

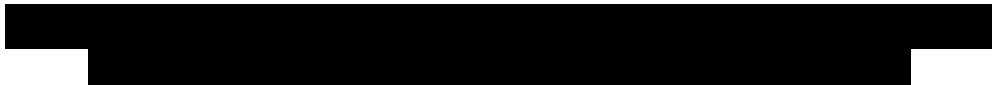
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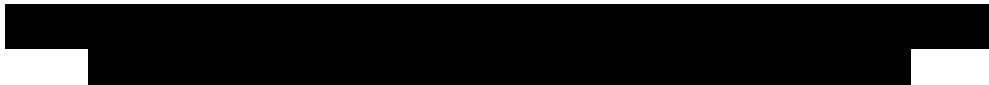
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I. INTRODUCTION

Plaintiffs Japan Display Inc. (“JDI”) and Panasonic Liquid Display Co., Ltd. (“PLD”) (collectively, “Plaintiffs”), move to exclude certain expert opinions of Mr. Richard E. Flasck that assert improper claim construction opinions and depend on inconsistent and unreliable statements of Tianma Microelectronics Co. Ltd.’s (“TMC”) corporate representative, Ms. Yinghua Mo, or its attorneys containing information not previously disclosed to Plaintiffs.

On October 1, 2021, TMC served Mr. Flasck’s expert report on claimed invalidity of certain Asserted Patents. *See* Ex. 1. On October 15, 2021, TMC served Mr. Flasck’s rebuttal expert report regarding claimed non-infringement of certain Asserted Patents. *See* Ex. 2. In his reports, Mr. Flasck inappropriately assert opinions regarding how certain claims should be construed, which should be excluded as presenting new, untimely proposals for construction that were not addressed by the court’s Claim Construction Memorandum and Order (“Claim Construction Order,” Dkt. No. 123). Further, Mr. Flasck relies on statements regarding technical aspects of TMC’s products provided to him by TMC’s corporate representative, Ms. Yinghua Mo, and TMC’s attorneys, which should be excluded as being inconsistent with prior testimony and the record, and presenting technical information that was never disclosed to Plaintiffs during the discovery process, despite discovery requests specifically seeking such technical information. Plaintiffs respectfully assert that these opinions are inappropriate and should be excluded.

II. LEGAL STANDARDS

A. *Daubert* Standard

Under Federal Rule of Evidence 702, an expert witness with “scientific, technical, or other specialized knowledge” may provide opinion testimony only if “(a) the expert’s scientific, technical, or other specialized knowledge will help the trier of fact to understand the evidence or to determine a fact in issue; (b) the testimony is based on sufficient facts or data; (c) the testimony is the product of reliable principles and methods; and (d) the expert has reliably applied the principles and methods to the facts of the case.” Fed. R. Evid. 702; *see also Daubert v. Merrell Dow Pharms., Inc.*, 509 U.S. 579, 592-93, 597 (1993). The court’s role in applying Rule 702 “is

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