

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

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

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I. Introduction

Pictiva for the fifth time comes to the Director alleging inconsistencies between the jury verdict and the Board’s decision. But the Director already rejected these arguments four times, when Pictiva made them in its:

- First Request for Director Review in this proceeding, Paper 59;
- Statement on Discretionary Denial in IPR2026-00129 concerning the “materially the same” U.S. Patent No. 12,158,250 (the “’250 IPR”);¹
- Patent Owner Preliminary Response in the ’250 IPR;² and
- Request for Director Review in the ’250 IPR.³

¹ ’250 IPR, Paper 7 at 1-2 (“[A]s against materially the same claim 2 of the parent ’425 patent, ... a jury has recently rejected obviousness theories that are cumulative of the ones raised in the petition.”), 10 (“The jury rejected both theories; and Petitioner should not be allowed to advance the same theories here.”).

² ’250 IPR, Paper 11 at 45 (“The simple fact is, a jury has considered and rejected Samsung’s validity theories cumulative of those advanced in the ‘425 IPR”).

³ ’250 IPR, Paper 16 at 11 (“Samsung’s Failed District Court Invalidity Challenge to Claim 2 of the ’425 Patent Is Cumulative of Petitioner’s Grounds Here”), 13 (“Instituting IPR Risks Inconsistency with the Jury Verdict”).

Pictiva’s fifth attempt to raise this issue fares no better. Pictiva complains that the Board “completely misapprehends or ignores” its arguments in finding that “the district court proceeding relied on ... ‘materially different’ grounds.” Paper 66 (DR Req.) at 1-2. But this is the same finding that the Director made—correctly—in the ’250 IPR: “Because Petitioner’s grounds are *materially different* from the invalidity grounds raised in district court, there is little risk of the Office rendering a decision that is inconsistent with the district court’s decision.” IPR2026-00129, Paper 19 (Director ’250 Order) at 3 (emphasis added).

Moreover, the Board’s Remand FWD (Paper 64) carefully explained why the Diekmann/Suzuki and Ma combinations warrant a different outcome under the record of this proceeding, and the Board was not required to evaluate obviousness anew on remand. The Director remanded this case “to the Board to consider the parties’ statements as to the outcome of the district court proceeding.” Paper 63 at 3. The Board was then to “explain in the remand decision why a different outcome is warranted” if it maintained its original decision. *Id.* at 4. And a determination that the grounds in the district court and this IPR are “materially different” was a possible outcome, as the required amount of explanation on remand depended upon whether “the Petitioner’s challenges in this proceeding rely on the same or substantially the same evidence and/or arguments as those presented in district court.” *Id.* The Board’s Remand FWD reached the same conclusions as the Director’s ’250 Order

(i.e., that the challenges do not), and it explained why. The Board was not required to do anything more.

Pictiva's arguments also have no merit. Pictiva devotes half of its request (DR Req. at 8-15) to addressing reasonable expectation of success, based on the false premise that the Board was required to address it on remand. But the remand was for the Board to "explain why its outcome as to claim 2, which differed from that of the district court's adjudication, is warranted" (Paper 63 at 3), not to undertake an obviousness analysis of the grounds presented in the district court. Contrary to Pictiva's assertion, the Board was not required to show that the district court grounds and the grounds presented to the Board are different in *every* respect for them not to be "the same or substantially the same." It is enough that the relied-upon prior art references and the motivation to combine them are different, regardless of whether the reasons to expect success (or not) from the different combinations were the same. One material difference suffices, even if there are similarities: a bird and a passenger jet are not the same or substantially the same, even though they both have wings and a tail and can fly.

Pictiva's Kondakova argument (DR Req. at 4-8) fares no better. Pictiva fabricates an "understanding" the parties allegedly shared and on which the jury supposedly relied, but the trial testimony shows otherwise. *See, e.g.,* Ex.2034 at

914:7-18. Pictiva’s attempt to introduce an excerpted portion of an expert report comes too late and, in any event, does not establish that the Board erred.

Consistent with the Director’s decisions in the ’250 IPR (Paper 19) and *Inergy Tech., Inc. v. Force Mos Tech. Co. Ltd.*, IPR2024-00094, Paper 44, at 3 (Director Nov. 25, 2025), the Board’s Remand FWD sufficiently explained why a different outcome is warranted, where “Petitioner’s grounds are materially different from the invalidity grounds raised in district court.” Director ’250 Order at 3. Pictiva’s latest attempt at Director Review should be rejected.

II. Background

Pictiva’s request repeats arguments that the Director and Board already rejected in this IPR and the ’250 IPR of the continuation ’250 patent. They should be rejected again.

A. Petitioner presents grounds in this IPR that are materially different from the district court litigation.

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”).

On July 3, 2024, Petitioner filed this ’425 IPR, challenging all claims of the ’425 patent. Paper 1. Pictiva then disclaimed claims 1, 3, 5-8, 13-16, and 18-19. Ex.2001. Of the remaining claims, only claims 2 and 17 recite an Liq limitation.

At trial in the EDTX action, 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 at 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) Kondakova alone and (ii) a combination of product prior art (Clix2) and Wei. *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* Paper 1 at 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) at 6.

Pictiva then sought to terminate this IPR based on the jury verdict. Ex.3007. The Board authorized briefing, and Pictiva presented its arguments on the EDTX trial regarding Kondakova and the Clix2 ground. Paper 48. Petitioner rebutted Pictiva's arguments, explaining there are no inconsistencies given the differences in obviousness theories, prior art, and accused products. Paper 50.

B. All claims of the '425 patent are shown unpatentable.

Not persuaded by Pictiva, the Board issued the FWD finding all remaining claims of the '425 patent unpatentable. *See* Paper 54 ("FWD") at 25-26. The Board found that Diekmann and Suzuki each teaches "the claimed n-doped electron transport layer (ETL)." *Id.* at 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. The Board further agreed with Petitioner and its 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.

On March 22, 2026, Pictiva filed a Director Review request, rehashing its arguments that the jury verdict is allegedly inconsistent with the FWD. Paper 59. Pictiva presented the same arguments as in its request here, *see id.* at 4-7, 10-11, and it argued that the Board failed to address why a different outcome is warranted, *id.* at 8-10. Petitioner filed a response explaining why Pictiva’s arguments are meritless. Paper 61.

On June 22, 2026, the Director granted Director Review as to claims 2 and 17 (but not other challenged claims 4 and 9-12). Paper 63 at 4. The Director remanded for the Board to address the jury verdict, instructing that “[i]f the Board maintains findings and conclusions different from the district court, the Board shall explain in the remand decision why a different outcome is warranted.” *Id.* at 3-4. As to Pictiva’s other arguments, the Director found that they “are not persuasive.” *Id.* at 4. On the same day, the Director denied Pictiva’s Director Review request in the ’250 IPR rejecting the same arguments as described below in Section II.C.

On remand, the Board found that the EDTX action grounds based on Kondakova and Clix2 are “materially different from the Diekmann/Suzuki and Ma combinations” presented in this IPR. Remand FWD at 2-3. The Board explained that “the district-court jury’s finding regarding the defendant’s failure to demonstrate invalidity does not undermine our finding that Petitioner met its burden to show unpatentability in this case based on materially different prior art references.” *Id.* at 3. The Board adopted “the reasons set forth in [the FWD]” for its unpatentability determinations. *Id.* at 3-4.

C. The Director instituted IPR of the continuation ’250 Patent over Pictiva’s same arguments raised here and further denied Director Review of the institution decision.

Before the Board issued the FWD in this proceeding, Petitioner filed an IPR petition challenging the ’250 patent after Pictiva served Defendants with a motion attaching a complaint alleging infringement of the ’250 patent.⁴ That petition is based on grounds including Diekmann/Suzuki and Ma combinations. Pictiva described that the non-disclaimed claims of the ’250 patent are “materially the same” as and “substantially similar to” the claims found unpatentable in this IPR. *See* IPR2026-00129, Paper 7 at 1, 6.

⁴ Pictiva subsequently withdrew the motion and there is no copending litigation on the ’250 patent.

“In its Statement on Discretionary Denial, [Pictiva] argued that the district court[jury] ... rejected obviousness theories [based on Kondakova and Clix2] that are materially the same as those Petitioner presents in [the ’250] IPR.” Director ’250 Order at 2; *see* IPR2026-00129, Paper 7 at 6-10. Pictiva made similar arguments in its Patent Owner Preliminary Response. *See generally* IPR2026-00129, Paper 11. The Director, however, “instituted [the ’250] IPR after considering this argument, other discretionary factors the parties raised, and the merits.” Director ’250 Order at 2.

The Director further denied Pictiva’s Director Review request to de-institute the ’250 IPR based on the same arguments presented in the request here. The Director found that the IPR relying on Diekmann, Suzuki, and Ma “raises different prior art references and a different obviousness theory than that raised in district court,” rejecting Pictiva’s argument that the grounds are cumulative. Director ’250 Order at 2-3. The Director concluded that “[b]ecause Petitioner’s grounds are materially different from the invalidity grounds raised in district court, there is little risk of the Office rendering a decision that is inconsistent with the district court’s decision.” *Id.* at 3.

III. Argument

Pictiva’s Director Review request rehashes arguments about the Kondakova and Clix2 grounds that Pictiva already presented to the Director but were found not

persuasive. *See* Paper 63 at 4 (“Patent Owner raises additional arguments on Director Review that have been considered but are not persuasive.”); Director ’250 Order at 2-3. They fare no better now, and Director Review is unwarranted here.

A. The Board correctly explained that the Kondakova ground is materially different from the Diekmann/Suzuki and Ma combinations.

For its first challenge to the Board’s Remand FWD, Pictiva relies heavily on one sentence excised from an expert report that was not of record in either the district court trial or this proceeding. It is unclear how such a sentence could overcome the Board’s determinations that the differences between the prior art references and arguments presented to the Board and the EDTX jury are material.

First, the expert report was never made of record in this proceeding, so Pictiva should not be permitted to rely on it now.⁵ *Second*, there is no indication it was ever presented to the jury, so the jury would not have understood “the context of the

⁵ “Absent Director authorization, a request for Director Review may not introduce new evidence, 37 C.F.R. § 42.75(c)(3), and exhibits may not be entered in support of the request for Director Review. The Director will not consider new evidence or new arguments not part of the official record.” Director Review Process § 3(E), available at <https://www.uspto.gov/patents/ptab/decisions/director-review-process> (last accessed August 31, 2026).

testimony and the parties’ understanding of the claim scope” (DR Req. at 5) differently from the Office (or, for that matter, Petitioner, which has access only to a redacted version of the report because it is not a party in the EDTX action or subject to the district court’s protective order). *Third*, it is extremely unlikely that ¶ 1520, an incomplete snippet of a lengthy technical report, is the one that sets forth what the expert “understood that *the issue*” in the case was. DR Req. at 5 (emphasis added). *Fourth*, even if it did, the report makes clear that the argument is an alternative argument that applies only “[t]o the extent [the] Court or factfinder” accepts an argument made by Pictiva. *Id.* At bottom, the jury’s verdict cannot be read as having “rejected that theory of obviousness” allegedly set forth in the expert report. *Id.* at 6.

Pictiva’s attempts to relitigate the arguments that it previously presented fare no better.⁶ Pictiva argues that claim 2 “requires an ETL *n-doped by Liq.*” DR Req. at 5 (emphasis added). Under that false premise, Pictiva contends that Defendants “would have to prove that it would have been obvious to replace a known n-dopant,

⁶ Pictiva’s reliance on *Magnolia* (see DR Req. at 7-8) is misplaced. Unlike *Magnolia*, this proceeding does not involve an IPR petition filed only after the district court precluded the petitioner from presenting at trial the *same* invalidity theory based on the *same* prior art, which was case in *Magnolia*. IPR2026-00097, Paper 17, at 9-10 (Director May 14, 2026).

such as an alkali metal, ... with Liq to obtain an ETL n-doped by Liq.” *Id.* But that is not the argument Pictiva and Defendants presented to the jury.

Pictiva itself admits that claim 2 requires only that the “claimed ETL” be “both n-doped and comprise [Liq].” DR Req. 3. Claim 2 does not require that Liq must be the n-dopant or that it “replace a known n-dopant.” DR Req. at 5.

Consistent with the claim language, Defendants’ expert testified to the jury that Kondakova teaches doping with an alkaline metal, and *not Liq*. Ex.2034 at 921:14-22 (“Kondakova ... talks about doping the ETL with an alkaline metal, and it gives one example of lithium. That’s *not Lithium Q*, but just lithium, the alkaline metal.” (emphasis added)). And as Petitioner explained, the expert testified that Kondakova teaches Liq as an example of the ETL material and that ETL can be n-doped with the alkaline metal. Paper 50 at 3. The Board explained and correctly found that Defendants’ “district-court challenge based on Kondakova is materially different from the [combinations of] Diekmann/Suzuki and Ma,” which teach “an OLED with an electron transport layer doped with [Liq]” unlike the Kondakova ground. Remand FWD at 3.

Pictiva concocts a different “understanding of the claim scope” that the parties allegedly shared, which “requires an ETL n-doped by Liq.” DR Req. at 5. But the expert expressly rejected such an understanding, testifying that the ’425 patent does not “call out” Liq “as a dopant,” but rather describes Liq as the ETL. Ex.2034 at

914:7-15; *id.* at 16-18 (testifying that the '425 patent does not have an “example of using Liq as an N-dopant”). The jury was presented with this testimony, not any separate “understanding” by the parties or the expert report, and the Board correctly determined that the prior art and arguments in the jury trial are materially different from those in this proceeding. *See* Remand FWD at 3.

As such, the Board’s Remand FWD sufficiently explained why a different outcome is warranted.

B. The Board correctly explained that the Clix2 ground is materially different from the Diekmann/Suzuki and Ma combinations.

Pictiva wrongly contends that the Board failed to explain why a different outcome is warranted in this IPR in view of the Clix2 ground in the EDTX action (*see* DR Req. at 8-15). The Board fully explained that material differences exist, and the remand required it to go no further. It was not required to evaluate obviousness of the Clix2 ground or address reasonable expectation of success beyond its already comprehensive analysis in the original FWD, which Pictiva never challenged.

The Board explained that “the district-court Clix2-based combination is a different combination with a materially different motivation-to-combine analysis, as compared to the Diekmann/Suzuki and Ma combinations.” Remand FWD at 3 (quotation omitted). Specifically, the Board found that “Clix2’s missing n-doped ETL appeared to be a focus at trial” and that ground “required modifying Clix2’s

non-doped ETL by adding an n-dopant.” *Id.* at 2. Because the jury was presented with “materially different prior art references” and obviousness analysis, the Board concluded that a different outcome is warranted in this IPR. *Id.* at 3.

The Board’s explanation is consistent with the Director’s prior decisions. The Director did not find Pictiva’s additional arguments about reasonable expectation of success in its previous Director Review request (Paper 59 at 4, 10) persuasive. Paper 63 at 4. Likewise, in the ’250 IPR, against the same arguments, the Director disagreed with Pictiva’s assertion that the Clix2 ground “is cumulative of” the Diekmann/Suzuki and Ma combinations or “that the district court necessarily disagreed that a skilled artisan would have combined the teachings of the prior art” in the IPR. Director ’250 Order at 3 (“Petitioner’s grounds are materially different from the invalidity grounds raised in district court.”).

Moreover, Pictiva’s assertion that the Board did not address the reasonable-expectation-of-success prong (DR Req. at 3, 9) has no merit. Pictiva does not dispute that the Diekmann/Suzuki and Ma combinations in this IPR are “materially different” from the Clix2 ground in the EDTX action because they involve different prior art and different motivation-to-combine analyses. And Pictiva incorrectly alleges that the Board overlooked its argument that Clix2’s “failure to obtain an n-doped ETL by mixing Liq with ETM supports Pictiva’s argument of unpredictability and lack of reasonable expectation of success in using Liq as an n-dopant” (DR Req. at 9).

The Board noted that Clix2 “lacked an n-doped ETL,” so “the asserted combination required modifying Clix2’s non-doped ETL by adding an n-dopant.” Remand FWD at 2. The Board correctly then proceeded to identify that distinction between the district court grounds and the IPR grounds as a relevant “contrast” that makes the arguments materially different, because during the IPR, “Patent Owner did not contest that Liq acts as an n-dopant in Ma,” and Pictiva did not refute the Board’s careful findings in the FWD. *Id.* at 2-3; FWD at 11-12, 14-15; *see, e.g.*, Ex.1043 at 187:19-188:7 (Pictiva’s expert testifying that “[Ma] describes Liq as n-doping specifically the electron transport layer”). Pictiva’s new assertion that it now “does not concede that Liq in Ma is an n-dopant as it understands the term” (DR Req. at 13) comes too late and, in any event, is limited to how Pictiva now “understands the term” n-dopant (and not how the Board, the prior art, or even Pictiva during the remainder of the proceeding understood it). Moreover, the Board’s Remand FWD adopts the reasons for finding the claims unpatentable in the FWD, which provides detailed findings on the reasonable expectation of success that Pictiva does not refute. *See* Remand FWD at 3-4; *see* FWD at 14-15.

As the Director and Board recognized, the Diekmann/Suzuki and Ma combinations “raise[] ... a different obviousness theory than that raised in the district court.” Director ’250 Order at 3; Remand FWD at 3. The Board’s finding and

analysis that the Clix2 ground is materially different sufficiently explained why a different outcome is warranted in this IPR.

IV. Conclusion

For the above reasons, Director Review should be denied.

Date: August 31, 2026

Respectfully submitted,

By: /David A. Garr /

David A. Garr

Registration No.: 74,932

Scott C. Weidenfeller

Registration No.: 54,531

COVINGTON & BURLING LLP

One CityCenter, 850 Tenth Street, NW

Washington, DC 20001-4956

Telephone: (202) 662-5923

Facsimile: (202) 778-5923

Counsel for Petitioner

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:

Hong Annita Zhong (hzhong@irell.com)
Blair Silver (bsilver@irell.com)
Rebecca Carson (rcarson@irell.com)
Jason Sheasby (jsheasby@irell.com)
PictivaIPR@irell.com

Date: August 31, 2026

/David A. Garr /
David A. Garr
Registration No. 74,932