

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE PATENT TRIAL AND APPEAL BOARD**

Tianma Microelectronics Co., Ltd.,
Petitioner,

v.

LG Display Co., Ltd.,
Patent Owner

Inter Partes Review No.: IPR2025-01579

U.S. Patent No. 11,251,394

**BRIEF IN SUPPORT OF PATENT OWNER'S REQUEST FOR
DISCRETIONARY DENIAL**

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Patent Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

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Letter from NLT to LG Display dated September 20, 2011	2002
Letter from LG Display to Tianma dated October 30, 2015	2003
Letter from LG Display to Tianma dated October 16, 2020	2004
U.S. Patent No. 11,088,350	2005
Lori A. Wilson, 2025 SID Honors & Awards, https://sid.onlinelibrary.wiley.com/doi/full/10.1002/msid.1560 (last visited May 28, 2025)	2006
LG Display Wins SID Display Week 2024's 'Special Recognition Award,' May 13, 2024, https://perma.cc/NDN5-2HN4 (last visited May 28, 2025)	2007
DIA Awards Archive, Soc'y for Info. Display, https://www.sid.org/Awards/Display-Industry-Awards/DIAAwardsArchive (last visited December 5, 2025)	2008
LG Display Wins Technology Award for its OLED TV Panels at HiVi Grand Prix 2022, Nov. 16, 2022, https://perma.cc/3WB7-KZEV (last visited May 28, 2025)	2009
OLED Shelf, https://perma.cc/3SB9-3Z2J (last visited May 28, 2025).	2010
October 29, 2021 LG Display Patent List to Tianma	2011
LG Display TOE Patent List	2012
<i>Tianma Microelectronics, Co., Ltd. v. Japan Display Inc. and Panasonic Liquid Crystal Display CO.</i> , IPR2016-00990, Paper 1 (April 29, 2016)	2013
About Us, Tianma Microelectronics Co., Ltd., https://www.tianma.eu/about-us/tianma-group/ (list visited December 22, 2025)	2014

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15 C.F.R. § 744, Supp. No. 4, https://www.ecfr.gov/current/title-15/subtitle-B/chapter-VII/subchapter-C/part-744/appendix-Supplement%20No.%204%20to%20Part%20744 (last visited December 3, 2025)	2019
Catic Shenzhen Company Profile, https://www.cccme.cn/shop/cccme0194/index.aspx (last visited December 10, 2025)	2020
Screenshot of Security Warning	2021
Adam Mossoff, <i>Google's Loss to Sonos Settles It: Big Tech Has an IP Piracy Problem</i> , Jan. 14, 2022, https://www.hudson.org/technology/google-s-loss-to-sonos-settles-it-big-tech-has-an-ip-piracy-problem (last visited December 22, 2025)	2022
<i>LG Display Co., Ltd. v. Tianma Microelectronics Co., Ltd. et al.</i> , Case 5-25-cv-00078 (E.D. Tex. Nov. 18, 2025) Docket Control Order	2023

I. INTRODUCTION

Patent Owner, LG Display Co., Ltd. (“Patent Owner” or “LG Display”), respectfully requests that the Director deny institution of the Petition for *Inter Partes* Review filed by Tianma Microelectronics Co., Ltd. (hereinafter “Petitioner” or “Tianma”) challenging claims 1-19 of U.S. Patent 11,251,394 (“the ’394 Patent”).

Tianma has known about its infringement of LG Display’s patent portfolio since at least 2011. It had specific notice of infringement, including claim charts, through notice letters sent in at least 2015 and 2021 (including charts for some of the Asserted Patents in the district court case). Yet, after receiving notice of LG Display’s portfolio and engaging in licensing negotiations on and off from 2011-2024, Tianma did nothing to investigate the patents or its infringement thereof. The parties negotiated for over a decade, during which they exchanged numerous letters, claim charts, and technical materials, and held numerous in-person meetings. However, Tianma failed to act reasonably and left LG Display no choice but to file suit. The ’394 Patent is one of seven patents asserted in the co-pending district court litigation all related to display technology. The ’394 Patent issued in February 2022 and is part of a family of patents with issue dates as early as 2019 (and notice as early as 2021).

Tianma’s unreasonable negotiation conduct and its reservation in the Petition to pursue indefiniteness in the co-pending litigation, undermine the “effective and

efficient alternative” to litigation Congress envisioned for IPRs. Moreover, Tianma's failure to name all real parties-in-interest, including its Chinese government-owned parent, underscores Tianma's gamesmanship, presents national security issues, and further supports denial.

As set forth below, the Director should exercise discretion and deny institution. A holistic analysis of *Fintiv* and additional factors, when viewed through the lens of Tianma's gamesmanship and long history with LG Display, weighs in favor of denial. Accordingly, Patent Owner respectfully requests that the Petition be denied.

II. BACKGROUND

More than a decade ago, Tianma was made aware of the value of LG Display's intellectual property. In April 2001, LG Display and NEC Corp. (“NEC”) entered into a patent cross-license agreement. EX2001, ¶45 (Compl.). Pursuant to the Agreement, NEC's LCD display products were licensed under LG Display's patent portfolio. *Id.* On February 25, 2011, NEC, NEC LCD Technologies, Ltd., AVIC International Holding Corporation (“AVIC”), and Tianma announced a capital alliance. *Id.* The alliance resulted in the formation of a joint venture, NEC LCD Technologies, Ltd., which was primarily controlled by AVIC and managed by Tianma. *Id.* at ¶46. Due to this joint venture under the 2001 Agreement between NEC and LG Display, LG Display believed that Tianma had knowledge of LG Display's patent portfolio. *Id.* at ¶47.

Following the establishment of NLT Technologies, Ltd. (“NLT”) (previously known as NEC LCD Technologies, Ltd.) **in July 2011, NLT requested LG Display to grant a license of LG Display’s patents to both NLT and Tianma, based on the 2001 Agreement.** *Id.* at ¶¶48-49; EX2002. From November 2011 to June 2015, LG Display and NLT **held four in-person meetings.** EX2001, at ¶50. In July 2015, LG Display traveled to Shanghai, China, for the first meeting between LG Display and Tianma to negotiate a cross-licensing agreement. *Id.* at ¶52. The parties further agreed to hold additional technical and business meetings. *Id.*

On October 30, 2015, **LG Display sent a letter to Tianma** regarding products made, used, imported, or sold by Tianma that incorporate and/or use features and functions covered by LG Display’s patents, **including 11 claim charts** for U.S. Patents. *Id.* at ¶53; EX2003. The parties held subsequent technical and business **meetings on January 8, April 4, July 7, and August 23, 2016**, however, progress came to a halt after Tianma’s representative abruptly resigned. EX2001, at ¶54. The successor then claimed to have no information regarding the prior history of negotiations and thus requested to restart the process from the beginning—including a fresh review of all previously discussed technical materials. *Id.* at ¶55. Despite the significant expenditure of resources and time over two years, LG Display agreed to accommodate the request in hopes of continuing good faith negotiations. *Id.* at ¶56. Then on July 14, 2017, LG Display **sent another set of six claim charts**, including

evidence that Tianma was making, using, importing, or selling products that incorporate and/or use features and functions covered by LG Display's patents. *Id.* at ¶57. Further on September 4, 2017, LG Display provided Tianma with **additional examples** of Tianma's ongoing infringement, supplementing the list of patents previously identified in claim charts. *Id.* at ¶58. **Throughout 2017, LG Display and Tianma held several technical and business meetings, mostly in China.** *Id.* at ¶59. Around March 2018, LG Display was notified that Tianma's representative resigned and negotiations were suspended once again. *Id.* at ¶60.

On October 16, 2020, in order to restart discussions with Tianma, **LG Display sent another letter** regarding Tianma's ongoing infringement, including **another exemplary claim chart.** *Id.* at ¶61; EX2004. On November 5, 2020, negotiations restarted. EX2001, at ¶62. During the first half of 2021, multiple business meetings took place. **Throughout these negotiations, Tianma acknowledged the need to obtain a license from LG Display; however, Tianma failed to present any specific counteroffer in light of its prior commitments to do so.** *Id.* at ¶63.

In June 2021, another purported change in Tianma's leadership caused communications to stall and despite the years of prior negotiations history, Tianma requested LG Display to provide new evidence of its infringing activities for the purposes of reporting to their new management. *Id.* at ¶64. On July 22, 2021, **LG Display sent a letter** to the new chairman, which included a copy of the October

2020 letter, providing additional background of the unproductive negotiations. *Id.* at ¶65. On October 28, 2021, **LG Display presented claim charts to Tianma that identified further instances of Tianma's ongoing infringement.** *Id.* at ¶66.

On October 29, 2021, LG Display sent Tianma an **additional notice identifying a comprehensive list of over 150 US patents** covering Tianma's ongoing infringement. *Id.* at ¶67. Both parties agreed in writing to a timetable of technical meetings that would ultimately lead to the execution of an agreement. *Id.* at ¶68. Negotiations did not restart again until nearly a year thereafter and then between February 2023 and February 2024, **fourteen meetings** were held. *Id.* at ¶70. Negotiations came to a halt during a February 2024 meeting when Tianma refused to provide a counteroffer that was promised. *Id.*

For nearly a decade, LG Display relentlessly pursued negotiations with Tianma in an effort to amicably enter into a patent license agreement covering Tianma's past and ongoing infringement. LG Display patiently accommodated Tianma's constant delays, multiple changes in personnel, and pattern of broken promises. Nearly all of the in-person meetings required LG Display to travel to China to meet with Tianma. During this time, LG Display informed Tianma that it was infringing at least 237 U.S. patents (including some of the Asserted Patents in the district court case) and provided claim charts. Despite LG Display's persistent and proactive attempts to resolve the matter, Tianma consistently obstructed

progress through a deliberate pattern of delay, broken promises, outright refusal to accept LG Display's reasonable offers or to provide any concrete counteroffers—even though Tianma openly acknowledged the necessity of obtaining a license. **This decade-long history establishes Tianma's deep, long-standing awareness of LG Display's patent portfolio and its pattern of gamesmanship and bad faith.**

III. DISCRETIONARY FACTORS FAVOR DENIAL OF INSTITUTION

The Director “possesses broad discretion in deciding whether to institute review” and “[i]n making this decision, the Director has complete discretion to decide not to institute review.” *Saint Regis Mohawk Tribe v. Mylan Pharms. Inc.*, 896 F.3d 1322, 1327 (Fed. Cir. 2018). Indeed “[t]he Director bears the political responsibility of determining which cases should proceed” and “[w]hile he/[she] has the authority not to institute review on the merits of the petition, he/[she] could deny review for other reasons such as administrative efficiency.” *Id.* The Petition should be denied pursuant to 35 U.S.C. § 314(a) because a holistic review of the circumstances of this proceeding warrant the Director exercising discretion.

A. Tianma's Failure to Name All Real Parties-In-Interest and Compelling National Security Interests

The *Interim Processes for PTAB Workload Management* (“Process Memo”) notes that a factor under consideration includes “compelling economic, public health, or national security interests.” *Process Memo*, at 2. A petition must identify

“all real parties in interest.” 35 U.S.C. § 312(a)(2). Tianma failed to disclose all real parties-in-interest, including a Chinese defense entity. This presents compelling national security interests supporting denial. *10/28/25 Memo Designating Corning Optical as Precedential* (“RPI Memo”).

The petition states that “Petitioner Tianma Microelectronics Co., Ltd., and Tianma Microelectronics (HONG KONG) Limited, and Wuhan Tianma Microelectronics Co., Ltd are the real parties-in-interest.” Pet. at 145. However, in another petition filed by Tianma Microelectronics Co., Ltd., Petitioner listed the following as the real parties-in-interest: Tianma Micro-electronics Co., Ltd., Xiamen Tianma Micro-electronics Co., Ltd., and NLT Technologies, Ltd.. EX2013, *Tianma Microelectronics, Co., Ltd. v. Japan Display Inc. and Panasonic Liquid Crystal Display CO.*, IPR2016-00990, Paper 1, at 59 (April 29, 2016). This is thus inconsistent with the parties Tianma names in this proceeding, **which fails to include Xiamen Tianma and NLT Technologies.** Tianma, on its website explains that “Xiamen Tianma Microelectronics Co. Ltd was established on March 3, 2011 with a joint investment by AVIC International Shenzhen Company Limited, AVIC International Xiamen Company Limited, Xiamen JinCai Investment Co., LTD and Aviation Industry Corporation of China.” EX2014. Tianma Microelectronics is also a subsidiary and an affiliate of the Aviation Industry Corporation of China (**AVIC**), **a large aerospace and defense conglomerate wholly owned by the Chinese**

government. EX2015; EX2016 (listing AVIC Innovation's (whose parent is also AVIC) subsidiaries including 24%-owned Tianma Microelectronics). Finally, in a corporate disclosure statement filed on December 9, 2025, "Plaintiff Tianma Microelectronics Co., Ltd. discloses that it is a public corporation listed on the Shenzhen Stock Exchange with the following corporations owning 10% or more of its stock: Xiamen Jincal Industry Development Co., Ltd., AVIC Innovation Holding Limited, and CATIC Shenzhen Holdings Limited."¹ EX2017. **None of these companies are listed as real parties-in-interest.**

In September 2024, the Chairman of the House Select Committee on the Chinese Communist Party wrote to the Defense Secretary about the growing threat to U.S. economic and national security posed by Chinese state-subsidized LCD and OLED companies, BOE Technology Group and Tianma Microelectronics Co.. EX2018. The letter explained that "both companies are tied to the People's Liberation Army (PLA) and support its efforts. Tianma is identified by the U.S. Department of State as a subsidiary of the Aviation Industry Corporation of China (AVIC)." *Id.* Moreover, AVIC is on the Dept of commerce "entity list" (EX2019)

¹ CATIC Shenzhen Holdings appears to be the former name of AVIC International Holdings. EX2020 (showing the company building with "AVIC" along the top at least demonstrating some connection to AVIC). When attempting to enter the "official website" a security warning was given (EX2020) and thus, the site was not accessed given the threat to personal information.

and the letter notes that “Tianma’s absence from all these lists is conspicuous,” however, Xiamen Tianma Microelectronics Co. Ltd. is listed along with the other subsidiaries of AVIC. EX2018. The letter concludes that “BOE and Tianma’s activities there qualify them as Chinese military companies, and their operations in the United States represent a threat to U.S. national security.” *Id.* Tianma (and its wholly Chinese owned parent, AVIC) are thus exactly the type of entities that have already “been deemed a national security threat” in the RPI Memo. *RPI Memo*, at 3. Thus, similar to *Yangtze Memory Tech. CO. Ltd. v. Micron Tech. Inc.*, IPR2025-00098, Paper 33, at 2 (PTAB Nov. 10, 2025), “Petitioner is listed on the Bureau of Industry and Security’s Entity List, which ‘identifies persons . . . reasonably believed to be involved, or to pose a significant risk of being or becoming involved, in activities contrary to the national security or foreign policy interests of the United States.’” In *Yangtze Memory*, Petitioner was “ordered to show cause why adjudicating petitions filed by such a designated entity is an appropriate use of the Office’s limited resources.” *Id.* **Here, Tianma fails to name all real parties-in-interest in an apparent attempt to hide its connection to the Chinese government. As a result, the Petition is not an appropriate use of Office resources and should be denied.**

Not only is Tianma’s ultimate parent wholly owned by the Chinese government, but Tianma’s failure to include AVIC, among others, as real parties-in-

interest prevents estoppel from attaching under 35 U.S.C. § 315(e). Tianma's *Sotera* stipulation for only Tianma Microelectronics Co., Ltd. does not remedy such prejudice. The Director should decline to institute because the Petition failed to disclose **Xiamen Tianma, NLT Technologies, Aviation Industry Corporation of China, Xiamen Jincal Industry Development Co., Ltd., AVIC Innovation Holding Limited, and CATIC Shenzhen Holdings Limited** as real parties-in-interest and because Tianma is a Chinese state-backed actor reasonably believed to be involved in activities contrary to national security interests. Institution would benefit foreign entities and a foreign government with foreign policy interests opposed to the U.S. and, thus, Tianma's failure to name all real parties and its foreign control support discretionary denial. *Process Memo; RPI Memo; Atlanta Gas Light Co. v. Bennett Regulator Guards, Inc.*, IPR2013-00435, Paper 88, 8 (PTAB Jan. 6, 2015) (terminating IPR and noting that when "a patent owner provides sufficient rebuttal evidence that reasonably brings into question the accuracy of a petitioner's identification of the [RPIs], the burden remains with the petitioner to establish that it has complied with the statutory requirement").

B. Holistic Assessment Warrants Discretionary Denial

The "parties are permitted to address all relevant considerations" and the Director may weigh additional considerations relevant to fairness and efficiency. *Process Memo*, at 2-3. Several such considerations support denying institution here.

1. Settled Expectations

The Director has repeatedly recognized the importance of a patent owner's "settled expectations" in discretionary denial analysis. Disturbing the settled rights of a patent owner where a patent has been in force for years undermines the integrity of the patent system. Indeed, the Director has found a patent owner's strong settled expectations to be a key factor in the holistic analysis for discretionary denial. In *Amgen Inc. v. Bristol-Myers Squibb Co.*, the Director denied institution for patents that had been in force for six and seven years, finding they created "strong settled expectations" that the Office was "disinclined to disturb." *Amgen Inc. v. Bristol-Myers Squibb Co.*, IPR2025-00601, Paper 9, at 3 (PTAB July 24, 2025). Similarly, in the *GenghisComm* cases, the Director rejected eight petitions based on a holistic assessment of compelling factors, including the patent owner's "strong settled expectations." In the first decision, the patents had been in force for approximately six and eight years. In a subsequent decision covering another six petitions, the Director found that even though the patents were younger, **with some being in force for as little as three years**, that fact alone did not "tip the balance against discretionary denial." *Samsung Elecs. Co. v. GenghisComm Holdings, LLC*, IPR2025-00780, Paper 11 (PTAB Aug. 14, 2025); *Samsung Elecs. Co. v. GenghisComm Holdings, LLC*, IPR2025-00788, Paper 12 (PTAB Aug. 22, 2025). Here, while the '394 Patent issued in February 2022, the other six patents in the co-

pending litigation have been in force for five, six, nine, and twelve years. EX2001.

These settled expectations are reinforced by Tianma's purposeful delay. **Tianma is not unaware of the value of LG Display's patent portfolio; it was in licensing negotiations regarding this patent portfolio for over a decade, including numerous in-person meetings.** This prior relationship and awareness of the patent portfolio should weigh heavily in favor of denial. Here, the '394 Patent issued on February 15, 2022, and belongs to a patent family that has included issued patents since at least December 2019, the issue date of U.S. Patent No. 10,505,142.² And, this parent patent to the '394 Patent was cited by the Examiner in the examination of Tianma's US Patent No. 11,088,350 (EX2005, at 2), putting Tianma on notice of the '394 Patent family. *Ericsson Inc. v. Procomm Int'l Pte. LTD*, IPR2024-01453, Paper 15, at 2-3 (PTAB June, 25, 2025) (denying institution where petitioner was aware of the patent for years after it was cited during prosecution of its own patent). LG Display also promptly and repeatedly notified Tianma of its patents and Tianma's infringement with updated letters, charts, and patent lists, yet Tianma waited to file this Petition. *See, e.g., Gotab Inc. v. Fractus, S.A.*, IPR2025-00928, Paper 11, at 2-3 (PTAB Sept. 12, 2025) (finding 2021 notice to be notice "for

² Tianma was specifically put on notice of the '142 Patent and another family member of the '394 Patent (US10727436) on October 29, 2021. EX2011 (highlighting '394 Patent family members). Thus, Tianma has been on notice of this patent family for four years.

a significant period of time”). Even though specific notice of the '394 Patent was not provided until the complaint filed June 2025, **Tianma has been aware of LG Display's robust patent portfolio since 2011 and '394 Patent family members since 2021.** *Neural AI, LLC*, IPR2025-00606, Paper 18 at 2–3 (PTAB July 31, 2025) (denying institution of patent claims granted in 2023 based on, inter alia, evidence regarding a prior commercial relationship and knowledge of the patent owner's patent portfolio weighed in favor of discretionary denial, even though the challenged claims had not been issued at the time petitioner gained the knowledge). This “failure to seek early review” after receiving notice, on top of Tianma's long history with LG Display and its patent portfolio, is a key factor favoring denial.

The parties also have a settled expectation of resolving their dispute in the District Court, which has already entered a comprehensive schedule. Given Tianma's delay in filing until after the district court complaint was filed and after a decade of licensing negotiations, that expectation weighs in favor of denial.

2. Patent Owner has invested in, developed, commercialized, and marketed the patented invention for 6 years

Even where a patent has only been in force for a few years, “there may be good reasons why a patent owner has strong settled expectations” including “an extraordinary amount of investment, time, and resources dedicated to research, [and] development[.]” *Amgen Inc. v. Bristol-Myers Squibb Co.*, IPR2025-00601, Paper 9,

at 2 (PTAB July 24, 2025). Moreover, Petitioner cannot present evidence that the '394 Patent has never been “commercialized, asserted, marked, licensed, or otherwise applied” in Petitioner’s “particular technology space.” *Intel Corp. v. Proxense LLC*, IPR2025-00327, Paper 12 at 2–3 (PTAB June 26, 2025). That is because LG Display manufactured products embodying the patented technology.

Incorporated in February 1985, LG Display’s business has been focused on the research, development, manufacture, and sale of products that incorporate display technologies such as Organic Light Emitting Diode (“OLED”) and Thin Film Transistor Liquid Crystal Display (“TFT-LCD” or “LCD”). EX2001, ¶2. In 2024, LG Display had approximately \$19.4 billion in worldwide sales of display panels. *Id.* at ¶3. Sales were around \$16.3 billion in 2023 and \$20.45 billion in 2022. *Id.* LG Display invests approximately 8% of its sales into research and development expenses, continually creating customer value through systematic R&D activities for new products and technologies. *Id.* at ¶4. Leveraging LG Display’s competitive R&D activities, LG Display is leading the display market by providing differentiated values in display panel products utilizing OLED and TFT-LCD technologies for applications such as television, IT, mobile devices, and automobiles. *Id.* Senior Vice President and head of IT Display Business at LG Display, Dr. Byeong Koo Kim, has been selected as the 2025 Society for Information Display (“SID”) fellow for pioneering the commercialization of OLED and TFT-LCD technologies for

automotive and IT products. EX2006.³ Dr. JoonYoung Yang, head of LG Display's Advanced Technology Laboratory, was selected to receive the Special Recognition Award at SID Display Week 2024. EX2001, ¶7. Dr. Yang, a renowned display industry expert with over 30 years of experience, was recognized for his pioneering work on a wide range of next-generation display technologies, *including OLEDoS*, stretchable displays, and high-resolution displays. *Id.* As a leading technology innovator in the display industry, LG Display has been recognized in the industry for its OLED products for smartphones, smartwatches, automotive products, and foldable notebook computers, along with its advanced thin OLED products for tablets, among others. EX2008; EX2009; EX2010.

LG Display began to manufacture OLED panels with touch on encapsulation ("TOE") technology for smartphones starting in 2019. Since 2019, LG Display has sold OLED panels practicing TOE technology and covered by the '394 Patent to its customers including Apple, Microsoft, and Google, who incorporate LG Display's OLED panels into their products. Moreover, LG Display has filed numerous patent applications for TOE technology since 2016, which led to the commercialization of TOE technology in LG Display products. EX2012. Thus, LG Display has invested

³ SID is one of the world's most prestigious display organization and annually recognizes experts who have contributed to display technology innovation and industry development. EX2007.

significant time and resources into commercializing its patented TOE technology. LG Display has been improving upon its TOE technology since 2016 and continues to be the industry leader in OLED products. EX2001, ¶¶6-8, 271. As such, LG Display has been publicly commercializing its patented systems since 2019, further underscoring its settled expectations that the patents covering TOE technology, including the '394 Patent, would not be challenged.

3. Petitioner's Undue Delay and Gamesmanship

Tianma's conduct demonstrates a pattern of gamesmanship designed to gain an unfair advantage. This pattern is first evident in its strategic delay in licensing negotiations and in challenging LG Display's patents.

Instead of investigating LG Display's claims, Tianma waited. It only filed this Petition on October 23, 2025—four months after LG Display was forced to initiate a litigation against Tianma after over a decade of failed negotiations and during the agreed-upon extension of time for Tianma to respond to the district court complaint. This reactionary deployment of an IPR petition on one out of seven asserted patents is not using the IPR process as an efficient alternative to litigation.

By ignoring infringement notice for years, Tianma positioned itself as a hold-out. Companies such as Hitachi Display, Ltd., HannStar Display Corporation, AU Optronics Corporation and Innolux Corporation have held licenses to LG Display's patented display technologies but Tianma has refused to even act reasonably during

LG Display's good faith efforts at negotiating a license. EX2001, ¶10. This conduct supports a finding that this Petition is not a good-faith effort to correct a patent for the public good, but a tactical weapon held in reserve to be deployed only after its business decision to refuse a license resulted in litigation. *See, e.g.*, EX2022.

4. Petitioner's *Sotera* Stipulation

Even though Tianma filed a *Sotera* stipulation, which by itself is insufficient to address all Grounds, it is not dispositive for *Fintiv*. Indeed, the stipulation does not preclude Tianma from pursuing §§102 or 103 theories based on system art broader than that corresponding to a reference in the Petition. Tianma does not seek an efficient alternative to litigation but instead creates duplicative workloads.

C. Application of 35 U.S.C. § 314(a) Weighs in Favor of Denial

1. No Motion to Stay Motion (Factor 1)

Tianma has not filed, nor indicated any intent to file, a Motion to Stay. Indeed, it has only filed a Petition on one out of seven asserted patents. Thus, a stay based on this one Petition is very unlikely. This factor weighs in favor of denial.

2. Proximity Of The District Court's Trial Date (Factor 2)

The District Court has entered a comprehensive Docket Control Order setting a Pretrial Conference for October 7, 2027, with a trial likely to follow shortly thereafter. EX2023 (DCO). The Final Written Decision in this IPR is expected in April 2027, at which point at least fact and expert discovery will have closed. While

a final trial date may fall after the April 2027 statutory deadline for a Final Written Decision, there is significant and dispositive overlap with critical, resource-intensive milestones that will occur well before the Board's final decision.

The District Court's schedule creates a direct and unavoidable overlap:

- November 14, 2025: Infringement Contentions were served
- January 7, 2026: Invalidity Contentions are due
- April 7, 2026-July 28, 2026: Claim construction process
- June 16, 2026: Close of claim construction discovery and Preliminary Election of Asserted Claims
- June 30, 2026: Preliminary Election of Asserted Prior art
- August 11, 2026: *Markman* Hearing. This is scheduled to occur approximately seven months before the Board's FWD is due.

EX2023.

The entire claim construction process, including the exchange of proposed terms, claim charts, and extensive briefing, will run in parallel. The parties will be forced to litigate the scope of the exact same patent claims in two different forums simultaneously. **Importantly, Tianma already signals that it plans to pursue different claim construction positions in the district court by noting that "Petitioner reserves the right to argue indefiniteness in an appropriate forum."**

Pet. at 9, n.2; see *Revvo Techs., Inc. v. Cerebrum Sensor techs., Inc.*, IPR2025-00632, Paper 20, at 4 (PTAB Nov. 2, 2025) (precedential) ("[W]hen a petitioner takes alternative positions before the Board and a district court, that petitioner should at a

minimum, explain why alternative positions are warranted.”); *Tesla, Inc. v. Intellectual Ventures II LLC*, IPR2025-00340, Paper 18, at 3 (PTAB Nov. 5, 2025) (informative) (“Petitioner’s statement that it cannot raise indefiniteness challenges in an *inter partes* review is not sufficient explanation.”).

By pursuing different invalidity theories and claim interpretations in parallel, Tianma forces the Board and the parties to expend enormous resources, creating a significant risk of inconsistent outcomes that could lead to unnecessary appeals, remands, and retrials. This inefficiency, risk of inconsistent rulings, and duplicative effort, is precisely why the Petition should be denied.

3. Investment In The Parallel Proceeding (Factor 3)

The parties and the District Court have commenced their investment of time and resources in the parallel proceeding. The *Fintiv* analysis assesses investment as of the date the Institution Decision is anticipated (approximately April 30, 2026). By April 2026, the parties will have exchanged contentions and be well into the claim construction process for the August 2026 *Markman* hearing. This established trajectory represents a clear and impending commitment of future resources by both the parties and the court that argues against disrupting the district court proceeding.

Moreover, the parties’ investment is not confined to the instant case but reflects years of extensive negotiations over LG Display’s patent portfolio. To ignore this deep-seated history and initiate a duplicative proceeding now would run

contrary to the efficiency principles underlying *Fintiv*.

4. There Is Significant Overlap Between Issues Raised In The Petition And In The District Court Litigation (Factor 4)

There is significant and substantial overlap between the issues in this proceeding and those in the Litigation. This Petition challenges all of the claims of the '394 Patent that are asserted in the Litigation. The overlap extends to the patent itself, as both proceedings will require interpretation of the same specification, file history, and claims during the claim construction process that will run in parallel.

5. The District Court Litigation And The Petition Involve The Same Parties (Factor 5)

The parallel District Court Litigation involves the same parties. Accordingly, this factor weighs in favor of discretionary denial.

6. Other Factors Favor Discretionary Denial (Factor 6)

A holistic assessment of all circumstances weighs in favor of denial. Here, where Tianma's conduct demonstrates significant gamesmanship and Patent Owner has strong settled expectations, instituting a duplicative proceeding would be an inappropriate use of the Board's resources. Moreover, as the Preliminary Response will demonstrate, the Petition's merits are weak, further counseling against the inefficient use of Board resources to institute a trial that is unlikely to succeed.

IV. CONCLUSION

For at least the foregoing reasons, the Board should deny institution.

Patent No. 11,251,394

Brief in Support of Patent Owner's Request for Discretionary Denial

Dated: December 30, 2025

Respectfully submitted,

/Amanda S Bonner Reg No 65224 /
Amanda S. Bonner (Reg. No. 65,224)
MAYER BROWN LLP
71 S. Wacker Drive
Chicago, IL 60606
Telephone: (312) 701-8645
asbonner@mayerbrown.com

Don H. Min
Registration No. 55,933
Matthew A. Stanford
Registration No. 74,391
Mayer Brown LLP
1999 K Street NW
Washington, D.C. 20006
Telephone: 202-263-3000
DMin@mayerbrown.com
MStanford@mayerbrown.com

Counsel for LG Display, Co., Ltd.

CERTIFICATE OF SERVICE

I hereby certify that on this 30th day of December, 2025, a copy of the attached BRIEF IN SUPPORT OF PATENT OWNER'S REQUEST FOR DISCRETIONARY DENIAL TO PETITION FOR *INTER PARTES* REVIEW OF U.S. PATENT NO. 11,251,394, together with all exhibits was served by electronic mail to the attorneys of record, at the following addresses:

Joshua L. Goldberg
joshua.goldberg@finnegan.com

Forrest A. Jones
forrest.jones@finnegan.com

Umber Aggarwal
umber.aggarwal@finnegan.com

Qingyu Yin
qingyu.yin@finnegan.com

Daniel F. Klodowski
daniel.klodowski@finnegan.com

Kathleen A. Daley
kathleen.daley@finnegan.com

Min Yang, Ph.D.
min.yang@finnegan.com

Tianma-PTAB@finnegan.com

Date: December 30, 2025

By: /Amanda S Bonner Reg No 65224/
Amanda S. Bonner (Reg. No. 65,224)

Counsel for LG Display Co., Ltd.