

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

**DECLARATION OF ERIC J. KLEIN IN SUPPORT OF
PATENT OWNERS' PRE-INSTITUTION SUR-REPLY**

IPR/BLD - EX - 2009

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. 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)

6. In the above-referenced district court case, Petitioner has asserted the following combination against the '034 patent: an alleged prior art product ACX399CMP-7 in view of Ochiai-'679 and Ando-'330.

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: November 15, 2021

/Eric J. Klein/
Eric J. Klein