From:	Trials
To:	Zhong, Annita; Weidenfeller, Scott; Trials
Cc:	Gao, Jie; Carson, Rebecca; Warrick, Philip; Sheasby, Jason; #PictivaIPR; Garr, David; Hansen, Alexa; SDC-Pictiva-IPR
Subject:	RE: IPR2024-01093, IPR2024-01094, and IPR2024-01095 - district court stipulations
Date:	Wednesday, December 18, 2024 3:45:55 PM
Attachments:	image001.png

Counsel: The panel has determined that allowing the additional filings, discussed below, may be helpful in reaching an equitable decision on whether to institute review in each proceeding. No later than Dec. 20, 2024, Petitioner may file the stipulation discussed in counsel's email below. By December 26, 2024, Patent Owner may file the deposition transcript and a 2-page paper, discussed below, limited to addressing the relevancy of that transcript and any stipulation filed by Petitioner in each proceeding. The Board will enter a copy of this email correspondence as an exhibit in each proceeding.

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

From: Zhong, Annita <HZhong@irell.com>
Sent: Wednesday, December 18, 2024 12:17 AM
To: Weidenfeller, Scott <SWeidenfeller@cov.com>; Trials <Trials@USPTO.GOV>
Cc: Gao, Jie <JGao@irell.com>; Carson, Rebecca <RCarson@irell.com>; Warrick, Philip <pwarrick@irell.com>; Sheasby, Jason <JSheasby@irell.com>; #PictivaIPR <PictivaIPR@irell.com>; Garr, David <dgarr@cov.com>; Hansen, Alexa <ahansen@cov.com>; SDC-Pictiva-IPR <SDC-Pictiva-IPR@cov.com>
Subject: RE: IPR2023-01093, IPR2023-01094, and IPR2023-01095 - district court stipulations

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,

If the Board authorizes the filing of the stipulations, Patent Owner seeks authorization to address the effect of the stipulations, in particular that of the *Sands* Stipulation for IPR2023-01095.

Furthermore, Patent Owner seeks authorization to submit deposition testimony of Samsung's claim construction in the district court and a short statement explaining the relevancy. The deposition took place on December 11, 2024, after the POPRs in these proceedings were filed; so the testimony was not available at the time that the POPRs were filed. Patent Owner expects that the final transcript will be ready by December 26th. Patent Owner has inquired Petitioner's position on this. Petitioner states that "We do not think that submission of a deposition transcript regarding claim construction from another proceeding is necessary for the Board to make its institution determinations," but it does not state that it objects either.

Patent Owner therefore respectfully requests that the Board authorize it to file the deposition transcript of Samsung's claim construction expert in the district court by December 26 and to file a 2-page brief addressing the effects of stipulation and the relevance of the tesitmony.

Respectfully,

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

From: Weidenfeller, Scott <SWeidenfeller@cov.com>
Sent: Tuesday, December 17, 2024 3:16 PM
To: trials@uspto.gov
Cc: Zhong, Annita <HZhong@irell.com>; Gao, Jie <JGao@irell.com>; Carson, Rebecca <RCarson@irell.com>; Warrick, Philip <pwarrick@irell.com>; Sheasby, Jason <JSheasby@irell.com>; #PictivaIPR <PictivaIPR@irell.com>; Garr, David <dgarr@cov.com>; Hansen, Alexa <ahansen@cov.com>; SDC-Pictiva-IPR <SDC-Pictiva-IPR@cov.com>
Subject: IPR2023-01093, IPR2023-01094, and IPR2023-01095 - district court stipulations

Dear Honorable Board:

Petitioner in the above-referenced IPRs respectfully requests leave to file stipulations made by Defendants in Pictiva Displays Int'l Ltd. v. Samsung Elecs. Co., No. 2:23-cv-0495 (E.D. Tex.), regarding the patents involved in these proceedings: U.S. Patent No. 8,723,164 in IPR2023-01093, U.S. Patent No. 8,558,223 in IPR2023-01094, and U.S. Patent No. 11,828,425 in IPR2024-01095, respectively. Petitioner respectfully requests that the Board take these stipulations into account when determining whether to exercise discretion under 35 U.S.C. § 314 and *Fintiv* to deny institution based on parallel litigation involving these patents.

Petitioner contacted Patent Owner's counsel on December 12, December 16, and December 17 inquiring whether Patent Owner objects to the request, and Patent Owner has not yet taken a position.

Respectfully submitted,
Scott Weidenfeller
Counsel for Petitioner

Scott Weidenfeller

Covington & Burling LLP
One CityCenter, 850 Tenth Street, NW
Washington, DC 20001-4956
T +1 202 662 5923 | sweidenfeller@cov.com
www.cov.com

COVINGTON

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.