

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG DISPLAY CO., LTD.,
Petitioner,

v.

PICTIVA DISPLAYS INTERNATIONAL LTD.,
Patent Owner.

Case IPR2024-01095
U.S. Patent No. 11,828,425

**PETITIONER'S AUTHORIZED RESPONSE TO
DIRECTOR REVIEW REQUEST**

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I. Introduction

Pictiva's request for Director review attempts to manufacture nonexistent "inconsistencies" between the district court action and this IPR to try to undo the Board's well-reasoned Final Written Decision (Paper 54, "FWD"). The Board conducted a full IPR trial in which it afforded Pictiva great leeway to present all of its arguments, however untimely, including its allegations of inconsistencies regarding n-doping by "8-hydroxy-quinolinolato-lithium" ("Liq"). Pictiva does not even attempt to refute the Board's findings and unpatentability determinations rejecting Pictiva's arguments. Instead, Pictiva requests termination of the entire IPR, even though it does not even identify any legal flaw that applies to all of the claims determined to be unpatentable in the FWD. *See* Paper 59 ("DR Request"). Director review is unwarranted here.

Foremost, there is no inconsistency between the district court action and this IPR. Pictiva admits that no party proposed a construction of the term "n-doped" and neither the district court nor the Board construed that term. Pictiva points to the district court defendants' arguments that *the accused products* do not infringe because they are not n-doped with Liq. But those arguments are not inconsistent with the Petition's argument that *the prior art* teaches n-doping the electron transport layer (ETL), including with Liq, as the Board found. *See, e.g.*, Pet. 24-25, 36-38, 57, 69-70; FWD 8-9, 11-15. The records and arguments highlight factual differences

between the accused products and the prior art disclosures, not an inconsistency. As Pictiva itself acknowledges, whether Liq acts as an n-dopant is context specific.

Nor is the prior art evidence presented in the district court “cumulative” of the art in the IPR as Pictiva contends. The Petition’s prior art combinations involve a materially different obviousness analysis from the invalidity theory based on different prior art. The FWD carefully considered different prior art, evidence, and obviousness theories than were presented to the jury and then determined that Petitioner had established unpatentability. As the Director recognized in *Inergy Tech., Inc. v. Force Mos Tech. Co. Ltd.*, IPR2024-00094, Paper 44 at 3 (Director Nov. 25, 2025), different records can show that a “different outcome was warranted,” even on the same issue of obviousness. Pictiva’s Director request should be denied.

II. Background

Pictiva asserts the ’425 patent against Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc. (“Defendants”), but not Petitioner, in *Pictiva Displays Int’l Ltd. v. Samsung Electronics Co., Ltd.*, Case No. 2:23-cv-00495 (E.D. Tex.) (“the EDTX action” or “*Pictiva*”).

On July 3, 2024, Petitioner filed this IPR, challenging all claims of the ’425 patent. Paper 1 (“Pet.”). Pictiva then disclaimed claims 1, 3, 5-8, 13-16, and 18-19. Ex.2001. Of the remaining claims, claims 2 and 17 recite an Liq limitation. But claims 4 and 9-12 do not. *See* Pet. 3-4; Ex.1001, 107-08.

None of Petitioner, Defendants, and Pictiva proposed a claim construction for the term “n-doped” in either venue (*see, e.g.*, Pet. 10; Paper 21 (“POR”)), and neither the Board nor the district court construed that term (*see* FWD; Ex.2031). At trial, Pictiva asserted only claim 2 of the ’425 patent. Pictiva’s expert, Dr. Schanze, presented testimony that whether Liq acts as an n-dopant is context specific. Ex.2034, 425:16-22, 428:9-17, 437:2-5; 472:11-15. Defendants’ expert, Dr. Katona, presented testimony on invalidity of claim 2 based on grounds including (i) a combination of product prior art (Clix2) and Wei and (ii) Kondakova alone. *Id.* at 920:8-16, 922:3-6; Paper 50 at 2. Neither ground was raised in this IPR in light of Defendants’ stipulation (Ex.1037) and the fact that product prior art is unavailable in IPRs. *See* Pet. 3-4. The jury found that Defendants had not proved—by clear and convincing evidence—invalidity of claim 2 on those grounds. Ex.2033 (verdict), 6.

Pictiva then sought to terminate this IPR based on the jury verdict. Ex.3007. The Board authorized briefing, and Pictiva presented its arguments and evidence on the EDTX trial. Paper 48. Petitioner responded, explaining that there are no inconsistencies given the differences in accused products, prior art, obviousness theories, and motivation-to-combine analysis. Paper 50.

Not persuaded by Pictiva, the Board issued the FWD finding all remaining claims of the ’425 patent unpatentable. *See* FWD 25-26. The Board found that Diekmann and Suzuki each teaches “the claimed n-doped electron transport layer

(ETL).” FWD 8-9. The Board also found that “Liq acts as n-dopant in Ma” and that it would have been obvious to combine “Ma’s known [Liq] dopant in Diekmann’s/Suzuki’s device” that had n-doped ETLs. *Id.* at 8-9, 12-13. Moreover, the Board agreed with Petitioner’s expert, Dr. Holmes, that a POSITA would have had a reasonable expectation of success in making the proposed combinations, and the FWD thoroughly addressed and rejected Pictiva’s arguments. *Id.* at 11-15.

Pictiva’s Director review request merely rehashes its arguments about alleged “inconsistencies” that were already presented to the Board. Pictiva also overreaches in seeking vacatur of the FWD, which found all remaining claims unpatentable—including claims that do not even recite the Liq limitation. Pictiva does not establish any error in the Board’s reasoning on unpatentability of any of the remaining claims.

III. Argument

A. Contrary to Pictiva’s argument, there are no inconsistent claim constructions

Pictiva argues, as it did to the Board, that Petitioner advanced “inconsistent claim construction positions” for the term “n-doped.” DR Request 5. Not so. Neither Defendants nor Pictiva proposed claim constructions of the term “n-doped” in the EDTX action, and the district court did not construe the term. *See* Ex.2031. Likewise, neither Petitioner nor Pictiva proposed claim constructions of the term “n-doped” in this proceeding, and the Board did not construe the term. *See* FWD. Indeed, Pictiva admits that no party “requested a claim construction of ‘n-doped.’” DR Request 5.

Both the EDTX action and this IPR accordingly applied the “plain and ordinary” meaning of the term “n-doped.” In fact, Defendants and Pictiva agreed that the EDTX court should instruct the jury to apply the plain and ordinary meaning, and the court did so. *Pictiva*, Dkt. 547 at 1313:19-25, 1320:9-14 (10/31 Tr.). Consistent with the EDTX action, the Petition proceeded with the plain and ordinary meaning. Pet. 10. Because there are no claim constructions for “n-doped,” there are no “inconsistent claim construction positions” as Pictiva contends.

Pictiva incorrectly argues that it is “inconsistent” for Defendants in the EDTX action to argue that the accused products do not meet the “n-doped” limitation while Petitioner in this IPR argues that the prior art references teach n-doping ETLs, including with Liq. But in the EDTX action, the parties disputed whether the accused products have “an electron transport layer that is n-doped” “wherein the electron transport layer comprises [Liq].” *See, e.g.*, Ex.2034, 437:2-5; 897:15-21; 914:16-20; 917:14-16. In contrast, Diekmann and Suzuki relied upon in this IPR expressly disclose n-doped ETLs, and the Ma reference expressly discloses n-doping an ETL using Liq. *See, e.g.*, Ex.1004, 10; Ex.1006, [0333]; Ex.1010, 810; FWD 8-15.

Pictiva offers a complicated argument about testimony regarding n-doping’s dependency on specifics and how various accused and prior art products in fact act. DR Request 5-8. But Pictiva cannot obscure the fact that, where n-doping is context specific, there is no inconsistency in arguing that an accused product is not n-doped

while arguing that a (different) prior art device is. That is particularly true where the prior art teaches (and the Board found) its ETLs are “n-doped” with Liq, *see* FWD 8-9, 11-15, which Pictiva does not refute in its request.

Indeed, Pictiva and its EDTX expert, Dr. Schanze, acknowledged the various ways in which n-dopants may act depending on the context (DR Request 5; Ex.2034, 425:16-22, 428:9-17, 437:2-5; 472:11-15), and an engineer’s fact witness testimony about Defendants’ product does not establish an inconsistent claim construction position. The witness was simply asked about a document pertaining to the *accused products*. Ex.2034, 848:7-22. She did not testify about or assess the role of Liq in the context of Diekmann’s or Suzuki’s OLEDs generally or as modified by Ma, much less offer even an implicit claim construction (DR Request 5, 8).¹ *Id.* Nor does an EDTX expert’s testimony that product prior art Clix2 “[was not] shown” to have “an n-doped ETL” presents any inconsistency where that product prior art is different from Diekmann, Suzuki, and Ma. *Id.* at 917:1-8; Ex.1004, 10; Ex.1006, [0333]; Ex.1010, 810; FWD 8-15 (discussing n-doped ETLs in prior art).

This case is also unlike *Revvo*, *Carbyne*, and *Infineon* cited by Pictiva (DR

¹ Even if she had, claim construction is the province of the court. *Markman v. Westview Instruments, Inc.*, 517 U.S. 370, 384 (1996).

Request 7), which concerned §42.104² and institution decisions before the Board's conduct of a full trial and issuance of a FWD. Unlike those cases, in this IPR and the EDTX action, no party proposed a claim construction or disputed the other's proposed construction for the term "n-doped" (because there were none). As a result, the EDTX action proceeded with the plain and ordinary meaning of the term "n-doped." And contrary to Pictiva's assertion, Defendants and their witness did not implicitly present a claim construction, as opposed to explaining whether the particular accused and prior art products were shown to be n-doped.

B. The Board was not persuaded by Pictiva's purported inconsistency arguments and reliance on the jury verdict

Pictiva argues that the Board failed to consider the jury verdict and Pictiva's "inconsistent claim construction positions" arguments. DR Request 8-9. The Board, however, specifically allowed Pictiva to present those arguments, the same points now raised in Pictiva's Director review request. Paper 48 (Pictiva's statement); Paper 50 (Petitioner's response). And as Petitioner explained, there is no inconsistency. *See* §§III.A, III.C. The EDTX jury verdict concerned different prior art, evidence, and invalidity theories, and none of the same evidence or arguments addressed in this IPR. *Id.*; *see* Ex.1037 (stipulation). Not surprisingly, the Board was not persuaded and declined to terminate this proceeding, consistent with precedent

² Pictiva's brief does not invoke or even mention §42.104(b)(3).

(*see Inergy*, IPR2024-00094, Paper 44). To put it simply, this is not a case where the EDTX jury was presented with the same evidence, prior art, and asserted grounds, but reached a different result. There is no inconsistency between the Board’s FWD and the EDTX jury verdict.

Under this record, the Board did not need to discuss every piece of the district court record, however unrelated to the issues in the IPR, and the FWD thoroughly discussed the merits of the obviousness issue disputed here. *See, e.g., Regents of the Univ. of California v. Broad Inst., Inc.*, 136 F.4th 1367, 1384 (Fed. Cir. 2025) (holding that the Board need not “address every argument raised by a party or explain every possible reasons supporting its conclusion” (citation omitted)).

Inergy, cited by Pictiva, does not require more. There, the Director ordered additional briefing regarding the alleged inconsistencies, like the Board did here. *See* IPR2024-00094, Paper 44, at 2. Upon reviewing the record, the Director declined to terminate the IPR, even though the district court RPI “presented arguments and evidence that claim 1 of the patent was invalid as obvious over the same Kobayashi and Hsieh references” used in the IPR, but “failed to make the [same] arguments as to motivation to combine” in both proceedings. *Id.* at 3-4. As a result, the claim was determined to be both unpatentable in the IPR and not proven invalid in the district court. *Id.* Rather than terminating the IPR due to the RPI’s failure, the Director determined that, “although the Board reached a different outcome than the

district court, the different outcome was warranted” because the findings of fact in the two venues were not inconsistent, even if the different motivation arguments led to different results. *Id.* Termination therefore is unwarranted under *Inergy* even where the prior art references are the same. It would be even less appropriate here, where the prior art, evidence, and obviousness analysis are entirely different in the two proceedings.

Other cases cited by Pictiva (*see* DR Request 9) do not support a different conclusion. In *Prosivur* and *Alacritech*, the Board did not sufficiently analyze the prior art; in contrast, here the Board’s FWD provides detailed reasoning on the Petition’s obviousness challenges, none of which Pictiva refutes in its request. FWD, 7-25. In *Ultratec*, the Board did not allow a party to submit in the IPR the district court testimony by the same expert, 872 F.3d at 1272-73—that is not the case here. *Ultratec* actually undercuts Pictiva because it explains that if there was “consisten[cy], the Board would not have had to spend any more time on the issue.” *Id.* at 1273. As explained above, there is consistency here, and Director review should be denied.

C. The EDTX jury was not presented with and thus did not reject arguments and evidence that are cumulative to the challenge in this IPR

Pictiva argues that Defendants’ Clix2/Wei invalidity theory is “cumulative” of the grounds presented in the Petition. DR Request 10. Pictiva is wrong—the prior

art and evidence in this IPR are different from the EDTX action.

Each of the prior art references presented to the EDTX jury is different from the references relied on in the Petition. In the EDTX action, Defendants presented invalidity grounds challenging claim 2 based on (1) a combination of *product prior art* Clix2 with Wei and (2) Kondakova alone (which Pictiva does not argue is cumulative). Ex.2034, 920:8-16, 922:3-6; Paper 50 at 2. In contrast, the Petition presents combinations of: (i) Diekmann and Ma against claims 2 and 17; (ii) Diekmann and Lee against claim 4; (iii) Diekmann and Koshihara against claims 9-11; (iv) Diekmann and Harada against claim 12; (v) Suzuki and Ma against claims 2 and 17; (vi) Suzuki and Lee against claim 4; (vii) Suzuki and Caldwell against claims 9-11; and (viii) Suzuki and Harada against claim 12. Pet. 3-4. None of those references and combinations in the Petition overlap with Defendant's invalidity grounds in the EDTX action, consistent with Defendants' stipulation. Ex.1037.

Contrary to Pictiva's argument, the Clix2/Wei argument and evidence are materially different from the Petition's Diekmann/Ma and Suzuki/Ma combinations. Pictiva admits that the Clix2 product was not shown to have an n-doped ETL (DR Request 6, 10; Ex.2034, 917:1-8), and the Clix2 theory presented in the EDTX action was to add an n-dopant to the otherwise undoped ETL in the Clix2 product (Ex.2034, 920:8-14). In contrast, the Petition relies on using Liq (which Ma uses as an n-dopant) as the n-dopant in Diekmann's and Suzuki's OLEDs that are *already taught to have*

n-doped ETLs, with accompanying benefits. *See, e.g.*, Ex.1004, 10; Ex.1006, [0333]; Pet. 24-26, 36-38, 57-58, 69-70; *see also* Ex.1003, ¶¶26-30, 109-11, 144-47, 194-95, 224-29. Indeed, the Board recognized that both Diekmann and Suzuki teach “the claimed n-dopant electron transport layer (ETL)” as the Petition explained. FWD 8-9. The Board also found that Petitioner presented evidence that it would have been obvious to a POSITA to use n-doped ETL, particularly using Liq as the n-dopant, citing arguments and evidence not made in the EDTX action. FWD 11-15.

There is no merit to Pictiva’s suggestion that Petitioner did not propose modifying Diekmann’s/Suzuki’s n-doped ETLs (DD Request 11 (referring to “pages 37 and 70”)). The Petition specifically proposed modifying Diekmann/Suzuki’s n-doped ETLs to use Liq as the n-dopant. *See, e.g.*, Pet. 38 (“A POSITA would also have reasonably expected success in implementing Liq as the dopant in *the n-doped electron transport layer in Diekmann’s OLED*”); *id.* at 70 (“It would have been obvious to a POSITA to use [Liq] as the dopant in *Suzuki’s n-doped electron transport layer*”). Indeed, the Board acknowledged that Petitioner’s proposed combinations “substitute one known n-dopant for another [(i.e., Liq)] to further the same goal of improving ETL conductivity,” FWD 12, where Diekmann’s and Suzuki’s ETLs are n-doped, *id.* at 8-9. Nor does recognizing benefits over undoped ETLs undercut the obviousness of using Liq-doped ETLs to achieve the benefits.

Thus, as explained above, the Petition's combinations are different from Clix2/Wei and involve a materially different motivation-to-combine and reasonable expectation of success analysis from that presented in the EDTX action. Pictiva does not address any of these differences in evidence presented in this IPR and the EDTX action. Instead, Pictiva merely contends that the testimony of Defendants' EDTX expert, Dr. Katona, was "conclusory." DR Request 10. That contention is beside the point. In this IPR, Petitioner's expert, Dr. Holmes, provided opinions and detailed analysis (and was deposed multiple times) on the obviousness of the disputed Liq limitation—such evidence was not presented to the EDTX jury.

Simply put, the combinations in this IPR are different from Defendants' Clix2/Wei challenge and involve a materially different obviousness analysis, evidence, and arguments compared to that presented in the EDTX action. There is nothing contradictory between the Board's FWD and the jury verdict.

D. The Board's Final Written Decision does not contradict the jury verdict

Pictiva incorrectly asserts that the Board's FWD contradicts the jury verdict in the EDTX action and requires vacatur of the FWD and termination of this IPR (DR Request 12). As explained above, the invalidity grounds in this IPR are different from the *product prior art* Clix2/Wei-theory and evidence presented to the EDTX jury and there is no inconsistency. Even if it were not the case, termination would not be warranted.

Pictiva cites *Sinclair*, where the IPR was de-instituted before the Board held a hearing and issued a final written decision and where the ITC had addressed “the same prior art references and combinations” and found commercial success. IPR2025-00145, Paper 41, at 2 (Director Feb. 12, 2026). Unlike in *Sinclair*, Pictiva requests vacatur of an already-issued FWD, not de-institution to avoid issuance of an FWD. Moreover, this not a case concerning “the same prior art” challenge as another proceeding. *See id.* Nor does *Hulu* apply, as it was a de-institution decision before a hearing and final written decision where a prior proceeding held the challenged claims patent ineligible. IPR2024-01252, Paper 27, at 2-3 (Acting Director Apr. 17, 2025). Rejecting Pictiva’s argument is consistent with both *Inergy* and Federal Circuit precedent. *See Inergy*, IPR2024-00094, Paper 44, at 3-4; *In re Swanson*, 540 F.3d 1368, 1377 (Fed. Cir. 2008) (“[A] prior holding of validity is not necessarily inconsistent with a subsequent holding of invalidity.” (citation omitted)).

Contrary to Pictiva’s assertion, the propriety of upholding Board decisions of unpatentability where a jury rejected an invalidity challenge is well established and consistent with the law. *See, e.g., XY, LLC v. Trans Ova Genetics*, 890 F.3d 1282, 1294 (Fed. Cir. 2018). While Pictiva points to dissents in *ePlus* (DR Request 13), the dissents concerned only whether the district court’s injunction order was “final” in that case. 790 F.3d 1307, 1308-09 (Fed. Cir. 2015). In contrast, there is no issue of injunction or finality here. Pictiva also fails to point to any case suggesting

vacating a carefully reasoned and unrefuted FWD is required where the invalidity challenges and evidence are different between two proceedings.

E. Pictiva’s Director review request should be denied

As a last resort, Pictiva accuses the Board’s FWD as somehow lacking “credibility.” DR Request 14. But Pictiva does not challenge any of the Board’s carefully reasoned analyses, including the thorough discussion of the evidence supporting the motivation to combine Diekmann with Ma, and Suzuki with Ma, and the reasonable expectation of success when doing so (*see* FWD 11-15). Pictiva merely repeats that the FWD contradicts the district court record. *See* DR Request 15. However, as explained above (*see supra* §III.A-C), there is no inconsistency. Nor did Defendants in the EDTX action present the same prior art, evidence, and obviousness arguments from this IPR. *See id.*

Accordingly, this case is markedly different from the cases cited by Pictiva where proceedings were terminated after the Board had issued a final written decision (DD Request 14-15). In contrast to *Aylo*, there is no error of failing to identify RPIs in the petition required by statute. IPR2024-00940, Paper 75, at 4 (Director Feb. 3, 2026). Unlike *Verizon*, Pictiva does not allege any failures by the Board to adequately support its obviousness determination. IPR2023-01162, Paper 37, at 2–3 (Acting Director May 2, 2025). This case is also unlike *Interactive Communications*, where the testimony of an IPR expert was self-contradictory and

found to be not credible. IPR2024-00465, Paper 40, at 3-4 (Director Oct. 9, 2025). Rather, here the Board fully agreed with Dr. Holmes over Pictiva's expert (*see, e.g.*, FWD 14-15), and Pictiva does not contend that Dr. Holmes contradicted himself or even any witnesses in the EDTX action. In all those cases, there was either a failure to meet a statutory requirement of the petition or a legal flaw underlying the FWD and requiring its vacatur, unlike here, where Pictiva alleges no statutory issue or deficiencies in the FWD's analysis or reasoning. Mere allegations of "inconsistency" without more do not justify vacating a FWD that is not shown to be flawed, even if they might conceivably justify termination before any FWD is issued.

Moreover, Pictiva provides no argument against and does not challenge the Board's unpatentability determinations of claims 4 and 9-12, which do not recite the Liq limitation and do not rely on Ma. Thus, Pictiva provides no basis for Director review and vacatur of the FWD determining all claims unpatentable, including those claims, and terminating the IPR.

In sum, there is no inconsistency between the outcome in the EDTX action and the Board's FWD. The result here is consistent with the structure established by Congress, the Director, and Federal Circuit precedent. There is no basis for vacatur of any part of the FWD, much less all of it.

IV. Conclusion

For the above reasons, Petitioner requests the Director to deny Director review.

Date: March 19, 2026

Respectfully submitted,

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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. §42.6, I hereby certify that the foregoing Petitioner's Authorized Response To Director Review Request was served by electronic mail today on the following counsel of record for Patent Owner:

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