

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE OFFICE OF THE UNDER SECRETARY OF COMMERCE
FOR INTELLECTUAL PROPERTY AND DIRECTOR OF THE
UNITED STATES PATENT AND TRADEMARK OFFICE

SAMSUNG DISPLAY CO., LTD.,
Petitioner,

v.

PICTIVA DISPLAYS INTERNATIONAL LTD.,
Patent Owner.

IPR2024-01095
Patent 11,828,425 B2

Before JOHN A. SQUIRES, *Under Secretary of Commerce for Intellectual
Property and Director of the United States Patent and Trademark Office.*

ORDER

Granting Director Review, Vacating-in-Part the Final Written Decision, and
Remanding to the Board for Further Proceedings

Pictiva Displays International Ltd. (“Patent Owner”) filed a request for Director Review of the Final Written Decision (“Decision,” Paper 54)¹ in the above-captioned case and Samsung Display Co., Ltd. (“Petitioner”) filed an authorized response. See Paper 59 (“DR Request”);² Paper 61 (“DR Response”). The Decision found claims 2, 4, 9–12, and 17 of U.S. Patent No. 11,828,425 B2 (“the ’425 patent”) unpatentable as obvious. Patent Owner contends that a jury in a parallel district court case between it and Petitioner’s real parties in interest found claim 2 infringed and not invalid. DR Request 1.

On November 3, 2025, a jury in *Pictiva Displays International, Ltd. v. Samsung Electronics Co.*, C.A. No. 2:23-CV-00495-JRG (E.D. Tex.), found claim 2 of the ’425 patent infringed and not invalid. Ex. 2033, 4, 6. On November 18, 2025, Patent Owner filed an authorized statement regarding these district court developments. Paper 48 (“Statement”). Petitioner filed a responsive paper on November 23, 2025. Paper 50.³ The Board’s subsequent Decision did not discuss the arguments in these papers or the jury verdict as to claim 2. Patent Owner argues that the Board failed to address the jury verdict or explain why an outcome different from the verdict is warranted in this proceeding. DR Request 8–10. Patent Owner argues that Petitioner’s invalidity challenge is substantially similar to the

¹ The Board issued its Final Written Decision on January 22, 2026. Paper 53. The Board later issued a corrected version of that decision on February 9, 2026.

² Patent Owner filed a redacted version of the Director Review request as Paper 60.

³ The parties filed redacted versions of the Statement and Petitioner’s response to the Statement as Papers 56 and 55, respectively.

challenge raised in district court. *Id.* at 10–12. Patent Owner raised this argument in its Statement. Statement 2–3.

Petitioner responds that its invalidity challenge is based on prior art and evidence that is different from that raised in the district court litigation. DR Response 9–12; Paper 50, 2–3.

When claims being challenged before the Board, or substantially similar patent claims, have already been adjudicated in district court, “if the Board reaches . . . [a] final decision on a finding of fact or conclusion of law that is different than the prior finding or conclusion of the . . . district court . . . , the Board shall explain in the . . . final written decision why a different outcome is warranted.” Memorandum, “PTAB Consideration of Prior Findings of Fact and Conclusions of Law” (Sept. 16, 2025) (“Memorandum”).⁴ “A more detailed explanation is required from the Board when the same or substantially the same evidence and/or arguments that were previously presented to . . . the district court . . . are being relied upon in the subsequent AIA trial proceeding.” *Id.* Contrary to this Memorandum, the Board did not explain why its outcome as to claim 2, which differed from that of the district court’s adjudication, is warranted.⁵

As a result, the Decision is vacated as to claims 2 and 17 and this case is remanded to the Board to consider the parties’ statements as to the outcome of the district court proceeding. *See* Statement 2–3; Paper 50, 2–3. If the Board maintains findings and conclusions different from the district

⁴ Available at https://www.uspto.gov/sites/default/files/documents/Memo_re_prior_findings_of_fact_and_conclusions_of_law_9_16_25.pdf.

⁵ This decision also applies to claim 17, which is substantially similar to claim 2 and which the Decision considered together with claim 2.

court, the Board shall explain in the remand decision why a different outcome is warranted. If the Board finds that Petitioner's challenges in this proceeding rely on the same or substantially the same evidence and/or arguments as those presented in district court, the Board shall provide a more detailed explanation, consistent with the Memorandum.

Patent Owner raises additional arguments on Director Review that have been considered but are not persuasive.

In view of the foregoing, Director Review is granted, the Decision is vacated-in-part, and this case is remanded to the Board to address claims 2 and 17 consistent with this Order.

Absent good cause, the Board shall issue its decision within 30 days of this Order.

Accordingly, it is:

ORDERED that Director Review is granted;

FURTHER ORDERED that the Final Written Decision (Paper 54) is vacated-in-part; and

FURTHER ORDERED that the case is remanded to the Board for further proceedings consistent with this Order.

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