

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD.; AND
SAMSUNG ELECTRONICS AMERICA, INC.,
Petitioner

v.

SOLAS OLED LTD.,
Patent Owner.

**PETITION FOR *INTER PARTES* REVIEW
OF U.S. PATENT NO. 8,526,767**

TABLE OF CONTENTS

	Page
I. INTRODUCTION	1
II. MANDATORY NOTICES UNDER 37 C.F.R. § 42.8.....	2
III. FEE AUTHORIZATION	3
IV. GROUNDS FOR STANDING.....	3
V. PRECISE RELIEF REQUESTED	3
VI. THE CHALLENGED PATENT	4
VII. PATENT PROSECUTION HISTORY	7
VIII. LEVEL OF ORDINARY SKILL IN THE ART	8
IX. PRIORITY DATE	8
X. CLAIM CONSTRUCTION	9
XI. BRIEF DESCRIPTION OF THE APPLIED PRIOR ART REFERENCES	10
A. Baltierra (Ex-1005).....	10
B. Katou (Ex-1006).....	11
C. Warren (Ex-1007).....	13
D. Westerman (Ex-1008)	14
XII. THE BOARD SHOULD NOT EXERCISE ITS DISCRETION UNDER § 325(D) TO DENY HEARING THESE INVALIDITY ISSUES FOR THE FIRST TIME IN THIS PETITION	17
XIII. DETAILED EXPLANATION OF THE UNPATENTABILITY GROUNDS	18
A. Grounds 1 and 2: Claims 1 and 9-14 are rendered obvious by Baltierra alone (Ground 1) or Baltierra in view of Katou (Ground 2).	18
1. A POSITA would have been motivated to combine the teachings of Baltierra and Katou, and would have had a reasonable expectation of success in doing so.....	18

TABLE OF CONTENTS
(continued)

	Page
2. Independent Claims 1 and 12-14	19
3. Dependent Claims 9-11.....	34
B. Ground 3: Claims 2-8 are rendered obvious by Baltierra in view of Katou and Warren.....	35
1. A POSITA would have been motivated to combine the teachings of Baltierra with Katou and Warren, and would have had a reasonable expectation of success in doing so.....	35
2. Dependent Claims 2-8.....	38
C. Grounds 4 and 5: Claims 1 and 9-14 are rendered obvious by Westerman alone (Ground 4) or Westerman in view of Katou (Ground 5).	45
1. A POSITA would have been motivated to combine the teachings of Westerman and Katou, and would have had a reasonable expectation of success in doing so.....	45
2. Independent Claims 1 and 12-14	46
3. Dependent Claims 9-11.....	57
D. Ground 6: Claims 2-8 are rendered obvious by Westerman in view of Katou and Warren.	59
1. A POSITA would have been motivated to combine the teachings of Westerman with Katou and Warren, and would have had a reasonable expectation of success in doing so.....	59
2. Dependent Claims 2-8.....	61
XIV. THE BOARD SHOULD NOT USE ITS DISCRETION TO DENY INSTITUTION UNDER <i>FINTIV</i>	67
A. Whether Court granted a stay or evidence exists that one may be granted if IPR is instituted.....	67
B. Proximity of Court’s trial date to Board’s projected statutory deadline for FWD.....	68
C. Investment in parallel proceeding by Court and parties	68

TABLE OF CONTENTS
(continued)

	Page
D. Overlap between issues raised in petition and in parallel proceeding	69
E. Whether petitioner and defendant in parallel proceeding are the same party.....	70
F. Other circumstances that impact Board’s exercise of discretion, including the merits	70
XV. CONCLUSION.....	71

LIST OF EXHIBITS¹

Ex-1001	U.S. Patent No. 8,526,767
Ex-1002	Declaration of Dr. Benjamin Bederson
Ex-1003	Curriculum Vitae of Dr. Benjamin Bederson
Ex-1004	Prosecution History of U.S. Patent No. 8,526,767
Ex-1005	U.S. Patent Publication No. 2009/0284478, filed on May 15, 2008 (“Baltierra”)
Ex-1006	JP Patent Publication No. H09-231004, published on Sept. 5, 1997 (“Katou”), including its certified translation
Ex-1007	U.S. Patent Publication No. 2007/0176906, published on Aug. 2, 2007 (“Warren”)
Ex-1008	U.S. Patent Publication No. 2008/0036743, published on Feb. 14, 2008 (“Westerman”)
Ex-1009	Intel 486 Datasheet, published April, 1989
Ex-1010	[INTENTIONALLY LEFT BLANK]
Ex-1011	[INTENTIONALLY LEFT BLANK]
Ex-1012	[INTENTIONALLY LEFT BLANK]
Ex-1013	[INTENTIONALLY LEFT BLANK]
Ex-1014	[INTENTIONALLY LEFT BLANK]
Ex-1015	[INTENTIONALLY LEFT BLANK]
Ex-1016	[INTENTIONALLY LEFT BLANK]
Ex-1017	[INTENTIONALLY LEFT BLANK]

¹ Four-digit pin citations that begin with 0 are to the page stamps added by Samsung in the bottom right corner of the exhibits. All other pin citations are to original page, column, paragraph, and/or line numbers.

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.