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 Owner

Case IPR No: IPR2021-01061

Patent No. 10,423,034

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. 10,423,034 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	Defendant's Preliminary Invalidity Contentions
Ex.2003	Declaration of Thomas L. Credelle under 37 C.F.R. § 1.68
Ex.2004	Curriculum Vitae of Thomas L. Credelle
Ex.2005	Defendant's Motion for Leave to Supplement Invalidity Contentions (Redacted) (Dkt. No. 131)
Ex.2006	Order granting Tianma Microelectronics Co. Ltd.'s Motion for Leave to Supplement Invalidity Contentions (Dkt. No. 142)

I. INTRODUCTION

Japan Display Inc. and Panasonic Liquid Crystal Display Co., Ltd. (together, "Patent Owner") submit this Response to IPR2021-01061 for *Inter Partes* Review ("Petition") of U.S. Patent No. 10,423,034 ("the '034 Patent") (Ex.1001) filed by Tianma Microelectronics Co., Ltd. ("Petitioner"). This Petition should be denied for at least 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 Factors 4 (lack of overlap) and 6 (strong merits), which it relies on to "outweigh the other relevant factors." Pet. 8. 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 merits of Petitioner's arguments are not strong. Petitioner asserts the same combination of primary and secondary references for each of its three grounds. These two references are significantly diverse in the types of technology they disclose and

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