

From: [Trials](#)
To: [Garr, David](#); [Trials](#)
Cc: [PictivaIPR@irell.com](#); [hzhong@irell.com](#); [jgao@irell.com](#); [rcarson@irell.com](#); [pwarrick@irell.com](#); [jsheasby@irell.com](#); [Weidenfeller, Scott](#); [SDC-Pictiva-IPR](#)
Subject: RE: IPR2024-01093 -01094, and -01095: authorization for motions to strike
Date: Thursday, September 25, 2025 3:21:43 PM
Attachments: [image002.png](#)

Counsel, Petitioner may file the requested motion to strike, limited to three pages and due within five calendar days of the date of this email. Patent Owner may file a response, also limited to three pages and due within five calendar days of the filing of Petitioner's submission.

Regards,

Andrew Kellogg,
Deputy Chief Clerk, Trials
Patent Trial and Appeal Board
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From: Garr, David <dgarr@cov.com>
Sent: Wednesday, September 24, 2025 4:12 PM
To: Trials <Trials@USPTO.GOV>
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Subject: IPR2024-01093 -01094, and -01095: authorization for motions to strike

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Dear Honorable Board:

Petitioner requests authorization to file motions to strike as set forth below, based on Patent Owner's submission of new evidence accompanying its sur-replies without Board authorization, in violation of 37 C.F.R. § 42.23(b).

In IPR2024-01093, Petitioner requests authorization to file a motion to strike Patent Owner's Exhibits 2105, 2106, 2107, 2108, and 2109, as well as portions of Patent Owner's sur-reply that rely on this improperly submitted information.

In IPR2024-01094, Petitioner requests authorization to file a motion to strike Patent Owner's Exhibits 2057, 2058, 2105, and 2106, as well as portions of Patent Owner's sur-reply that rely on this improperly submitted information.

In IPR2024-01095, Petitioner requests authorization to file a motion to strike a document that Patent Owner submitted as Exhibit 1 to Exhibit 2032 (appearing in Exhibit 2032, pages 332–646), along with portions of Patent Owner's sur-reply that rely on this improperly submitted information, and portions of the sur-reply that incorporate evidence not of record in this proceeding (namely, images pasted into the body of the sur-reply on page 2 and an exhibit from IPR2024-01094 referenced on page 1).

Patent Owner states:

Patent Owner opposes Petitioner's request. Patent Owner submitted these exhibits (1) for completeness so the Board has a record of the exhibits used at the deposition and/or (2) to inform the Board of the inconsistent positions that Petitioner has taken in the district court or in different IPRs. Concerning exhibits that show the inconsistent positions that Petitioner or its RPI has taken in other proceedings, Petitioner should have submitted them under 37 C.F.R. § 42.51(b)(1)(iii) and the spirit and letter of the recently issued General Order requiring the parties to apprise the Board of "development regarding adjudication of validity or patentability of the challenged patent claims" Positions taken by Samsung's experts in the district court on claim interpretation and prior art disclosures certainly fall within the scope of the requested information. Patent Owner is available after 1 p.m. on Friday (9/26), any time on Monday (9/29) or before noon on Tuesday (9/30).

Petitioner disagrees with Patent Owner but does not intend to respond via email unless requested by the Board. If the Board determines that a call is necessary, Petitioner can be available at the Board's convenience.

Respectfully submitted,

David Garr

Counsel for Petitioner Samsung Display Co., Ltd.

David A. Garr

Pronouns: He/Him/His

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