

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BOE TECHNOLOGY GROUP CO., LTD.,
Petitioner,

v.

138 EAST LCD ADVANCEMENTS LIMITED,
Patent Owner.

IPR2024-00973
Patent 9,184,157 B2

Before GRACE KARAFFA OBERMANN, GEORGE R. HOSKINS, and
CHRISTOPHER M. KAISER, *Administrative Patent Judges*.

HOSKINS, *Administrative Patent Judge*.

ORDER
Conduct of the Proceeding
37 C.F.R. § 42.5(a)

On November 3, 2025, the USPTO Director issued a precedential decision in *Revvo Techs., Inc. v. Cerebrum Sensor Techs., Inc.*, IPR2025-00632, Paper 20 (Squires Nov. 3, 2025) (“*Revvo*”), which could affect Petitioner’s “Mapping C” to Reiner in the present proceeding.

In the *Revvo* case, the petitioner did not propose its own claim constructions for claim terms in the petition, but instead accepted the patent owner’s proposed claim constructions from the parties’ district court litigation. *Revvo*, at 2. Further, the petitioner had proposed different constructions for the claim terms in the district court litigation, but did not explain why it was taking a different position before the PTAB. *See id.*

The Director held that “when a petitioner takes alternative positions before the Board and a district court, that petitioner should, at a minimum, explain why alternative positions are warranted.” *Id.* at 3–4. Further, and importantly: “Simply noting that the petitioner is adopting a patent owner’s claim construction proposals from district court, however, is not a sufficient reason for advancing different positions in the two forums.” *Id.* at 5.

In the present case, Petitioner’s Mapping C is premised on Petitioner’s assertion that, in the district court litigation between the parties, “Patent Owner appears to take the liberal [claim construction] view that any two circuits connected to the same powerline are connected to each other.” Pet. 27. Petitioner “disagrees” with that alleged construction. *Id.* However, it is not clear from the record as currently constituted whether Petitioner has proposed an alternate claim construction in the district court litigation.

Accordingly, in order to implement the mandate set forth in the recent *Revvo* precedential decision, as well as the Related Matters Order previously entered in this case (Paper 28):

IT IS ORDERED that the parties shall meet and confer regarding whether there are any relevant materials from the district court litigation between the parties concerning whether Petitioner has proposed an alternate claim construction to the one that undergirds Mapping C in this proceeding;

IT IS FURTHER ORDERED that, if there are any such materials, then Petitioner shall file representative materials (as identified by either party) as Exhibits in this proceeding on or before November 21, 2025;¹ and

IT IS FURTHER ORDERED that, if there are no such materials, then the parties shall file a Joint Notice to that effect in this proceeding on or before November 21, 2025.

¹ No briefing regarding such materials is authorized at this time.

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