

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.

Case No. IPR2024-00973
U.S. Patent No. 9,184,157

**PETITIONER'S UNOPPOSED MOTION TO
PRESERVE THE RECORD PENDING APPEAL**

I. Introduction

Petitioner BOE Technology Group Co., Ltd., respectfully moves the Board to preserve the confidentiality of the record during appeal by maintaining the confidentiality of Petitioner's Exhibit 1026.

Petitioner has conferred with Patent Owner, and Patent Owner does not oppose Petitioner's request to maintain the confidentiality of Exhibit 1026 through the pendency of the appeal.

II. Background

After briefing and oral hearing was completed in this proceeding, the Board issued an Order 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" and that "Petitioner shall file representative materials (as identified by either party) as Exhibits in this proceeding." Paper 32.

In response to that Order, the parties met and conferred and Petitioner filed Exhibit 1026, along with an Unopposed Motion to Seal and Enter Agreed-To Protective Order. Paper 33. The Board determined that Exhibit 1026 is worthy of protection via a protective order, granted the Motion to Seal, and entered the parties' Agreed Protective Order. Paper 36 at 3-4.

In the Final Written Decision, the Board referred to Exhibit 1026 while discussing Mapping C from Petitioner's expert. *See* Paper 35 at 64. However, the material in Exhibit 1026 remains under seal and has not been made public.

The Board then found that Petitioner had shown that claims 1, 3-7, 9-13, and 15-18 are unpatentable, but had not shown that claims 2, 8, and 14 are unpatentable. *See* Paper 35 at 97-98.

The time for either party to appeal the Board's Final Written Decision has not expired.

III. Argument

A. The sealed exhibit should be preserved pending appeal

There is good cause to preserve the confidentiality of Petitioner's Exhibit 1026 under seal until all appeals have been exhausted.

Under the Board's practice, confidential information will usually become public 45 days after final judgment in a trial. 77 Fed. Reg. 48756, 48761 (Aug. 14, 2012); 37 C.F.R. § 42.56. On December 1, 2025, the Board issued its Final Written Decision in this proceeding. Paper 35. This period expires before the deadline for either party to file a notice of appeal, which is 63 days from entry of final judgment, that is, February 2, 2026. 37 C.F.R. § 90.3(a)(1).

The Board regularly maintains the confidentiality of the record pending appeal in IPR proceedings. *See, e.g., Intelligent Bio-Sys., Inc. v. Illumina Cambridge*

Ltd., IPR2013-00128, Paper 93 (PTAB Sept. 10, 2014); *Intelligent Bio-Sys., Inc. v. Illumina Cambridge Ltd.*, IPR2013-00517, Paper 89 (PTAB Apr. 6, 2015); *Elec. Arts Inc. v. Terminal Reality, Inc.*, IPR2016-00928, Paper 50 (PTAB Nov. 6, 2017); *Merck Sharp & Dohme Corp. v. Mayne Pharma Int’l Pty Ltd.*, IPR2016-01186, Paper 75 (PTAB Feb. 8, 2018); *Sanofi-Aventis U.S. LLC v. Immunex Corp.*, IPR2017-01879, Paper 90 (PTAB Apr. 3, 2019). Accordingly, to preserve the record for appeal and to preserve Petitioner’s opportunity to expunge confidential information from the record after appeal, Petitioner requests the Board preserve Exhibit 1026 under seal pending the outcome of all appeals. *See, e.g., id.*; *C&D Zodiac, Inc. v. B/E Aerospace, Inc.*, IPR2014-00727, Paper 71 (PTAB Jan. 5, 2016); *Illumina, Inc. v. Trs. of Columbia Univ. in the City of New York*, IPR2012-00006, Paper 133 (PTAB Apr. 25, 2014).

Here, the confidential information in Exhibit 1026 remains confidential. For the same reasons that the Board granted the Motion to Seal, the Board should maintain the confidentiality of the record throughout any appeals until a motion to expunge can be filed.

Petitioner further requests that the Board order a date certain at the conclusion of all appeals for Petitioner to file a motion to expunge the confidential information from the record. Specifically, Petitioner requests authorization to file a motion to

expunge within thirty (30) days following the conclusion of all appeals and opportunities to appeal. *See Illumina, Inc.*, IPR2012-00006, Paper 133 at 4.

Petitioner has contacted Patent Owner regarding its position, and Patent Owner does not oppose this motion.

IV. Conclusion

Petitioner respectfully requests that the Board preserve the record by maintaining the confidentiality of Exhibit 1026 until all appeals have been exhausted and provide thirty (30) days after all appeals have been exhausted for Petitioner to file a motion to expunge the confidential information.

Respectfully submitted,

Dated: January 15, 2026

By: /Kevin D. Rodkey/
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Counsel for Petitioner
BOE Technology Group Co., Ltd.

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing **Petitioner's Unopposed Motion to Preserve the Record Pending Appeal** was served on January 15, 2026, via email directed to counsel of record for Patent Owner at the following:

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Dated: January 15, 2026

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