UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

OPTRONIC SCIENCES LLC, Plaintiff, v. BOE TECHNOLOGY GROUP CO., LTD., Defendant.	Case No. **JURY TRIAL DEMANDED**

COMPLAINT FOR PATENT INFRINGEMENT AGAINST
BOE TECHNOLOGY GROUP CO., LTD.

This is an action for patent infringement arising under the Patent Laws of the United States of America, 35 U.S.C. § 1 *et seq.*, in which Plaintiff Optronic Sciences LLC ("Plaintiff") makes the following allegations against BOE Technology Group Co., Ltd. ("BOE" or "Defendant"):

INTRODUCTION

1. This complaint arises from Defendant's unlawful infringement of the following United States patents owned by Plaintiff, each of which generally relate to wireless communication technology: United States Patents No. 7,688,934 (the "'934 Patent"), 8,208,084 (the "'084 Patent"), 8,502,757 (the "'757 Patent"), and 8,604,471 (the "'471 Patent") (collectively, the "Asserted Patents").

THE PARTIES

2. Plaintiff is a limited liability company organized and existing under the laws of the state of Texas.

3. Upon information and belief, BOE is a corporation organized and existing under the laws of China with a registered address at 10 Jiuxianqiao Road, Chaoyang District, Beijing, 100015, P. R. China, and an office address at 12 Xihuan Middle Road, Beijing Economic-Technological Development Area, 100176, P. R. China.

JURISDICTION AND VENUE

4. This action arises under the patent laws of the United States, Title 35 of the United States Code § 1, *et seq*, including 35 U.S.C. §§ 271, 281, 283, 284, and 285. This Court has original subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

5. This Court has personal jurisdiction over Defendant in this action because Defendant has committed acts within this District giving rise to this action, and has established minimum contacts with this forum such that the exercise of jurisdiction over Defendant would not offend traditional notions of fair play and substantial justice. Defendant has established minimum contacts with the United States as a whole and with Texas such that subjecting Defendant to personal jurisdiction in this Court will not offend traditional notions of fair play and substantial justice. Defendant has purposely availed itself of the laws and protections of the United States and the State of Texas by knowingly supplying and/or contracting to supply display panels for incorporation into products to be sold, offered for sale, imported, and used in the United States, the State of Texas, and in this District. Defendant has targeted the United States by conducting regular business therein, and has placed and continues to place its products into the stream of commerce through an established distribution channel with the expectation and/or knowledge that they will be purchased by consumers in the United States, the State of Texas, and this District. On information and belief, BOE knows or should be aware that finished consumer products incorporating the Accused Products are sold by U.S. companies and distributors to consumers in

this District, including through websites targeting U.S. customers. Plaintiff's claims for patent infringement arise directly from and/or relate to this activity.

6. Defendant also represents itself as a global entity with a substantial presence in the United States, both directly and through of steam of commerce sales of Accused Products that are intended to, and in fact are, sold in the United States. *E.g.*, https://www.boe.com/en/about/index ("[Defendant's] subsidiaries span 20 countries and regions, including the United States, Germany, Britain, France, Switzerland, Japan, South Korea, Singapore, India, Russia, Brazil and the United Arab Emirates. Its service network covers major regions in Europe, the Americas, Asia, Africa and beyond."). In addition, "one out of four display products in the world comes from BOE" and its display products, including the Accused Products, are intended to be sold "abroad." *Id.*

7. Defendant has not moved to transfer cases filed in this District in the past, including but not limited to *Element Capital Commercial Company Pte. Ltd v. BOE Technology Group Co., et al.*, Case No. 2:22-cv-00118-JRG (E.D. Tex.), and *Vista Peak Ventures, LLC v. BOE Technology Group Co., Ltd.*, Case No. 2:18-cv-00431-JRG (E.D. Tex.).

8. Venue is proper in this District under 28 U.S.C. §§ 1391(a)-(d) and 1400(b). Defendant is a foreign corporation that does not reside in the United States and may be sued in any judicial district pursuant to 28 U.S.C. § 1391(c)(3).

COUNT I

INFRINGEMENT OF U.S. PATENT NO. 7,688,934

9. Plaintiff realleges and incorporates by reference the foregoing paragraphs as if fully set forth herein.

10. Plaintiff owns by assignment all rights, title, and interest in U.S. Patent No. 7,688,934, entitled "Shift register and shift register unit for diminishing clock coupling effect."

The ’934 Patent was duly and legally issued by the United States Patent and Trademark Office on March 30, 2010. A true and correct copy of the ’934 Patent is attached as Exhibit 1.

11. On information and belief, Defendant makes, uses, offers for sale, sells, and/or imports certain products (“’934 Accused Products”), such as the BOE OLED panel supplied to Apple and included in the iPhone 14, that directly infringe, literally and/or under the doctrine of equivalents, one or more claims of the ’934 Patent. Defendant is liable for infringement of the ’934 Patent pursuant to 35 U.S.C. § 271(a).

12. Defendant also knowingly and intentionally induces infringement of one or more claims of the ’934 Patent in violation of 35 U.S.C. § 271(b). Through the filing and service of this Complaint, Defendant has had knowledge of the ’934 Patent and the infringing nature of the ’934 Accused Products. Despite this knowledge of the ’934 Patent, Defendant continues to actively encourage and instruct its direct and indirect customers to directly infringe the ’934 Patent. For example, on information and belief, Defendant specifically instructs Apple or manufacturers associated with Apple to make, use, sell, offer for sale, and import devices that meet all the limitations of one or more claim of the ’934 Patent. Defendant does so knowing and intending that its customers will commit these infringing acts. Defendant also knew or was willfully blind that its actions would induce direct infringement by others and intended that its actions would induce direct infringement by others. Accordingly, a reasonable inference is that Defendant specifically intended for others, such as its customers, to directly infringe one or more claims of the ’934 Patent because Defendant had knowledge of the ’934 Patent and actively induced others (*e.g.*, its direct and indirect customers) to directly infringe the ’934 Patent.

13. Defendant also contributorily infringes pursuant to 35 U.S.C. § 271(c) by making, using, selling, offering to sell, commercially distributing, and/or importing the ’934 Accused

Products, knowing that they constitute a material part of the invention, are especially made or adapted for use in infringing, and are not staple articles of commerce capable of substantial non-infringing use.

14. The ’934 Accused Products satisfy all claim limitations of one or more claim of the ’934 Patent. A claim chart comparing independent claim 1 of the ’934 Patent to representative ’934 Accused Products is attached as Exhibit 2.

15. By making, using, offering for sale, selling and/or importing into the United States the ’934 Accused Products, Defendant has injured Plaintiff and is liable for infringement of the ’934 Patent pursuant to 35 U.S.C. § 271.

16. As a result of Defendant’s infringement of the ’934 Patent, Plaintiff is entitled to monetary damages in an amount adequate to compensate for Defendant’s infringement, but in no event less than a reasonable royalty for the use made of the invention by Defendant, together with interest and costs as fixed by the Court.

COUNT II

INFRINGEMENT OF U.S. PATENT NO. 8,208,084

17. Plaintiff realleges and incorporates by reference the foregoing paragraphs as if fully set forth herein.

18. Plaintiff owns by assignment all rights, title, and interest in U.S. Patent No. 8,208,084, entitled “Array substrate with test shorting bar and display panel thereof.” The ’084 Patent was duly and legally issued by the United States Patent and Trademark Office on June 26, 2012. A true and correct copy of the ’084 Patent is attached as Exhibit 3.

19. On information and belief, Defendant makes, uses, offers for sale, sells, and/or imports certain products (“’084 Accused Products”), such as the BOE OLED panel supplied to

Apple and included in the iPhone 14, that directly infringe, literally and/or under the doctrine of equivalents, one or more claims of the ’084 Patent. Defendant is liable for infringement of the ’084 Patent pursuant to 35 U.S.C. § 271(a).

20. Defendant also knowingly and intentionally induces infringement of one or more claims of the ’084 Patent in violation of 35 U.S.C. § 271(b). Through the filing and service of this Complaint, Defendant has had knowledge of the ’084 Patent and the infringing nature of the ’084 Accused Products. Despite this knowledge of the ’084 Patent, Defendant continues to actively encourage and instruct its direct and indirect customers to directly infringe the ’084 Patent. For example, on information and belief, Defendant specifically instructs Apple or manufacturers associated with Apple to make, use, sell, offer for sale, and import devices that meet all the limitations of one or more claim of the ’084 Patent. Defendant does so knowing and intending that its customers will commit these infringing acts. Defendant also knew or was willfully blind that its actions would induce direct infringement by others and intended that its actions would induce direct infringement by others. Accordingly, a reasonable inference is that Defendant specifically intended for others, such as its customers, to directly infringe one or more claims of the ’084 Patent because Defendant had knowledge of the ’084 Patent and actively induced others (*e.g.*, its direct and indirect customers) to directly infringe the ’084 Patent.

21. Defendant also contributorily infringes pursuant to 35 U.S.C. § 271(c) by making, using, selling, offering to sell, commercially distributing, and/or importing the ’084 Accused Products, knowing that they constitute a material part of the invention, are especially made or adapted for use in infringing, and are not staple articles of commerce capable of substantial non-infringing use.

22. The ’084 Accused Products satisfy all claim limitations of one or more claim of the ’084 Patent. A claim chart comparing independent claim 1 of the ’084 Patent to representative ’084 Accused Products is attached as Exhibit 4.

23. By making, using, offering for sale, selling and/or importing into the United States the ’084 Accused Products, Defendant has injured Plaintiff and is liable for infringement of the ’084 Patent pursuant to 35 U.S.C. § 271.

24. As a result of Defendant’s infringement of the ’084 Patent, Plaintiff is entitled to monetary damages in an amount adequate to compensate for Defendant’s infringement, but in no event less than a reasonable royalty for the use made of the invention by Defendant, together with interest and costs as fixed by the Court.

COUNT III

INFRINGEMENT OF U.S. PATENT NO. 8,502,757

25. Plaintiff realleges and incorporates by reference the foregoing paragraphs as if fully set forth herein.

26. Plaintiff owns by assignment all rights, title, and interest in U.S. Patent No. 8,502,757, entitled “Organic light emitting display having threshold voltage compensation mechanism and driving method thereof.” The ’757 Patent was duly and legally issued by the United States Patent and Trademark Office on August 6, 2013. A true and correct copy of the ’757 Patent is attached as Exhibit 5.

27. On information and belief, Defendant makes, uses, offers for sale, sells, and/or imports certain products (“’757 Accused Products”), such as the BOE OLED panel supplied to Apple and included in the iPhone 14, that directly infringe, literally and/or under the doctrine of

equivalents, one or more claims of the '757 Patent. Defendant is liable for infringement of the '757 Patent pursuant to 35 U.S.C. § 271(a).

28. Defendant also knowingly and intentionally induces infringement of one or more claims of the '757 Patent in violation of 35 U.S.C. § 271(b). Through the filing and service of this Complaint, Defendant has had knowledge of the '757 Patent and the infringing nature of the '757 Accused Products. Despite this knowledge of the '757 Patent, Defendant continues to actively encourage and instruct its direct and indirect customers to directly infringe the '757 Patent. For example, on information and belief, Defendant specifically instructs Apple or manufacturers associated with Apple to make, use, sell, offer for sale, and import devices that meet all the limitations of one or more claim of the '757 Patent. Defendant does so knowing and intending that its customers will commit these infringing acts. Defendant also knew or was willfully blind that its actions would induce direct infringement by others and intended that its actions would induce direct infringement by others. Accordingly, a reasonable inference is that Defendant specifically intended for others, such as its customers, to directly infringe one or more claims of the '757 Patent because Defendant had knowledge of the '757 Patent and actively induced others (*e.g.*, its direct and indirect customers) to directly infringe the '757 Patent.

29. Defendant also contributorily infringes pursuant to 35 U.S.C. § 271(c) by making, using, selling, offering to sell, commercially distributing, and/or importing the '757 Accused Products, knowing that they constitute a material part of the invention, are especially made or adapted for use in infringing, and are not staple articles of commerce capable of substantial non-infringing use.

30. The ’757 Accused Products satisfy all claim limitations of one or more claim of the ’757 Patent. A claim chart comparing independent claim 1 of the ’757 Patent to representative ’757 Accused Products is attached as Exhibit 6.

31. By making, using, offering for sale, selling and/or importing into the United States the ’757 Accused Products, Defendant has injured Plaintiff and is liable for infringement of the ’757 Patent pursuant to 35 U.S.C. § 271.

32. As a result of Defendant’s infringement of the ’757 Patent, Plaintiff is entitled to monetary damages in an amount adequate to compensate for Defendant’s infringement, but in no event less than a reasonable royalty for the use made of the invention by Defendant, together with interest and costs as fixed by the Court.

COUNT IV

INFRINGEMENT OF U.S. PATENT NO. 8,604,471

33. Plaintiff realleges and incorporates by reference the foregoing paragraphs as if fully set forth herein.

34. Plaintiff owns by assignment all rights, title, and interest in U.S. Patent No. 8,604,471, entitled “Semiconductor structure and organic electroluminescence device.” The ’471 Patent was duly and legally issued by the United States Patent and Trademark Office on December 10, 2013. A true and correct copy of the ’471 Patent is attached as Exhibit 7.

35. On information and belief, Defendant makes, uses, offers for sale, sells, and/or imports certain products (“’471 Accused Products”), such as the BOE OLED panel supplied to Apple and included in the iPhone 14, that directly infringe, literally and/or under the doctrine of equivalents, one or more claims of the ’471 Patent. Defendant is liable for infringement of the ’471 Patent pursuant to 35 U.S.C. § 271(a).

36. Defendant also knowingly and intentionally induces infringement of one or more claims of the ’471 Patent in violation of 35 U.S.C. § 271(b). Through the filing and service of this Complaint, Defendant has had knowledge of the ’471 Patent and the infringing nature of the ’471 Accused Products. Despite this knowledge of the ’471 Patent, Defendant continues to actively encourage and instruct its direct and indirect customers to directly infringe the ’471 Patent. For example, on information and belief, Defendant specifically instructs Apple or manufacturers associated with Apple to make, use, sell, offer for sale, and import devices that meet all the limitations of one or more claim of the ’471 Patent. Defendant does so knowing and intending that its customers will commit these infringing acts. Defendant also knew or was willfully blind that its actions would induce direct infringement by others and intended that its actions would induce direct infringement by others. Accordingly, a reasonable inference is that Defendant specifically intended for others, such as its customers, to directly infringe one or more claims of the ’471 Patent because Defendant had knowledge of the ’471 Patent and actively induced others (*e.g.*, its direct and indirect customers) to directly infringe the ’471 Patent.

37. Defendant also contributorily infringes pursuant to 35 U.S.C. § 271(c) by making, using, selling, offering to sell, commercially distributing, and/or importing the ’471 Accused Products, knowing that they constitute a material part of the invention, are especially made or adapted for use in infringing, and are not staple articles of commerce capable of substantial non-infringing use.

38. The ’471 Accused Products satisfy all claim limitations of one or more claim of the ’471 Patent. A claim chart comparing independent claim 1 of the ’471 Patent to representative ’471 Accused Products is attached as Exhibit 8.

39. By making, using, offering for sale, selling and/or importing into the United States the '471 Accused Products, Defendant has injured Plaintiff and is liable for infringement of the '471 Patent pursuant to 35 U.S.C. § 271.

40. As a result of Defendant's infringement of the '471 Patent, Plaintiff is entitled to monetary damages in an amount adequate to compensate for Defendant's infringement, but in no event less than a reasonable royalty for the use made of the invention by Defendant, together with interest and costs as fixed by the Court.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court enter:

a. A judgment in favor of Plaintiff that Defendant has infringed, either literally and/or under the doctrine of equivalents, the '934, '084, '757, and '471 Patents and that they are valid, enforceable, and patent-eligible;

b. A judgment and order requiring Defendant to pay Plaintiff its damages, costs, expenses, and pre-judgment and post-judgment interest for Defendant's infringement of the '934, '084, '757, and '471 Patents;

c. A judgment and order requiring Defendant to provide an accounting and to pay supplemental damages to Plaintiff, including without limitation, pre-judgment and post-judgment interest, and an award of an ongoing royalty for Defendant's post-judgment infringement in an amount according to proof;

d. A judgment and order finding that this is an exceptional case within the meaning of 35 U.S.C. § 285 and awarding to Plaintiff its reasonable attorneys' fees and costs against Defendant, and enhanced damages pursuant to 35 U.S.C. § 284;

e. Any and all injunctive and/or equitable relief to which Plaintiff may be entitled

including without limitation ongoing royalties with respect to Defendant's infringement; and

f. Any and all other relief as the Court may deem appropriate and just under the circumstances.

DEMAND FOR JURY TRIAL

Plaintiff, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any issues so triable by right.

Dated: July 23, 2024

Respectfully submitted,

/s/ Benjamin T. Wang

Benjamin T. Wang (CA SBN 228712)
Email: bwang@raklaw.com
Andrew D. Weiss (CA SBN 232974)
Email: aweiss@raklaw.com
Christian W. Conkle (CA SBN 306374)
Email: cconkle@raklaw.com
RUSS AUGUST & KABAT
12424 Wilshire Blvd. 12th Floor
Los Angeles, CA 90025
Phone: (310) 826-7474

Elizabeth L. DeRieux (TX SBN 05770585)
Email: ederieux@capshawlaw.com
Capshaw DeRieux LLP
114 E. Commerce St.
Gladewater, TX 75647
903 845-5770 Office

Attorneys for Plaintiff Optronic Sciences LLC