

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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SAMSUNG ELECTRONICS CO., LTD. and  
SAMSUNG ELECTRONICS AMERICA, INC.,  
Petitioner,

v.

SOLAS OLED LTD.,  
Patent Owner.

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IPR2021-01254  
Patent 8,526,767 B2

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Before SALLY C. MEDLEY, JOHN A. HUDALLA, and JULIA HEANEY,  
*Administrative Patent Judges.*

MEDLEY, *Administrative Patent Judge.*

ORDER  
Conduct of the Proceeding  
37 C.F.R. § 42.5

Patent Owner's Preliminary Response (Paper 8) requests that we exercise our discretion under 35 U.S.C. § 314(a) to deny institution based on, *inter alia*, *Apple Inc. v. Fintiv, Inc.*, IPR2020-00019 (PTAB Mar. 20, 2020) (precedential) ("*Fintiv*"). We determine, *sua sponte*, that it would be beneficial to have further briefing on this issue. Accordingly, Petitioner is

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authorized to file a reply and Patent Owner is authorized to file a sur-reply as set forth below.

### ORDER

It is

ORDERED that Petitioner is authorized to file a reply, limited to five pages and to Patent Owner's discussion of discretionary denial under 35 U.S.C. § 314(a), due one week from the date of this Order; and

FURTHER ORDERED that Patent Owner is authorized to file a sur-reply, limited to five pages and to the assertions in Petitioner's preliminary reply, due one week from the filing of Petitioner's reply.

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