 35 U.S.C. § 314(a) heavily favors denial and (2) Petitioner fails to establish a reasonable likelihood that any of the challenged claims is unpatentable.

Petitioner essentially concedes that none of the *Fintiv* factors weigh in its favor but relies on Factors 4 (lack of overlap) and 6 (strong merits) to “outweigh the other relevant factors.” Pet. 6. Factors 4 and 6, however, do not weigh in Petitioner’s favor. Petitioner attempts to avert the overlap between the district court litigation and this Petition by stipulating that it will not pursue any ground that it raised or reasonably could have raised in this Petition. But by the time a decision on institution is due for this Petition, the parties will have already completed the vast majority of work related to invalidity and only trial will remain.

Moreover, Factor 6 does not weigh in Petitioner’s favor because the Petition’s merits are not strong. Petitioner’s arguments hinge on the combination of references that disclose fundamentally different configurations that would not be obvious to combine and certainly not in the manner proposed by the Petitioner. Moreover, each

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