

**UNITED STATES PATENT AND TRADEMARK OFFICE**

---

**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

---

**BOE Technology Group Co., Ltd.**  
Petitioner

v.

**Optronic Sciences LLC**  
Patent Owner

Inter Partes Review No.: IPR2025-00239  
U.S. Pat. No. 8,502,757

**PETITIONER'S OPPOSITION TO PATENT OWNER'S REQUEST FOR  
DISCRETIONARY DENIAL OF INSTITUTION**

## TABLE OF CONTENTS

	<b>Page</b>
I. INTRODUCTION .....	2
II. THE LITIGATION AND IPR HISTORY BETWEEN THE PARTIES WEIGH AGAINST DISCRETIONARY DENIAL .....	3
III. THE FINTIV FACTORS WEIGH AGAINST DENIAL .....	5
A. Fintiv Factor 3 Weighs Against Denial.....	6
B. Fintiv Factor 4 Weighs Heavily Against Denial .....	6
C. Fintiv Factor 6 Weighs Heavily Against Denial .....	7
IV. THE RELEVANT CONSIDERATIONS WEIGH AGAINST DENIAL.....	7
A. No other Forum has Adjudicated the Validity or Patentability of the Challenged Claims.....	7
B. The Exceptional Strength of the Challenge Weighs Heavily Against Denial .....	8
C. The Petition Does Not Rely on Expert Testimony To Fill any “Gaps” .....	10
D. Settled Expectations Weigh Against Denial .....	11
1. PO’s Misrepresentation.....	11
2. BOE’s Settled Expectations Weigh Against Denial.....	11
3. Patent Owner Lacks any Settled Expectations .....	15
E. The Board is Better Suited To Address the Claimed Subject Matter .....	17
F. The Compelling Interest in Countering Foreign Threats to the U.S. Patent System Weighs Against Denial.....	18
V. CONCLUSION.....	20

## INDEX OF EXHIBITS

Exhibit No.	Description
1001	U.S. Patent No. 8,502,757 (“ <b>757 patent</b> ”)
1002	Declaration of R. Jacob Baker, Ph.D., P.E.
1003	File History of U.S. Patent No. 8,502,757
1004	U.S. 2007/0103406 (“ <b>Kim406</b> ”)
1005	U.S. 2005/0110730 (“ <b>Kim730</b> ”)
1006	U.S. 2009/0040150 (“ <b>Senda</b> ”)
1007	R. Jacob Baker, et al., CMOS Circuit Design, Layout, and Simulations (1 <sup>st</sup> ed. 1998)
1008	U.S. Pat. App. Pub. No. 2007/0170990 (“ <b>Park</b> ”)
1009	Order Setting Jury Selection for May 4, 2026
1010	Patent Owner’s Infringement Contentions for the ’757 patent dated January 21, 2025
1011	Dong-Wook Park, et. al., 53.5: <i>High-Speed AMOLED Pixel Circuit and Driving Scheme</i> , SID 10 Digest (2010).
1012	Jung Chul Kim, et. al., <i>A Novel OLED Pixel Circuit with Controllable Threshold Voltage Compensation Time</i> , IDW ’19 (2019).
1013	Chih-Lung Lin, et. al., <i>Compensation Pixel Circuit to Improve Image Quality for Mobile AMOLED Displays</i> , IEEE Journal of Solid-State Circuits (2018).
1014	Docket Sheets Search
1015	Curriculum Vitae of Dr. R. Jacob Baker
1016	May 9, 2025 <i>Sotera</i> Stipulation
1017	Paper 12, <i>Tesla Inc. v United States of America</i> , IPR2025-00341
1018	Complaint in <i>Optronic Sciences LLC v. BOE Technology Group Co., Ltd.</i> , 2:23-cv-00577
1019	Patent Owner Response in IPR2024-01315
1020	Patent Owner Response in IPR2024-01134
1021	Patent Owner Response in IPR2024-01130
1022	Patent Owner Response in IPR2024-01132
1023	CN107452332
1024	Assignment Record
1025	AUO Corporation America’s Response to Subpoena
1026	AUO Corporation 2023 Annual Report
1027	Plaintiff’s Opposition to Motion for Summary Judgment (Redacted)

## I. INTRODUCTION

Pursuant to the Director’s March 26, 2025 memorandum regarding Interim processes for PTAB Workload Management (“March 26, 2025 Memo”), Petitioner BOE Technology Group Co., Ltd. (“BOE” or “Petitioner”) opposes Patent Owner Optronic Sciences LLC’s (“Patent Owner’s”) request that the Director exercise discretion to deny institution of the Petition. *See* Paper 7 (“DD Req.”); Paper 8 (“DD Req. Supp.”).

A holistic weighing of the relevant arguments and evidence weighs against discretionary denial and in favor of institution. The complexity of the litigations between the parties—involving thirteen diverse patents—and the number of related IPRs—six instituted, two pending—strongly weighs in favor of instituting proceedings on the two remaining petitions, including the instant Petition. Petitioner carefully considered the thirteen asserted patents and filed extremely strong petitions on only eight of the patents. Petitioner’s thoughtful and selective approach has resulted in the Board instituting IPRs on all six of the petitions considered to date. The strength of those six IPRs has subsequently been confirmed by Patent Owner, who has disclaimed all challenged claims in two of the instituted IPRs, disclaimed the broadest claims in a third IPR, and is not defending over half of the challenged claims in a fourth IPR. In short, the IPRs are serving their

intended purpose of being a true alternative and less expensive proceeding. The final two IPRs, including this one, should be instituted for the same reason.

The instant Petition, like the six instituted IPRs, is exceptionally strong, weighing heavily in favor of institution. There is no overlap with the related litigation because the Petition challenges all twenty-one claims, the litigation only involves two claims, and the Petitioner has offered a broad *Sotera* stipulation that, under the facts here, eliminates any remaining overlap. The settled expectations of the parties also weigh in favor of institution, as shown by Patent Owner's recent acquisition of the patents and the results so far in the six instituted IPRs. And the Board is a superior forum in which to resolve the invalidity challenge because the technology is complex and because fundamental differences between BOE's and the claimed technology means the litigation is unlikely to address invalidity.

Finally, the Board should institute this IPR to protect the integrity of the U.S. intellectual property system because the former, foreign patent owner and the current Patent Owner separated the patent from relevant evidence, leaving the relevant evidence in a foreign jurisdiction beyond the reach of the District Court.

## **II. THE LITIGATION AND IPR HISTORY BETWEEN THE PARTIES WEIGH AGAINST DISCRETIONARY DENIAL**

The complexity and diversity of the litigations between the parties, and the proven track record so far in the six instituted IPRs on the portfolio acquired by Patent Owner tip the balance against discretionary denial. *See* EX1017 (Paper 12,

*Tesla, Inc. v. The United States of America*, IPR2025-00341), 2 (citing the complexity and diversity of the dispute as tipping the balance against denial).

The related litigation *Optronic Sciences LLC v. BOE Technology Group Co., Ltd.*, 2:23-cv-00577 (EDTX) (“the 577 Litigation”) involves four patents related to four very diverse and complex technologies. The ’757 patent at issue here relates to voltage compensation circuitry within a pixel, a second patent relates to test shorting bars around the periphery of a display, a third patent relates to diminishing a clock coupling effect in a shift register, and a fourth patent relates to a light shielding layer within the semiconductor layers of a pixel. EX1018 (Complaint), 3-10. This combination of patents on unrelated and highly technical subject matter will present an extremely difficult task for a lay jury. Petitioner selectively filed petitions for IPR on only two of the four patents. The instant Petition (IPR2025-00239) and a petition in IPR2025-00238.

The overall dispute between the parties, which is relevant to the instant decision, includes the related litigation *Optronic Sciences LLC v BOE Technology Group Co., Ltd.*, 2:23-cv-00549 (EDTX) (“the 549 Litigation”) which involves an additional nine patents that were part of the same portfolio of patents Patent Owner acquired from the former owner, AUO Corporation (“AUO”). Petitioner selectively filed petitions for IPR on only six of the nine patents. The Board

instituted all six IPRs. *See*, IPR2024-01130; IPR2024-01131; IPR2024-01132; IPR2024-01133; IPR2024-01134; IPR2024-01315.

The six instituted IPRs have succeeded in efficiently narrowing the disputes between the parties as they relate to the AUO portfolio acquired by Patent Owner. In two of the IPRs, Patent Owner disclaimed all challenged claims. *See* EX1019 (Patent Owner’s Response in IPR2024-01315, 1); EX1020 (Patent Owner’s Response in IPR2024-01134, 1). In a third IPR, Patent Owner disclaimed the two broadest claims and is only defending four challenged claims. EX1021 (Patent Owner Response in IPR2024-01130, 1 (“Patent Owner disclaimed claims 3 and 4.”)). In a fourth IPR, Patent Owner is defending less than half of the challenged claims. EX1022 (Patent Owner Response in IPR2024-01132, 21 (only defending claims 3, 4 and 7 of challenged claims 1-7)).

Thus, the dispute between BOE and Patent Owner regarding the portfolio acquired from AUO includes 13 patents, which is even larger than the 11-patent dispute at issue in *Tesla*. And the proven success in the six IPRs instituted so far in efficiently narrowing the disputes related to that portfolio tips the balance against discretionary denial.

### **III. THE *FINTIV* FACTORS WEIGH AGAINST DENIAL**

Factors 1, 2 and 5 would normally weigh slightly in favor of denial, but the lack of any overlap in the proceedings means that in this case the IPR would be a

true alternative to the related litigation (as explained below for Factor 4), such that any stay (factor 1), the relatively close trial date (factor 2) and the identity of the parties (factor 5) hold less weight. Factors 3, 4 and 6 weigh heavily in favor of institution as described below. Accordingly, a holistic view of the *Fintiv* factors favors institution.

**A. *Fintiv* Factor 3 Weighs Against Denial**

By the deadline for the decision on institution—October 11, 2025—no substantive orders will have issued in the related litigation and the parties will have just submitted opening claim construction briefs. EX2002 (February 14, 2025 DCO). Thus, this factor weighs against denial.

**B. *Fintiv* Factor 4 Weighs Heavily Against Denial**

Factor 4 weighs heavily against denial in light of the broad *Sotera* stipulation and the fact that all twenty-one issued claims are challenged in the Petition while only two claims are asserted in the litigation.

First, the litigation will only address (at most) apparatus claims 1 and 16 while the proposed IPR will resolve the invalidity of claims 1-21 (all claims). Pet. 91; EX1010. The Petition addresses independent method claim 17 and its dependent claims 18-21, which are substantially different from apparatus claims 1 and 16, as evidenced by the eighteen pages in the Petition addressed specifically to those claims. Pet., 34-42, 74-86.



Second, Petitioner has filed a broad *Sotera* stipulation that, on the facts here, eliminates any possible overlap between the proceedings. EX1016. The validity of claims 1 and 16 in the related litigation will be considered only in light of grounds that include a single prior art product, the Samsung Galaxy S. There is no Galaxy S User Manual or other type of reference in the Petition that “corresponds” to the Galaxy S product in the litigation—and Patent Owner does not attempt to show otherwise. EX2004 (Exhibit C-9 asserting Samsung Galaxy S with two different references not at issue in the Petition). Accordingly, on the facts in this particular proceeding, the *Sotera* stipulation is sufficient to eliminate any possible overlap between the proceedings.

**C. *Fintiv* Factor 6 Weighs Heavily Against Denial**

As shown below, the Petition sets forth an exceptionally strong case of invalidity, the Board is a much better forum to resolve the invalidity challenge, and the compelling interest in mitigating threats by foreign patent owners, all weigh heavily against denial.

**IV. THE RELEVANT CONSIDERATIONS WEIGH AGAINST DENIAL**

**A. No other Forum has Adjudicated the Validity or Patentability of the Challenged Claims**

This is the first challenge to the patentability of the challenged claims of the ’757 patent or any related patent, which weighs against denial.

**B. The Exceptional Strength of the Challenge Weighs Heavily Against Denial**

The Petition sets forth an exceptionally strong case for invalidity. The Petition shows how the prior art discloses the identical structure as the '757 patent, even under extremely narrow Section 112f claim constructions.

Patent Owner asserts that the '757 patent is directed to the unclaimed advantage of avoiding image retention between frames. DD Req., 16-17. But Patent Owner only hints that this is relevant to the claimed first and second reset units. *Id.* The prior art addresses the same unclaimed goals but, more importantly, discloses the identical claimed first and second reset units that reset the pixel each frame. For example, the first and second reset units in the '757 patent and Kim406 (Ground 1) and the conductive path they create to a reference voltage each frame to reset the pixel are identical to that disclosed and claimed in the '757 patent, as shown below.

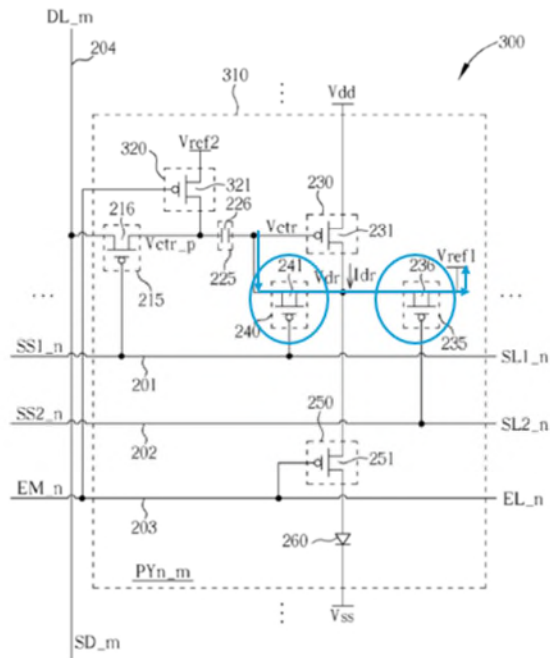


FIG. 4

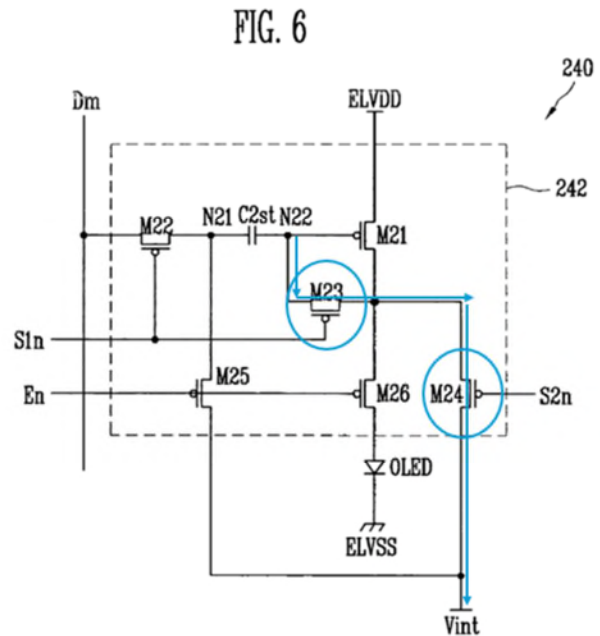


FIG. 6

EX1001, Fig. 4 (annotated); EX1004, Fig. 6 (annotated). In the '757 patent (left image), the first reset unit is PMOS transistor 236 and the second is PMOS transistor 241, which form a conductive path (arrows) to reference voltage Vref to reset the voltage each frame. In the prior art Kim406 reference (right image), the first reset unit is an identical PMOS transistor M24 and the second is an identical PMOS transistor M23, which form an identical conductive path to reference voltage Vint to reset the voltage each frame. *See* Pet. 24-26 (first reset unit), 26-28 (second reset unit). Thus, the prior art includes the identical structures performing the identical functions every frame to reset the pixel to a reference voltage.

While the example in Ground 1 is sufficient to show the strength of the Petition, the other primary reference (Senda) used for Ground 3 also discloses

identical structures for performing the identical functions. Pet.,64-65 (first reset unit), 66-68 (second reset unit).

Grounds 1 and 3 clearly establish anticipation of the claims, including the reset units, as shown above. There is no “gap” between the prior art and the claims for an expert to fill. The fact that the Patent Owner resorts to arguing about an unclaimed purported advantage of the patent merely highlights the exceptionally strong showing made in the Petition.

**C. The Petition Does Not Rely on Expert Testimony To Fill any “Gaps”**

Patent Owner notes the length of the expert declaration (DD Req., 15-16), but that declaration consists of the expert walking through the lengthy claims and constructions under Section 112f and applying those to the identical structures disclosed in the prior art using a large number of annotated figures. EX1002. Patent Owner fails to identify a single “gap” that the expert is relied on to fill. There is none. For example, Patent Owner does not assert that the Petition relies on expert testimony to fill any gap related to the first or second reset unit. (Nor could it, since, as shown above, the prior art discloses reset units using the identical structure disclosed in the ’757 patent.) Patent Owner’s passing assertion about a lack of qualifications (DD Req., 16) is meritless because Petitioner’s expert quite literally wrote the book. EX1007 (authored by Petitioner’s expert).

## **D. Settled Expectations Weigh Against Denial**

### **1. PO's Misrepresentation**

As an initial matter, PO misrepresents in its Supplemental Brief that BOE had “detailed knowledge of the patent” because “BOE cited the ’757 Patent in *thirteen* Chinese patents.” DD Req. Supp., 2 (emphasis in original). But as shown in EX2011, Google Patents separates patent citations into two categories – citations to the ’757 patent itself, and “family-to-family” citations that include any citation between related family members. EX2011. No BOE patent is listed as citing to the ’757 patent itself. *Id.* Thus, there is no evidence that BOE had any knowledge that the ’757 patent had issued or the scope of the issued claims. PO’s assertion that BOE had “detailed knowledge” of the ’757 patent is incorrect and inappropriate.

### **2. BOE's Settled Expectations Weigh Against Denial**

BOE had settled expectations that the AUO would not assert any patent claiming the subject matter of the ’757 patent against BOE because the ’757 patent claims an indirect “adjustment unit” programming technique that is fundamentally different from BOE’s improved and more direct programming technique. As shown below, it would have been a waste of the Board’s, BOE’s and AUO’s resources to have prematurely challenged the claims of the ’757 patent.

The ’757 patent claims 1) applying a data signal to set a “preliminary” control voltage (V<sub>ctr\_p</sub>) on one side of a capacitor and 2) adjusting that

preliminary voltage with an “adjustment unit,” which adjustment is coupled through the capacitor to set the actual control voltage ( $V_{ctr}$ ) on the other side of the capacitor for the driving transistor (231). These claimed structures (claim 1, [1e]-[1f]) and steps (claim 17, [17a]-[17c]) are illustrated in annotated Figure 4 below.

FIG. 4

EX1001, Fig. 4 (annotated). The left figure shows the first step wherein the “input unit” sets the preliminary voltage (Vctr\_p) as claimed in [1e] and [17a]. The right figure shows the second step wherein the “adjustment unit” and “couple unit” set the control voltage Vctr of the driving transistor as claimed in [1f], [1g], [17b], and [17c]. Patent Owner does not dispute that the identical structures and steps for this indirect “adjustment unit” technique are taught in the asserted prior art. *See, e.g.,*

Pet., 17-18 ([1e] input unit setting preliminary), 19-20 ([1f] adjustment unit), 20-22 ([1g] couple unit); DD Req., 15-18 (not disputing).

BOE's technology, in contrast, applies the data signal to set the actual control voltage for the driving transistor. BOE's improved and fundamentally different approach eliminates the claimed "adjustment unit" and the second step of coupling an adjustment through a capacitor. This aspect<sup>1</sup> of BOE's technology is shown below.

---

<sup>1</sup> This figure from 2017 is used because it is from a patent Patent Owner relies on and because it accurately reflects this particular aspect of BOE's technology. Other aspects of this figure do not accurately reflect the 2025 accused products.

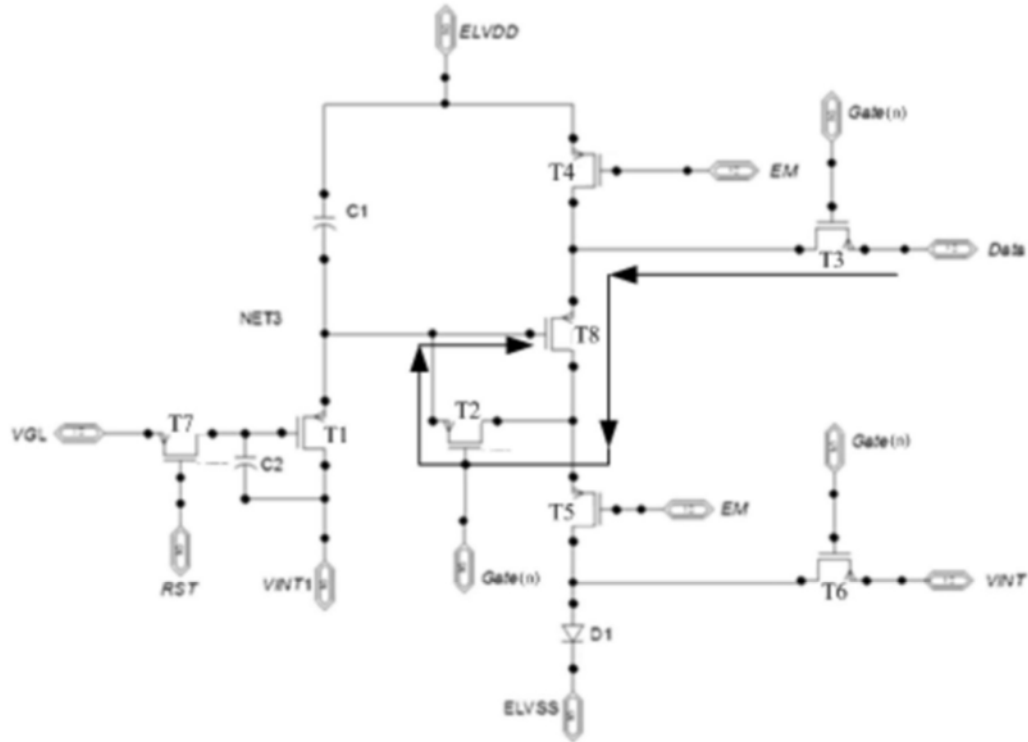


图7

EX1023, Fig. 7. As shown by the arrows in Figure 7, the data signal from the “Data” line on the right is applied to the storage capacitor C1 and the gate of the driving transistor T8. There is no subsequent step of “adjusting” that voltage or coupling a change through a capacitor. EX1023 is CN107452332, one of BOE’s patents that Patent Owner relies on in its supplemental filing for “settled expectations.” DD Req. Supp., 2; EX2011 (highlighting CN107452332).

As noted in *Debico*, the settled expectations consideration aligns with other approaches to settled expectations like the six years for filing a lawsuit. EX2010, 3. For ten years, from the time the ’757 patent issued in 2013 until it was sold 2023,



AUO and BOE pursued their fundamentally different technologies in peace. There was no reason for AUO to assert the '757 patent against BOE and no reason for BOE to investigate, learn of, or challenge the issued claims in the '757 patent. It was Patent Owner, who acquired the '757 patent in 2023 and made the meritless and surprising assertion in 2024, that disturbed settled expectations. Prior to that acquisition and assertion, it would have been a waste of the Board's, BOE's, and AUO's resources for BOE to challenge the claims of the '757 patent. The Director should not encourage such belated and meritless assertions by shielding the '757 patent from a clearly meritorious IPR.

### **3. Patent Owner Lacks any Settled Expectations**

The relevant expectations are the expectations of “the parties.” March 26, 2025 Memo, 2 (“Settled expectations of the parties”). Patent Owner purportedly acquired approximately 200 patent assets from AUO, including the '757 patent, in 2023. EX1024. Accordingly, Patent Owner has no “settled” expectations as to the recently acquired '757 patent. Patent Owner's reliance on the decisions in *Debico* and *Irythm* is misplaced because those decisions did not involve recent acquisitions of a large portfolio of patents by a non-practicing entity.

To be sure, some patent acquirors may be able to show they acquired the prior owner's settled expectations or that they developed their own settled expectations after the acquisition. There are many types of patent acquisitions,

from high-value acquisitions with terms that indicate the selling and acquiring entities have settled expectations of validity, to low-value acquisitions where large numbers of low-value patents are bundled up like a tranche of sub-prime mortgages and sold to speculators for pennies-on-the-dollar. An acquiring entity could come forward with facts sufficient to show that the terms of its particular acquisition reflect settled expectations. For example, an acquiror may show it paid a substantial sum for a particular patent, that particular emphasis was placed on a particular patent in a portfolio during negotiations, that a particular patent was battle-tested prior to or after the acquisition, that a particular patent was licensed for a persuasive amount, or that the seller provided some kind of representation or warranty regarding the validity of a patent. Here, Patent Owner chose not to provide any evidence regarding its negotiation and acquisition of the patent. For example, Patent Owner did not provide the purchase agreement, which would have shown the amount paid and any representations as to validity of the '757 patent. Thus, the Director should infer from Patent Owner's decision to withhold those facts that the facts are adverse to Patent Owner. Put another way, Patent Owner's request that the Director discretionarily deny the Petition without providing the relevant evidence to the Director should be held against the Patent Owner.

While Patent Owner has deprived the Director of any direct evidence of its subjective expectations, Patent Owner's litigation strategy provides substantial

circumstantial evidence that Patent Owner has no settled expectations as to the validity of any one the patent assets it acquired *en masse* from AUO. Patent Owner filed multiple lawsuits with a large number of patents (thirteen) and then disclaimed and dropped entire patents (or a large percentage of the asserted claims) once IPRs were instituted. This indicates that Patent Owner subjectively has no settled expectations as to any individual asserted patent and has decided to sue on a large number of patents and weed out weak patents during the litigation.

The six related IPRs have played a critical role to date in weeding out weak patents and creating, for the first time, Patent Owner's expectations as to its recently acquired patents. In the case of the disclaimed patents and claims, the six IPRs have been an extremely efficient use of the Board's resources as the Board was not required to conduct a full trial. And for the parties it has been an extremely efficient (and true alternative) to costly litigation. The Director should build on the success of the first six IPRs by instituting the two remaining IPRs, including this one.

**E. The Board is Better Suited To Address the Claimed Subject Matter**

The Patent Office would be the best place to address the prior art issues raised in the Petition. The technology is complex, and the claims include seven limitations requiring construction under Section 112f that will be extremely difficult for a lay jury to manage. Pet., 3-13. Patent Owner's attempt to distinguish

the prior art in its brief based on an unclaimed purported advantage (DD Req., 16) highlights why Patent Owner would prefer the challenge be decided by a lay jury and why the Board would be more likely to reach the correct result on the merits. Moreover, because of the number of patents at issue, the technical complexities of the '757 patent itself, and because of BOE's extremely strong noninfringement position (as discussed above under settled expectations), it is highly unlikely that BOE will, as a practical matter, have sufficient time to present a prior art invalidity case on the '757 patent to a lay jury.

**F. The Compelling Interest in Countering Foreign Threats to the U.S. Patent System Weighs Against Denial**

The former and current patent owner's actions highlight a threat to the U.S. patent system that militates against denial. The District Court cannot fully litigate the relevant issues in the underlying litigation because AUO and Patent Owner have manufactured a lack of relevant evidence. Patent Owner acquired the patents from AUO, a foreign company, and failed to obtain from AUO relevant evidence related to certain encumbrances on the '757 patent, including encumbrances related to invalidity, license, and standing. AUO is beyond the subpoena power of the District Court and has ignored the Letters Rogatory served on it. And AUO's U.S. affiliate responded to a subpoena by denying it has access to the relevant information. EX1025, 4-8 (denying possession of relevant evidence).

Patent Owner is attempting to capitalize on this manufactured lack of evidence by asserting Petitioner cannot meet its burden of proving certain issues in the related litigation. For example, with respect to invalidity, the primary prior art is from industry participants Samsung and Sharp. EX1004 (Samsung), EX1006 (Sharp). AUO knew those companies well. For example, AUO notes in its Annual Report it entered into licenses with Samsung and Sharp beginning in 1998. EX1026 (AUO 2023 Annual Report), 232. If AUO had sued BOE, AUO would have had to produce evidence to explain why the inventors drafted claims of the '757 patent on Samsung's and Sharp's technology without disclosing that technology to the Patent Office. However, by transferring the '757 patent to Patent Owner without the relevant evidence, the '757 patent has been effectively freed of any such encumbrance because the relevant evidence regarding conception and reduction to practice is beyond the reach of U.S. discovery. Normally, a district court might be considered a better place to litigate related issues of invalidity or unenforceability. But here, due to those actions, that is not the case.

Patent Owner's strategy impacts other issues as well. Patent Owner is suing BOE for indirect infringement based on sales by Samsung, which AUO has publicly acknowledged has been licensed. EX1026 (AUO 2023 Annual Report), 232. But Patent Owner hides behind the lack of evidence to assert that BOE cannot prove the scope of Samsung's license, freeing the patent from that encumbrance.

Similarly, PO asserts that because it filed a self-serving assignment with the Office, the District Court must assume Patent Owner has standing to sue because the relevant documents that would show whether Patent Owner actually has standing to sue are beyond the court's reach. EX1027, 6-9 (arguing standing should be "presumed" because BOE cannot come forward with contrary evidence).

Attempts by foreign entities and non-practicing entities like Patent Owner to manufacture a lack of relevant evidence to free patents of encumbrances is a threat to the integrity of the U.S. patent system. This threat also represents an imbalance between foreign and U.S. patent holders, because U.S. patent owners (who remain subject to U.S. discovery even after divesting their patents) cannot engage in such conduct. Foreign entities could sue in their own names or provide the relevant evidence to their assignees, such that they are on an equal footing with their U.S. counterparts. But AUO and Patent Owner chose not to do so here. Having effectively hobbled the related litigation, Patent Owner's request to deny this IPR in favor of that litigation should be rejected.

## **V. CONCLUSION**

The Director should deny Patent Owner's request and refer the Petition to the Board for a decision on the merits.

Respectfully submitted,

/Brian Erickson/

Brian Erickson  
Reg. No. 48895  
DLA Piper LLP (US)  
303 Colorado Street, Suite 3000  
Austin, Texas 78701-4653  
Phone: + 1 512 457 7000  
Fax: + 1 512 721 2263  
Brian.Erickson@us.dlapiper.com

*Attorney for Petitioner, BOE  
Technology Group Co., Ltd.*

### **CERTIFICATE OF WORD COUNT**

I certify that there are 3,860 words in this paper, exclusive of the portions  
exempted under 37 C.F.R. § 42.24(a)(1), according to the word count tool in  
Microsoft Word.

Date: July 14, 2025

/Brian Erickson/  
Brian Erickson  
Reg. No. 48895  
DLA Piper LLP (US)  
303 Colorado Street, Suite 3000  
Austin, Texas 78701-4653  
Phone: + 1 512 457 7000  
Fax: + 1 512 721 2263  
Brian.Erickson@us.dlapiper.com

*Attorney for Petitioner, BOE  
Technology Group Co., Ltd.*

## **CERTIFICATE OF SERVICE**

The undersigned certifies pursuant to 37 C.F.R. §§ 42.6(e) and 42.105 that on July 14, 2025, a true and correct copy of the **PETITIONER'S OPPOSITION TO PATENT OWNER'S REQUEST FOR DISCRETIONARY DENIAL OF INSTITUTION** was served by emailing a copy of same (by agreement) to the following attorneys for the Patent Owner:

Benjamin T. Wang (bwang@raklaw.com)

Christian Conkle (cconkle@raklaw.com)

Alexandra Loew (aloew@raklaw.com)

Qi Peter Tong (ptong@raklaw.com)

rak\_optronic@raklaw.com

Respectfully submitted,

/s/ Brian Erickson

Brian Erickson

Reg. No. 48895

DLA Piper LLP (US)

303 Colorado Street, Suite 3000

Austin, Texas 78701-4653

Phone: + 1 512 457 7000

Fax: + 1 512 721 2263

Brian.Erickson@us.dlapiper.com

*Attorney for Petitioner, BOE Technology  
Group Co., Ltd.*