

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. IPR2026-00129
Patent No. 12,158,250

**MOTION TO SEAL PURSUANT TO PROPOSED PROTECTIVE ORDER
PURSUANT TO 37 C.F.R. § 42.54**

Mail Stop “*PATENT BOARD*”
Patent Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Pursuant to 37 C.F.R. §§ 42.14 and 42.54, Patent Owner requests that the proposed Protective Order in Attachment A, which is modified from the Default Protective Order as shown in the markup attached as Attachment B, be entered and govern disclosure of the information below filed under seal. The changes to the Default Protective Order are to conform certain provisions to the protective order entered in the parallel district court action. The requested Protective Order is the same as that agreed to by the parties in IPR2024-01095, involving U.S. Patent No. 11,828,425 (“the ’425 patent”), the parent patent of U.S. Patent No. 12,158,250 (“the ’250 Patent”) at issue in this proceeding. And the requested motion to seal is similar in scope to that in IPR2024-1095. Petitioner does not oppose the entry of the Protective Order or the Motion to Seal.

I. DOCUMENTS TO BE SEALED

a. Exhibit 2034 – Excerpts from Trial Testimony

Exhibit 2034 contains excerpts from the trial transcript as relevant to the parent ’425 Patent’s infringement and validity issues in *Pictiva Displays International Ltd. v. Samsung Electronics Co., Ltd. et al*, Case No. 2:23-cv-00495-JRG (E.D. Tex.). Part of the trial was sealed from the public at the request of Samsung Electronics Co. Ltd. (“Samsung”), a real party-in-interest of the present proceeding and IPR2024-01095. Samsung asserted that sealing was necessary to protect confidential information produced under the protective order entered by the

district court. Such confidential information includes information on the chemical compositions of the OLED displays in the accused products and alleged prior system art.

EX2034 is a discrete document focused on testimony given on validity and infringement of claim 2 of the parent '425 patent, which as explained in the concurrently filed Patent Owner's Statement on Discretionary Denial, contains all the limitations of the remaining claims of the '250 Patent. For the reasons set forth below under Section II, there is good cause to request the sealing of this exhibit pursuant to the attached Proposed Protective Order (Attachment A), which differs from the Default Protective Order only in the manner shown in the attached markup (Attachment B) comparing the Proposed Protective Order to the Default Protective Order.

b. Exhibits 2042 and 2046

Exhibits 2042 and 2046 are sealed filings from IPR2024-1095, referencing information from Exhibit 2034. They are subject to sealing for the same reason as for Exhibit 2034.

c. Exhibits 2040 and 2048

Exhibits 2040 and 2048 are post-trial briefs filed by Samsung in *Pictiva Displays International Ltd. v. Samsung Electronics Co., Ltd. et al*, Case No. 2:23-cv-00495-JRG (E.D. Tex.), seeking to reverse the jury's finding of infringement

and no invalidity. The briefs were filed under seal in the district court for allegedly containing confidential information on the accused OLED products and the prior system art, including their chemical compositions. Patent Owner has also filed the corresponding redacted versions as Exhibits 2049 and 2050. Again, good cause exists to grant the sealing of these two documents, especially given the filing of the corresponding redacted versions.

d. Patent Owner's Statement on Discretionary Denial

The document cites and quotes alleged confidential information from Exhibits 2034, 2040, 2042, 2046 and 2048. Thus, as a precaution, Patent Owner requests sealing of the document as well.

II. GOOD CAUSE FOR SEALING THE IDENTIFIED DOCUMENTS

When enacting *inter partes* reviews (“IPRs”), Congress directed the Board to “provid[e] for protective orders governing the exchange and submission of confidential information.” 35 U.S.C. § 316(a)(7). Thus, “[t]he Board may, for good cause, issue an order to protect a party or person from disclosing confidential information . . .” 37 C.F.R. § 42.54(a). In *Argentum Pharmaceuticals LLC v. Alcon Research, Ltd.*, IPR2017-01053, Paper 27 (PTAB Jan. 19, 2018), the Board set forth the standard for sealing confidential information:

[A] movant to seal must demonstrate adequately that (1) the information sought to be sealed is truly confidential, (2) a concrete harm would result upon public disclosure, (3) there exists a genuine

need to rely in the trial on the specific information sought to be sealed, and (4) on balance, an interest in maintaining confidentiality outweighs the strong public interest in having an open record.

Id. at 3 (“the Argentum Factors”).

The *Argentum* factors support granting this Motion for the reasons below.

Factor (1): Patent Owner submits that the excerpts from the district court trial testimony (EX2034), the sealed filings from IPR2024-01095 referencing the testimony (EX2042 and EX2046), and the sealed filings from the district court by Samsung (EX2040 and EX2048) are confidential at least from the perspective of Samsung, the real party-in-interest, as it has requested sealing of the courtroom and submitted the filings under seal in the district court.

Factor (2): Patent Owner submits that it has good cause to seal Exhibits 2034, 2040, and 2048 because they contain what Samsung believes to be confidential information produced under the protective order in *Pictiva Displays International Ltd. v. Samsung Electronics Co., Ltd. et al*, Case No. 2:23-cv-00495-JRG (E.D. Tex.). There is also good cause to seal Exhibits 2042 and 2046 as well as the Patent Owner’s Statement on Discretionary Denial that quote, discuss and/or cite to Exhibits 2034, 2040 and 2048 because they contain information provided to the Patent Owner under the terms of the district court protective order which limits the disclosure of such information.

Factor (3): Patent Owner submits that there is a genuine need to rely on Exhibits 2034, 2040, 2042, 2046 and 2048 for the reasons set forth in the Patent Owner's Statement on Discretionary Denial. The relied-upon information demonstrates (1) the inconsistent claim construction positions that Samsung and Petitioner have taken in the district court and before the Board on the claim term "n-doped" that appear in both the parent '425 patent and the subject '250 patent; (2) the inconsistent position that Samsung and Petitioner have taken in the district court and before the Board on the reasonable expectation of success of obtaining an n-doped electron transport layer ("ETL") with 8-hydroxyquinolinolato-lithium ("Liq") in light of Petitioner's failure to do so around the time of the invention; and (3) the grounds of challenge in the petition are cumulative of the invalidity grounds rejected by a jury in *Pictiva Displays International Ltd. v. Samsung Electronics Co., Ltd. et al*, Case No. 2:23-cv-00495-JRG (E.D. Tex.).

Factor (4): Patent Owner's and Samsung/Petitioner's interest in maintaining confidentiality outweighs the public interest in having an open record. As discussed above, Patent Owner relies in part on the trial testimony and sealed filings in the district court to support its discretionary denial brief and to show that the petition is not a good use of the Board's limited resources because of the inconsistent positions taken by Samsung and Petitioner in the district court and

before the Board and because a jury has already considered and rejected similar arguments.

Furthermore, for Exhibits 2040 and 2048, Patent Owner will file concurrently the redacted versions Exhibits 2049 and 2050. And for the remaining, Patent Owner will work with Petitioner to file redacted versions tailored to remove only the confidential information, aiming to disclose to the public as much as possible. The Board should thus find that the present motion strikes an appropriate balance of the parties' interest in confidentiality and the public's need in the full record.

III. CONCLUSION

Patent Owner respectfully requests that the Board enter the attached protective orders and grant this Motion to Seal.

Dated: February 2, 2026

Respectfully submitted,

By: /H. Annita Zhong/

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Pictiva Displays International Ltd.*

ATTACHMENT A – PROPOSED PROTECTIVE ORDER

This protective order governs the treatment and filing of confidential information, including documents and testimony.

1. Confidential information shall be clearly marked “PROTECTIVE ORDER MATERIAL,” “CONFIDENTIAL,” or, if applicable, “CONFIDENTIAL – ATTORNEYS’ EYES ONLY.”

2. Access to confidential information is limited to the following individuals who have executed the acknowledgment appended to this order:

- A. Party Representatives. Outside counsel of record for a party in the proceeding.
- B. Experts. Retained experts of a party in the proceeding who further certify in the Acknowledgement that they are not a competitor to any party, or a consultant for, or employed by, such a competitor with respect to the subject matter of the proceeding.
- C. In-house counsel. In-house counsel of a party.
- D. Support Personnel. Administrative assistants, clerical staff, court reporters and other support personnel of the foregoing persons who are reasonably necessary to assist those persons in the proceeding shall not be required to sign an Acknowledgement, but shall be informed of the

terms and requirements of the Protective Order by the person they are supporting who receives confidential information.

- E. The Office. Employees and representatives of the United States Patent and Trademark Office who have a need for access to the confidential information shall have such access without the requirement to sign an Acknowledgement. Such employees and representatives shall include the Director, members of the Board and their clerical staff, other support personnel, court reporters, and other persons acting on behalf of the Office.

3. For confidential information designated “CONFIDENTIAL – ATTORNEYS’ EYES ONLY,” access to, and disclosure of, such information shall be limited to individuals listed in paragraphs 2(A-B) and (D-E); provided, however, in the event a Party believes in good faith that an in-house counsel needs to access information designated “CONFIDENTIAL – ATTORNEYS’ EYES ONLY” to facilitate settlement discussions, the parties agree to meet and confer in good faith to address such access on a document-by-document basis.

4. Persons receiving confidential information shall use reasonable efforts to maintain the confidentiality of the information, including:

- A. Maintaining such information in a secure location to which persons not authorized to receive the information shall not have access;

- B. Otherwise using reasonable efforts to maintain the confidentiality of the information, which efforts shall be no less rigorous than those the recipient uses to maintain the confidentiality of information not received from the disclosing party;
 - C. Ensuring that support personnel of the recipient who have access to the confidential information understand and abide by the obligation to maintain the confidentiality of information received that is designated as confidential; and
 - D. Limiting the copying of confidential information to a reasonable number of copies needed for conduct of the proceeding and maintaining a record of the locations of such copies.
5. Persons receiving confidential information shall use the following procedures to maintain the confidentiality of the information:
- A. Documents and Information Filed With the Board.
 - (i) A party may file documents or information with the Board along with a Motion to Seal. The Motion to Seal should provide a non-confidential description of the nature of the confidential information that is under seal, and set forth the reasons why the information is confidential and should not be made available to the public. A party may challenge the confidentiality of the information by opposing the Motion to Seal. The

documents or information shall remain under seal unless the Board determines that some or all of it does not qualify for confidential treatment.

- (ii) Where confidentiality is alleged as to some but not all of the information submitted to the Board, the submitting party shall file confidential and non-confidential versions of its submission, together with a Motion to Seal the confidential version setting forth the reasons why the information redacted from the non-confidential version is confidential and should not be made available to the public. A party may challenge the confidentiality of the information by opposing the Motion to Seal. The non-confidential version of the submission shall clearly indicate the locations of information that has been redacted. The confidential version of the submission shall be filed under seal. The redacted information shall remain under seal unless the Board determines that some or all of the redacted information does not qualify for confidential treatment.

- B. Documents and Information Exchanged Among the Parties. Documents (including deposition transcripts) and other information designated as confidential that are disclosed to another party during discovery or other proceedings before the Board shall be clearly marked as

“PROTECTIVE ORDER MATERIAL ,” “CONFIDENTIAL,” or, if applicable, “CONFIDENTIAL – ATTORNEYS’ EYES ONLY,” and shall be produced in a manner that maintains its confidentiality.

6. This protective order does not apply to confidential information comprising source code, *.gds files, and/or live data, including information that has been designated as “CONFIDENTIAL – OUTSIDE ATTORNEYS’ EYES ONLY – SOURCE CODE” in E.D. Texas Case Nos. 2:23-cv-00495 and/or EDTX-2-24-cv-00532. No such material shall be used in this proceeding except as may be agreed to by the parties or ordered by the Board, subject to further appropriate restrictions.

7. Absent written consent of the producing party, no person on behalf of the receiving party, including without limitation any outside consultant or expert of the receiving party, who obtains, receives, has access to, or otherwise learns, in whole or in part of material that has been designated as confidential information (e.g., “PROTECTIVE ORDER MATERIAL,” “CONFIDENTIAL,” or, “CONFIDENTIAL – ATTORNEYS’ EYES ONLY”) of a producing party under this protective order shall not prepare, prosecute, supervise, or assist in the preparation or prosecution of any patent application, or engage in any prosecution activity, pertaining to the field of the invention of the patent at issue on behalf of the receiving party or its acquirer, successor, predecessor, or other affiliate during the pendency of this proceeding and for two years after its conclusion, including any

appeals. To ensure compliance with the purpose of this provision, each party shall create an “Ethical Wall” between those persons with access to confidential information and any individuals who, on behalf of the party or its acquirer, successor, predecessor, or other affiliate, prepare, prosecute, supervise or assist in the preparation or prosecution of any patent application pertaining to the field of invention of the patent at issue. Nothing in this provision shall preclude any person who obtains, receives, has access to, or otherwise learns, in whole or in part of material that has been designated as confidential information under this protective order from participating in this *inter partes* review proceeding or another post-grant or reexamination proceeding (US or overseas), so long as such persons do not share any such information with any individual involved with amending any claims and do not directly or indirectly assist in drafting, amending, or proposing for substitution patent claims in any such proceedings. Notwithstanding the above, and solely after any claim amendments are submitted any such proceeding, any such person may still, in submissions to and appearances at the proceeding, formulate reasons and argue for patentability of such claim amendments (that he or she did not participate in drafting).

8. Within 60 days after the final disposition of this action, including the exhaustion of all appeals and motions, each party receiving confidential information

must return, or certify the destruction of, all copies of the confidential information to the producing party.

[CAPTION]

I _____, affirm that I have read the Protective Order; that I will abide by its terms; that I will use the confidential information only in connection with this proceeding and for no other purpose; that I will only allow access to support staff who are reasonably necessary to assist me in this proceeding; that prior to any disclosure to such support staff I informed or will inform them of the requirements of the Protective Order; that I am personally responsible for the requirements of the terms of the Protective Order and I agree to submit to the jurisdiction of the Office and the United States District Court for the Eastern District of Virginia for purposes of enforcing the terms of the Protective Order and providing remedies for its breach.

[Signature]

ATTACHMENT B – MARKUP OF PROPOSED PROTECTIVE ORDER TO DEFAULT PROTECTIVE ORDER

This protective order governs the treatment and filing of confidential information, including documents and testimony.

1. Confidential information shall be clearly marked “PROTECTIVE ORDER MATERIAL,” “CONFIDENTIAL,” or, if applicable, “CONFIDENTIAL – ATTORNEYS’ EYES ONLY.”

2. Access to confidential information is limited to the following individuals who have executed the acknowledgment appended to this order:

~~A. Parties.~~ Persons who are owners of a patent involved in the proceeding and other persons who are named parties to the proceeding.

~~B.A.~~ Party Representatives. ~~Representatives Outside counsel~~ of record for a party in the proceeding.

~~C.B.~~ Experts. Retained experts of a party in the proceeding who further certify in the Acknowledgement that they are not a competitor to any party, or a consultant for, or employed by, such a competitor with respect to the subject matter of the proceeding.

~~D.C.~~ In-house counsel. In-house counsel of a party.

~~E.D.~~ Support Personnel. Administrative assistants, clerical staff, court reporters and other support personnel of the foregoing persons who are reasonably necessary to assist those persons in the proceeding shall not

be required to sign an Acknowledgement, but shall be informed of the terms and requirements of the Protective Order by the person they are supporting who receives confidential information.

F.E. The Office. Employees and representatives of the United States Patent and Trademark Office who have a need for access to the confidential information shall have such access without the requirement to sign an Acknowledgement. Such employees and representatives shall include the Director, members of the Board and their clerical staff, other support personnel, court reporters, and other persons acting on behalf of the Office.

~~3. Employees (e.g., corporate officers), consultants, or other persons performing work for a party, other than those persons identified above in (d)(2)(A)–(E), shall be extended access to confidential information only upon agreement of the parties or by order of the Board upon a motion brought by the party seeking to disclose confidential information to that person and after signing the Acknowledgment. The party opposing disclosure to that person shall have the burden of proving that such person should be restricted from access to confidential information.~~

3. For confidential information designated “CONFIDENTIAL – ATTORNEYS’ EYES ONLY,” access to, and disclosure of, such information shall

be limited to individuals listed in paragraphs 2(A-B) and (D-E); provided, however, in the event a Party believes in good faith that an in-house counsel needs to access information designated “CONFIDENTIAL – ATTORNEYS’ EYES ONLY” to facilitate settlement discussions, the parties agree to meet and confer in good faith to address such access on a document-by-document basis.

4. Persons receiving confidential information shall use reasonable efforts to maintain the confidentiality of the information, including:

- A. Maintaining such information in a secure location to which persons not authorized to receive the information shall not have access;
- B. Otherwise using reasonable efforts to maintain the confidentiality of the information, which efforts shall be no less rigorous than those the recipient uses to maintain the confidentiality of information not received from the disclosing party;
- C. Ensuring that support personnel of the recipient who have access to the confidential information understand and abide by the obligation to maintain the confidentiality of information received that is designated as confidential; and
- D. Limiting the copying of confidential information to a reasonable number of copies needed for conduct of the proceeding and maintaining a record of the locations of such copies.

5. Persons receiving confidential information shall use the following procedures to maintain the confidentiality of the information:

A. Documents and Information Filed With the Board.

- (i) A party may file documents or information with the Board along with a Motion to Seal. The Motion to Seal should provide a non-confidential description of the nature of the confidential information that is under seal, and set forth the reasons why the information is confidential and should not be made available to the public. A party may challenge the confidentiality of the information by opposing the Motion to Seal. The documents or information shall remain under seal unless the Board determines that some or all of it does not qualify for confidential treatment.
- (ii) Where confidentiality is alleged as to some but not all of the information submitted to the Board, the submitting party shall file confidential and non-confidential versions of its submission, together with a Motion to Seal the confidential version setting forth the reasons why the information redacted from the non-confidential version is confidential and should not be made available to the public. A party may challenge the confidentiality of the information by opposing the Motion to Seal. The non-confidential version of the submission shall

clearly indicate the locations of information that has been redacted. The confidential version of the submission shall be filed under seal. The redacted information shall remain under seal unless the Board determines that some or all of the redacted information does not qualify for confidential treatment.

- B. Documents and Information Exchanged Among the Parties. Documents (including deposition transcripts) and other information designated as confidential that are disclosed to another party during discovery or other proceedings before the Board shall be clearly marked as “PROTECTIVE ORDER MATERIAL”,” “CONFIDENTIAL,” or, if applicable, “CONFIDENTIAL – ATTORNEYS’ EYES ONLY,” and shall be produced in a manner that maintains its confidentiality.

6. This protective order does not apply to confidential information comprising source code, *.gds files, and/or live data, including information that has been designated as “CONFIDENTIAL – OUTSIDE ATTORNEYS’ EYES ONLY – SOURCE CODE” in E.D. Texas Case Nos. 2:23-cv-00495 and/or EDTX-2-24-cv-00532. No such material shall be used in this proceeding except as may be agreed to by the parties or ordered by the Board, subject to further appropriate restrictions.

7. Absent written consent of the producing party, no person on behalf of the receiving party, including without limitation any outside consultant or expert of

the receiving party, who obtains, receives, has access to, or otherwise learns, in whole or in part of material that has been designated as confidential information (e.g., “PROTECTIVE ORDER MATERIAL,” “CONFIDENTIAL,” or, “CONFIDENTIAL – ATTORNEYS’ EYES ONLY”) of a producing party under this protective order shall not prepare, prosecute, supervise, or assist in the preparation or prosecution of any patent application, or engage in any prosecution activity, pertaining to the field of the invention of the patent at issue on behalf of the receiving party or its acquirer, successor, predecessor, or other affiliate during the pendency of this proceeding and for two years after its conclusion, including any appeals. To ensure compliance with the purpose of this provision, each party shall create an “Ethical Wall” between those persons with access to confidential information and any individuals who, on behalf of the party or its acquirer, successor, predecessor, or other affiliate, prepare, prosecute, supervise or assist in the preparation or prosecution of any patent application pertaining to the field of invention of the patent at issue. Nothing in this provision shall preclude any person who obtains, receives, has access to, or otherwise learns, in whole or in part of material that has been designated as confidential information under this protective order from participating in this *inter partes* review proceeding or another post-grant or reexamination proceeding (US or overseas), so long as such persons do not share any such information with any individual involved with amending any claims and

do not directly or indirectly assist in drafting, amending, or proposing for substitution patent claims in any such proceedings. Notwithstanding the above, and solely after any claim amendments are submitted any such proceeding, any such person may still, in submissions to and appearances at the proceeding, formulate reasons and argue for patentability of such claim amendments (that he or she did not participate in drafting).

6.8. Within 60 days after the final disposition of this action, including the exhaustion of all appeals and motions, each party receiving confidential information must return, or certify the destruction of, all copies of the confidential information to the producing party.

[CAPTION]

I _____, affirm that I have read the Protective Order; that I will abide by its terms; that I will use the confidential information only in connection with this proceeding and for no other purpose; that I will only allow access to support staff who are reasonably necessary to assist me in this proceeding; that prior to any disclosure to such support staff I informed or will inform them of the requirements of the Protective Order; that I am personally responsible for the requirements of the terms of the Protective Order and I agree to submit to the jurisdiction of the Office and the United States District Court for the Eastern District of Virginia for purposes of enforcing the terms of the Protective Order and providing remedies for its breach.

[Signature]

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6, the undersigned certifies that on February 2, 2026, a copy of the foregoing **MOTION TO SEAL PURSUANT TO PROPOSED PROTECTIVE ORDERS PURSUANT TO 37 C.F.R. § 42.54** (including **ATTACHMENTS A&B**) and was served by electronic mail, as agreed to by the parties, upon the following:

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