

From: [Trials](#)
To: [Garr, David](#); [Zhong, Annita](#); [Trials](#)
Cc: [Weidenfeller, Scott](#); [SDC-Pictiva-IPR](#); [#PictivaIPR](#)
Subject: RE: IPR2024-00855
Date: Tuesday, November 5, 2024 10:28:02 AM
Attachments: [image002.png](#)

Counsel: Further to counsel's email below, the Board directs the parties to Exhibit 3002. The Board will enter a copy of this email correspondence as Exhibit 3003. No conference call is necessary.

Thank you,
Eric W. Hawthorne
Supervisory Paralegal Specialist
Patent Trial and Appeal Board

From: Garr, David <dgarr@cov.com>
Sent: Monday, November 4, 2024 6:31 PM
To: Zhong, Annita <HZhong@irell.com>; Trials <Trials@USPTO.GOV>
Cc: Weidenfeller, Scott <SWeidenfeller@cov.com>; SDC-Pictiva-IPR <SDC-Pictiva-IPR@cov.com>; #PictivaIPR <PictivaIPR@irell.com>
Subject: RE: 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 Honorable Board,

We write concerning Patent Owner's improper and argumentative email, which references (and attaches) correspondence with counsel for Samsung Electronics that Patent Owner had not raised with or provided to Petitioner, and which purports to submit as an "updated mandatory notice" proposed constructions of Samsung Electronics in customer litigation while failing to submit Patent Owner's own proposed constructions. We disagree that the constructions proposed by parties to the customer litigation are in any way "inconsistent" with positions taken by Petitioner in this proceeding, and we oppose Patent Owner's attempt to submit unauthorized briefing under the guise of a mandatory notice submission.

To the extent that the Board wishes to hear from the parties on this issue, we can be available for a call at the Board's convenience.

Respectfully submitted,

David Garr
Counsel for Petitioner Samsung Display Co., Ltd.

IPR2024-00855
Ex. 3003

David A. Garr

Pronouns: He/Him/His

Covington & Burling LLP
One CityCenter, 850 Tenth Street, NW
Washington, DC 20001-4956
T +1 202 662 5250 | M +1 202 494 4445 | dgarr@cov.com
www.cov.com

COVINGTON

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>; Weidenfeller, Scott <SWeidenfeller@cov.com>; SDC-Pictiva-IPR <SDC-Pictiva-IPR@cov.com>; #PictivaIPR <PictivaIPR@irell.com>

Subject: IPR2024-00855

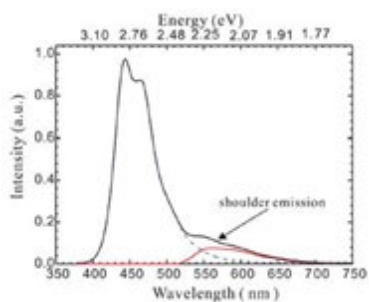
[EXTERNAL]

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 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.