

**From:** [Trials](#)  
**To:** [Zhong, Annita](#); [Trials](#)  
**Cc:** [Garr, David \(dgarr@cov.com\)](#); [Weidenfeller, Scott](#); [SDC-Pictiva-IPR](#); [#PictivaIPR](#)  
**Subject:** RE: IPR2024-00855  
**Date:** Tuesday, November 5, 2024 8:48:38 AM  
**Attachments:** [image001.png](#)

---

Counsel: The Board denies Patent Owner's opposed request to file the proposed updated mandatory notice (and two supporting exhibits) attached to counsel's email, below. The proposed mandatory notice includes material that amounts to additional briefing on the merits of the case, and Patent Owner cites no authority for including such material in an updated mandatory notice.

Nevertheless, the Board determines that additional briefing may be helpful to the panel in reaching an equitable decision on institution. Accordingly, the Board authorizes Patent Owner to file a three-page supplemental brief, limited to addressing the relevancy of the exhibits sought to be introduced via the proposed updated mandatory notice, no later than November 8, 2024. Patent Owner may file the two exhibits appended to counsel's email in support of this supplemental brief, but no other new evidence is permitted. Petitioner is authorized to file a three-page response limited to contesting issues raised in any supplemental brief filed by Patent Owner pursuant to this authorization. Petitioner's response is due within three (3) business days of the filing date of Patent Owner's supplemental brief. The Board will enter a copy of this email correspondence as Exhibit 3002.

Best regards,  
Eric W. Hawthorne  
*Supervisory Paralegal Specialist*  
*Patent Trial and Appeal Board*

---

**From:** Zhong, Annita <HZhong@irell.com>  
**Sent:** Monday, November 4, 2024 3:11 PM  
**To:** Trials <Trials@USPTO.GOV>  
**Cc:** Garr, David (dgarr@cov.com) <dgarr@cov.com>; Weidenfeller, Scott <SWeidenfeller@cov.com>; SDC-Pictiva-IPR <SDC-Pictiva-IPR@cov.com>; #PictivaIPR <PictivaIPR@irell.com>  
**Subject:** IPR2024-00855

**CAUTION:** This email has originated from a source outside of USPTO. **PLEASE CONSIDER THE SOURCE** before responding, clicking on links, or opening attachments.

Dear Board,

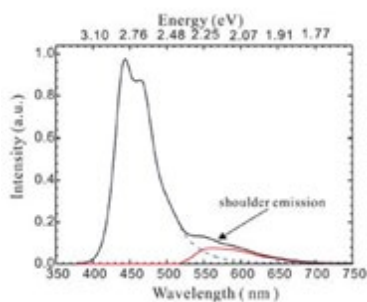
Patent Owner seeks guidance and permission from the Board regarding the submission of an updated mandatory notice and referenced exhibits. Petitioner opposes the submission.

Specifically, in the related district court action, Samsung has proposed that "an organic layer sequence which emits an electromagnetic radiation having a first wavelength spectrum during

IPR2024-00855  
Ex. 3002

operation” means “an organic layer sequence comprising an active layer and electrodes which emits an electromagnetic radiation **with a first wavelength spectrum which corresponds to the entire wavelength spectrum of the electromagnetic radiation emitted by the organic layer sequence** during operation.” EX2053 at 8. Samsung has also proposed that the term “the filter layer is transparent to the electromagnetic radiation having the first wavelength spectrum” means “the filter layer is transparent to the electromagnetic radiation having the first entire wavelength spectrum so the emission passes through the filter **without any alteration of its spectral components.**” *Id.* at 9.

In response to Samsung’s proposed constructions that Patent Owner believes are inconsistent with the position Samsung took in its pre-institution reply, Patent Owner has asked Samsung to clarify (i) what is the “electromagnetic radiation having a first wavelength spectrum during operation,” and (ii) whether “the filter layer is transparent to the electromagnetic radiation having the first wavelength spectrum” under its proposed constructions, if the emission spectrum of the organic layer sequence is as depicted by the black curve in Figure 7 of EX2023 (which corresponds to Igarashi and Shiotani’s emission spectrum of the organic layer sequence, and reproduced below). See EX2054. Samsung has not responded.



Patent Owner believes that the Board should be aware of this development. Patent Owner seeks leave to file an updated mandatory notice and referenced exhibits to update the Board on this issue.

Regards,

Annita

H. Annita Zhong  
Irell & Manella LLP  
1800 Avenue of the Stars, Suite 900  
Los Angeles, CA 90067-4276  
Telephone: (310) 203-7183  
Fax: (310) 556-5385

PLEASE NOTE: This message, including any attachments, may include privileged, confidential and/or

inside information. Any distribution or use of this communication by anyone other than the intended recipient(s) is strictly prohibited and may be unlawful. If you are not the intended recipient, please notify the sender by replying to this message and then delete it from your system. Thank you.