IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION

SOLAS OLED LTD.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 6:19-cv-00515-ADA
	)	
GOOGLE LLC,	)	
	)	
Defendant.	)	
	)	
SOLAS OLED LTD.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 6:19-cv-00537-ADA
	)	
APPLE INC.,	)	
	)	
Defendant.	)	
	)	
SOLAS OLED LTD.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 6:19-cv-00631-ADA
	)	
HP INC.,	)	
	)	
Defendant.	)	
	)	

DEFENDANTS' AND INTERVENTOR'S RESPONSIVE CLAIM CONSTRUCTION
BRIEF

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TABLE OF EXHIBITS

Ex. No.	Publication
AA06	Solas Notice Of Agreement On Previously Disputed Claim Construction Terms, *Solas OLED Ltd. v. Samsung Display Co.*, 2:19-cv-00152-JRG, Dkt. 98 (E.D. Tex., April 15, 2020)
DD07	Steven M. Kaplan, Wiley Electrical and Electronics Engineering Dictionary 237 (John Wiley & Sons, Inc., 2004)
DD08	Collins Dictionary Electronics 139 (HarperCollins, 2007)
DD09	Erin McKean, The New Oxford American Dictionary 545 (Oxford University Press, 2nd ed. 2005)

Solas's opening brief ("Solas Open. Br.") takes a flawed approach to claim construction. For many terms, instead of addressing the intrinsic evidence, Solas's argument consists solely of repeated refrains that its construction reflects the plain and ordinary meaning and that Solas is not aware of any redefinition or disclaimer. But many of the disputed terms are phrases specially coined in the patents and have no ordinary meaning outside of the patents. Worse, to support its understanding of the ordinary meaning, Solas cites dictionary definitions rather than the intrinsic evidence, taking the very approach that the Federal Circuit rejected en banc in *Phillips*. *E.g.*, *Phillips v. AWH Corp.*, 415 F.3d 1303, 1320-21 (Fed. Cir. 2005) (en banc). Precedent is clear that the ordinary meaning "of a claim term is its meaning to the ordinary artisan after reading the entire patent" and not "in a vacuum. Rather, we must look at the ordinary meaning in the context of the written description and the prosecution history." *Id*. at 1313, 1321.

Rather than address the intrinsic record, Solas spends most of its opening brief attacking Defendants' constructions. But Solas's attacks ignore the true, substantive differences between the parties' proposals, favoring instead superficial objections that apply to many of Solas's own proposals. And for several terms, Solas's cursory arguments are undermined by the declaration of its own expert, Mr. Richard Flasck ("Flasck Decl.").

I.   **U.S. Patent No. 7,446,338 ("'338 Patent")**

A.   **"transistor array substrate" (claim 1)**

Plaintiff's Proposal	Defendants' Proposal
"layered structure upon which or within which a transistor array is fabricated"	"a layered structure composed of a bottom insulating layer through a topmost layer on whose upper surface pixel electrodes are formed, which contains an array of transistors"

Solas's arguments against Defendants' proposal mirror the arguments Solas originally made in its briefing and oral argument at the *Markman* hearing in *Solas OLED Ltd. v. Samsung Display Co.*, 2:19-cv-00152-JRG (E.D. Tex). Yet unmentioned by Solas is that shortly after it

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