

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
U.S. Patent No. 12,158,250

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

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I. Introduction

Pictiva's request again makes the same arguments that it already presented to the Director multiple times before institution. *See* Paper 16 ("DR Request"). Despite those arguments, the Director instituted this IPR of the '250 patent. Papers 13 & 14. Pictiva offers no justification for the Director to change his mind on Director review.

The Director's Institution Decision is correct. As Petitioner explained, Pictiva attempts to manufacture nonexistent "inconsistencies" between the district court action and this IPR. Pictiva also tries to do undo the Board's Final Written Decision in IPR2024-01095 ("'425 IPR") in which Pictiva did not even attempt to refute the Board's findings and unpatentability determinations of the parent '425 patent. *See* IPR2024-01095, Paper 61. There, the Board issued a well-reasoned decision (Ex.1052 ("'425 FWD")) after conducting a full IPR trial in which it afforded Pictiva great leeway to present all of its arguments, including its allegations of "inconsistencies"; and as Petitioner explained, Pictiva's Director review request in the '425 IPR should be denied. *See* IPR2024-01095, Paper 61.

Foremost, there is no inconsistency between the district court action and this IPR. Notably absent from Pictiva's argument is any "claim construction" of the term "n-doped." Indeed, 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 argument—in both the Petition and the ’425 IPR—that ***the prior art*** teaches n-doping the electron transport layer (ETL), including with Liq, as the Board found. *See, e.g.*, Pet. 23-29, 56-62; ’425 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 this IPR as Pictiva argued to the Director and contends again. The Petition’s prior art combinations involve a materially different obviousness analysis from the invalidity theory based on different prior art. 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 does not argue why the Director’s Institution Decision was improper and warrants reconsideration. Nor does Pictiva rebut reasons justifying institution. There is no copending litigation involving the ’250 patent with a competing schedule and that may result in wasted expenditures. The Board carefully analyzed prior art grounds and evidence different from the district court action and determined unpatentability of the ’425 patent claims, which Pictiva describes as “substantially

similar” to the claims of the ’250 patent. But Pictiva does not rebut any of the Board’s well-reasoned analysis in the ’425 IPR. Review of the ’250 patent “is an appropriate use of the Office resources.” *Padagis US LLC v. Neurelis, Inc.*, IPR2025-00464, Paper 12, at 3 (PTAB July 16, 2025) (informative).

II. Background

A. All claims of the ’425 patent (parent of the ’250 patent) are shown unpatentable

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

Petitioner filed IPR2024-01095, challenging claims of the ’425 patent based on grounds including Suzuki/Ma and Diekmann/Ma combinations that were different than presented in the EDTX action. Ex.1049, 3-4.

None of Petitioner, Defendants, and Pictiva proposed a claim construction for the term “n-doped” in either venue, and neither the Board nor the district court construed that term. *See, e.g.*, Ex.1045; Ex.1049 at 10; ’425 FWD. 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; Ex.2042 at 2. Neither ground was raised in the '425 IPR in light of Defendants' stipulation (IPR2024-01095, Ex.1037) and the fact that product prior art is unavailable in IPRs. *See* Ex.1049 at 3-4. The jury found that Defendants had not proved—by clear and convincing evidence—invalidity of claim 2 of the '425 patent based on the Clix2/Wei and Kondakova grounds (Ex.2033, 6; Ex.2042, 2)—prior art grounds not presented in the '425 IPR or in this IPR against the '250 patent.

Pictiva then sought to terminate the '425 IPR based on the jury verdict. Upon the Board's authorization, Pictiva presented its statement on the EDTX trial (Ex.2046), which was based on the same arguments it presented to the Director in this IPR (*see* Paper 7, Paper 11, Paper 16). Petitioner responded, explaining that there are no inconsistencies given the differences in accused products, prior art, obviousness theories, and motivation-to-combine analysis. Ex.2042.

Not persuaded by Pictiva, the Board issued the FWD finding all remaining claims of the '425 patent unpatentable. *See* '425 FWD 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 also agreed with Petitioner's expert, Dr. Holmes, that a POSITA would have had a

reasonable expectation of success in making the proposed combinations, and thoroughly addressed and rejected Pictiva's arguments. *Id.* at 11-15.

Pictiva filed a Director review request of the '425 FWD, rehashing its arguments about alleged "inconsistencies" already presented to the Board. *See* IPR2024-01095, Paper 59. Petitioner responded, explaining why Pictiva's arguments were wrong and properly rejected by the Board's well-reasoned FWD. *Id.*, Paper 61.

B. The Director instituted this IPR of the '250 patent despite Pictiva's identical arguments in its Director review request

Petitioner filed this IPR after Pictiva served Defendants with a motion attaching a complaint alleging infringement of the '250 patent before it even issued. *See* Pet. 2. Pictiva subsequently withdrew its motion, and there is no copending litigation on the '250 patent.

The Petition here challenges all claims of the '250 patent based on grounds including Suzuki/Ma and Diekmann/Ma combinations. Pet. 3-4. Pictiva disclaimed claims 6-8, 10-11, and 13-15 of the '250 patent. Ex.2001.

Pictiva requested the Director to discretionarily deny institution, making the *same* arguments presented in its request for Director review here. *See* Paper 7 ("DD Br."). Petitioner opposed. *See* Paper 9. "[A]fter review of discretionary considerations," the Director decided to refer the Petition for merits considerations. Paper 13 at 2. Pictiva's Patent Owner's Preliminary Response made the same alleged

“inconsistency” arguments presented in its Director review request. *See* Paper 11 (“POPR”). Nevertheless, the Director instituted this IPR. Paper 14 at 2.

Now once again, Pictiva repeats the very same arguments in its DD Brief and POPR, but which the Director did not agree with and instead granted institution.

III. The Director Properly Instituted This IPR over the Same Arguments Previously Presented By Pictiva

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

Pictiva argues, as it previously did to the Director before institution, that Petitioner advanced an “inconsistent claim construction position” for the term “n-doped.” DR Request 7-11. 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.1045. Likewise, neither Petitioner nor Pictiva proposed claim constructions of the term “n-doped” in the ’425 IPR, and the Board did not construe the term. *See* ’425 FWD. Pictiva admits that no party “requested a claim construction of ‘n-doped.’” DR Request 7.

Indeed, the EDTX action applied the “plain and ordinary” meaning of “n-doped.” 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. 574 at 1313:19-25, 1320:9-14 (10/31 Trial Tr.). Consistent with other proceedings, the Petition here is based on the plain and ordinary meaning. Pet. 8. Having no claim

constructions for “n-doped” in other proceedings, there is no “inconsistency” for Petitioner to address. Petitioner has fully complied with §42.104(b)(3).

Pictiva again 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. 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, Suzuki and Diekmann in this IPR expressly disclose n-doped ETLs, and the Ma reference expressly discloses n-doping an ETL using Liq. *See, e.g.*, Ex.1007, [0333]; Ex.1009, 10; Ex.1011, 810; *see* ’425 FWD 8-15.

Pictiva repeats its convoluted and flawed argument about testimony regarding n-doping’s dependency on context and how various accused and prior art products in fact act. DR Request 7-10. 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* ’425 FWD 8-9, 11-15, which Pictiva’s request does not refute.

Indeed, Pictiva and its EDTX expert, Dr. Schanze, acknowledged the various ways in which n-dopants may act depending on the context (DD Br. 10-18 & n.3;

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 inconsistency. Pictiva does not dispute that the witness was simply asked about a document pertaining to the *accused products*. Ex.2034, 868:10-25. She did not testify about or assess the role of Liq in the context of Suzuki’s or Diekmann’s OLEDs generally or as modified by Ma, much less offer even an implicit claim construction.¹ *Id.* Nor does an EDTX expert’s testimony that product prior art Clix2 “[was not] shown” to have “an n-doped ETL” present any inconsistency where that product prior art is different from Suzuki, Diekmann, and Ma. *Id.* at 917:1-8; Ex.1007, [0333]; Ex.1009, 10; Ex.1011, 810; ’425 FWD 8-15 (discussing n-doped ETLs in prior art).

This case is also unlike *Revvo*, *Carbyne*, *Infineon*, *Tesla*, and *Generac* that Pictiva string cites but does not argue that their facts apply here (*see* DR Request 10-11). Unlike those cases, in the EDTX action and the IPRs, 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

¹ Claim construction is the province of the court. *Markman v. Westview Instruments, Inc.*, 517 U.S. 370, 384 (1996). The Director’s decision to institute is consistent with *EcoFactor* (DR Request 11), which addresses construction by a court or the Board (rather than a witness) and does not support Pictiva.

and ordinary meaning of the term “n-doped.” *Pictiva*, Dkt. 574 at 1313:19-25, 1320:9-14 (10/31 Trial Tr.). And contrary to Pictiva’s argument, Defendants and their witnesses did not implicitly present a claim construction; they merely explained whether the particular accused or prior art products were shown to be n-doped.

Pictiva presented its same, flawed arguments to the Board in the ’425 IPR and to the Director to no avail. Ex.2046 (Pictiva’s statement); Ex.2042 (Petitioner’s response); DD Br.; POPR. As Petitioner explains here, there is no inconsistency. The EDTX jury verdict concerned different prior art, evidence, and invalidity theories, and none of the same evidence or arguments addressed in this IPR. *See also* III.B-C; Ex.2042 (Petitioner’s response); Paper 9; IPR2024-1095, Paper 61 & Ex.1037 (stipulation). Not surprisingly, despite Pictiva’s same arguments, the Director did not discretionarily deny the Petition and instead instituted this IPR. Papers 13 & 14.

Likewise, in the ’425 IPR, the Board was not persuaded and declined to terminate the proceeding, consistent with the Director’s decision in *Inergy*, IPR2024-00094, Paper 44. To put it simply, this is not a case where the EDTX jury was presented with the same or substantially the same evidence, prior art, and asserted grounds, but reached a different result. There is no inconsistency between the ’425 FWD (or the Petition here) 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 ’425 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); *Ultratec, Inc. v. CaptionCall, LLC*, 872 F.3d 1267, 1283 (Fed. Cir. 2017) (holding that if there was “consisten[cy], the Board would not have had to spend any more time on the issue”).

The Director’s decision in *Inergy* 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. The claim was thus determined to be both unpatentable in the IPR and not proven invalid in the district court. *Id.* 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, and there is no inconsistency between the two proceedings.

B. 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 again argues that Defendants’ Clix2/Wei invalidity theory is “cumulative” of the Petition’s grounds. DR Request 11-12. As previously explained, Pictiva is wrong—the prior art and evidence in this IPR are different from the EDTX action. *See* Paper 9 at 7-9.

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 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; Ex.2042 at 2. In contrast, the Petition presents: (A) a combination of Suzuki and Ma (or further with Lee) and (B) a combination of Diekmann and Ma (or further with Lee). Pet. 3. None of those references and combinations in the Petition overlap with Defendant’s invalidity grounds in the EDTX action.

Contrary to Pictiva’s argument, the Clix2/Wei argument and evidence are materially different from the Petition’s Suzuki/Ma and Diekmann/Ma combinations. Pictiva admits that the Clix2 product was not shown to have an n-doped ETL (DR Request 8, 12; 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 Suzuki's and Diekmann's OLEDs that are *already taught to have n-doped ETLs*, with accompanying benefits. *See, e.g.*, Ex.1007, [0333]; Ex.1009, 10; Pet. 23-25, 56-58; *see also* Ex.1003, ¶¶124, 139, 146, 251, 253, 264, 274. Indeed, the Board recognized that both Suzuki and Diekmann teach "the claimed n-dopant electron transport layer (ETL)" as the Petition explained. '425 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. *Id.* at 11-15.

Pictiva appears to incorrectly suggest that Petitioner did not propose modifying Diekmann's/Suzuki's n-doped ETLs (DD Request 13 (citing Pet. 26, 29, 59-60)). But, in contrast to the Clix2 arguments, the Petition specifically proposed modifying Suzuki/Diekmann's n-doped ETLs to use Liq as the n-dopant. *See, e.g.*, Pet. 26, 59 ("It would have been obvious to a POSITA to use [Liq] as the dopant in *Suzuki's n-doped ETL* [*/Diekmann's n-doped ETL*]."). And recognizing benefits over undoped ETLs does not undercut the obviousness of using Liq-doped ETLs to achieve those 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 12. That contention is beside the point. In this IPR, Petitioner’s expert, Dr. Holmes, provided opinions and detailed analysis on the obviousness of the Liq limitation—such evidence was not presented to the EDTX jury. Simply put, the combinations in this IPR are not the same or substantially the same as Defendants’ Clix2/Wei challenge and involve a materially different obviousness analysis, evidence, and arguments compared to that presented in the EDTX action.

C. This IPR does not contradict the EDTX jury verdict

Pictiva incorrectly asserts that this IPR poses a risk of contradicting the jury verdict on the ’425 patent in the EDTX action (DR Request 14). 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 between the IPR grounds and the jury verdict on a different patent.

Pictiva’s reference to two cases lends it no support. In *Sinclair*, the IPR was de-instituted 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). Thus, unlike here, *Sinclair* concerned “the same prior art” challenge and commercial success finding in another proceeding. *See id.* Nor does *Hulu* apply, as it was a de-institution decision where a prior proceeding held the

challenged claims patent ineligible. IPR2024-01252, Paper 27, at 2-3 (Acting Director Apr. 17, 2025). Contrary to Pictiva’s assertion, the propriety of Board decisions finding unpatentability where a jury rejected a distinct 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).

Pictiva’s argument has no merit and is inconsistent 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)).

D. Pictiva’s Director review request should be denied

Pictiva’s argument that “the Institution Decision should be vacated if Director Review is granted in [the ’425 IPR]” (DR Request 14) lacks merit. For all the reasons explained above, Pictiva’s request to vacate the Director’s Institution Decision should be denied. And Pictiva’s Director review request in the ’425 IPR should be denied. *See* IPR2024-1095, Paper 61. Pictiva makes the *same* flawed arguments here that it presented numerous times to the Director (and the Board in the ’425 IPR). *See, e.g.,* DD Br.; POPR. Notwithstanding Pictiva’s assertions, the Director did not deny the Petition and decided to institute this IPR. Pictiva fails to establish that reconsideration would be warranted.

Nor does Pictiva rebut numerous factors supporting the Director’s Institution Decision. There is no copending litigation on the ’250 patent that may result in wasted expenditure of resources or inconsistent results from litigating in two forums. And in Pictiva’s own words, the remaining claims of the ’250 patent are “materially the same” as and “substantially similar” to the claims found unpatentable by the Board’s ’425 FWD. *See* DD Br. 1, 6. But in the ’425 IPR and here, Pictiva did not even 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* ’425 FWD 11-15). The Board fully agreed with Dr. Holmes over Pictiva’s expert (*see, e.g., id.* at 14-15), and Pictiva does not disagree. Pictiva merely repeats its pre-institution arguments that have no merit (*see supra* §III.A-C), and over which the Director nonetheless instituted this IPR.

There is a reasonable likelihood that the remaining claims of the ’250 patent—that Pictiva represents as “substantially similar” to the claims of the ’425 patent—will be found unpatentable like those claims. Review of the ’250 patent “is an efficient use of Board resources to address the related [’250 patent].” *Padagis*, IPR2025-00464, Paper 12, at 3.

IV. Conclusion

For the above reasons, Director review should be denied.

Date: May 20, 2026

Respectfully submitted,

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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. §42.6, I hereby certify that the foregoing
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