

**UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.**

**Before the Honorable Bryan F. Moore
Administrative Law Judge**

In The Matter Of

**CERTAIN ACTIVE MATRIX ORGANIC
LIGHT-EMITTING DIODE DISPLAY
PANELS AND MODULES FOR MOBILE
DEVICES, AND COMPONENTS
THEREOF**

Investigation No. 337-TA-1351

**COMMISSION INVESTIGATIVE STAFF'S
PREHEARING BRIEF**

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December 22, 2023



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TABLE OF ABBREVIATIONS

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CBr.	Complainant's Prehearing Brief

[REDACTED]

opinion concerning scanline Qj by stating that it is in “in effect” the previous scanline, not that it “is” the previous scanline. RX-0003C (Foty DWS) at Q/A 186.

d. Secondary Considerations

Samsung Display is expected to present evidence regarding secondary considerations of non-obviousness allegedly relating to (1) long-felt but unmet need, (2) unexpected results, (3) teaching away, (4) skepticism, (5) industry praise and recognition, commercial success, (6) failure of others, (7) copying, and (8) widespread use in commercial products. CX-1242C (Fontecchio RWS) at Q/A 147-Q/A 162.

Secondary considerations must have a nexus to the claims in order to be accorded substantial weight. *Fox Factory, Inc. v. SRAM, LLC*, 944 F.3d 1366, 1373 (Fed. Cir. 2019). In other words, there must be “a legally and factually sufficient connection between the evidence and the patented invention.” *Id.* (internal quotations omitted). The patentee bears the burden of showing that a nexus exists. *Id.* To determine whether the patentee has met that burden, “the correspondence between the objective evidence and the claim scope” is considered. *Id.* (internal quotations omitted).

A patentee is entitled to a rebuttable presumption that a nexus exists “if the patentee shows that the asserted evidence is tied to a specific product and that the product ‘is the invention disclosed and claimed.’” *Fox Factory*, 944 F.3d at 1373 (quoting *Demaco Corp. v. F. Von Langsdorff Licensing Ltd.*, 851 F.2d 1387, 1392 (Fed. Cir. 1988) (emphasis in original)). In other words, the presumption applies when the patentee shows the product embodies the claimed features and is coextensive with them. *Id.* If the patented invention is only a component of a commercially successful products, the patentee is not entitled to a presumption of nexus. *Id.* Whether a product is coextensive with the patented invention is a question of fact. *Id.*



The secondary indicia identified Samsung Display relate to the compensation of voltage threshold deviation in AMOLED displays. *See, e.g.*, RX-0003C (Foty DWS) at Q/A 151 (“The ’599 Patent specifically describes the long-felt but unmet need for suitable pixel circuits that would provide compensation of the threshold voltage of the driving transistor.”). Samsung Display’s reliance on the ’599 patent’s threshold voltage compensation scheme as an indication of non-obviousness is misplaced. The PTO found that the voltage compensation scheme disclosed in the ’599 patent was disclosed in the prior-art reference U.S. Patent No. 6,229,506 (“Dawson”). JX-0006.182-183 (Office Action (July 03, 2007)) (“As best understood by the examiner the third transistor [disclosed in the prior art reference Dawson] will function identically between the two invention [sic] in which it would detect and self-compensate threshold voltage deviations in the second transistor.”). Not all claims of the ’599 patent even require threshold voltage compensation. For instance, asserted claim 16 does not require voltage compensation. *See* JX-0001 (’599 patent), claim 16. The claims of the ’599 patent were allowed because the driving current to the EL element is controlled by two transistors acting in response to the current light emitting signal. JX-0006.022-.23 (Application) (application claim 3 reciting “a fifth transistor for providing a power supply voltage for the second transistor in response to a current light emitting signal” and “a sixth transistor for providing a driving current for the electroluminescent element through the second transistor in response to the current light emitting signal.”); JX-0006.182-184 (Office Action (July 03, 2007)) (finding application claim 3 to be allowable if rewritten in independent form); JX-0006.438 (Reply to Office Action (Oct. 12, 2007 (“Applicants have rewritten Claim 1 to include all the limitations of allowable Claim 3.”). Accordingly, the Staff does not believe that the alleged secondary considerations affect the obviousness analysis.

[REDACTED]

XV. CONCLUSION

For the reasons set forth above, the Staff expects the evidence to show that there has not been a violation of Section 337.

Respectfully submitted,

Date: December 22, 2023

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