

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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BOE Technology Group Co., Ltd,  
Petitioner,

v.

Optronic Sciences LLC  
Patent Owner

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IPR2024-01130  
Patent No. 7,168,842

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**PATENT OWNER'S PRELIMINARY SUR-REPLY**

**Patent Owner's Exhibit List**

| <b>Exhibit</b> | <b>Description</b>                                                                                                                                                                                                            |
|----------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2001           | Docket Control Order from <i>Optronic Sciences LLC v. BOE Tech. Group Co., Ltd.</i> , No. 2:23-cv-00549-JRG, Dkt. 33 (E.D. Tex. Aug. 5, 2024).                                                                                |
| 2002           | Optronic Sciences LLC's Infringement Contentions from <i>Optronic Sciences LLC v. BOE Tech. Group Co., Ltd.</i> , No. 2:23-cv-00549-JRG (E.D. Tex. July 19, 2024).                                                            |
| 2003           | BOE Technology Group Co., LTD's Invalidity Contentions from <i>Optronic Sciences LLC v. BOE Tech. Group Co., Ltd.</i> , No. 2:23-cv-00549-JRG (E.D. Tex. Oct. 25, 2024).                                                      |
| 2004           | Machine translation of JP2004-279262, retrieved from <a href="https://patents.google.com/patent/JP2004279262A/en?q=JP2004-279262">https://patents.google.com/patent/JP2004279262A/en?q=JP2004-279262</a> on October 26, 2024. |
| 2005           | Declaration of Benjamin T. Wang in Support of Motion to Appear <i>Pro Hac Vice</i>                                                                                                                                            |
| 2006           | Declaration of Andrew D. Weiss in Support of Motion to Appear <i>Pro Hac Vice</i>                                                                                                                                             |
| 2007           | Declaration of Christian W. Conkle in Support of Motion to Appear <i>Pro Hac Vice</i>                                                                                                                                         |
| 2008           | Time to Trial for Rodney Gilstrap Report from Docket Navigator, accessed December 12, 2024.                                                                                                                                   |

The Board's November 22, 2024 email authorized this sur-reply. Petitioner's Reply does not change the application of the *Fintiv* Factors to this proceeding.

**Factor 2:** The district court is not likely to vacate the trial date. Though the district court often schedules multiple cases with the same trial date, it does so because most, if not all, of those cases are likely to settle or be disposed of before trial. It should be similarly presumed here that the other cases will settle. Despite scheduling multiple trials on the same day for years, time to trial in the district court have a median of 19 months and average of 23 months. Ex. 2008 (showing data starting in 2015 to current).

**Factor 3:** Petitioner misstates the state of discovery in the case. Petitioner delayed providing discovery by failing to produce documents and substantively respond to interrogatories. Patent Owner is in the process of moving to compel. Significant court involvement will likely be needed throughout this case.

**Factors 4 and 6:** Petitioner does not dispute either factor, instead raising irrelevant arguments.

Petitioner does not dispute that it still has not filed a *Sotera* stipulation, nor does Petitioner dispute that it asserted 85 systems as prior art, alongside Uekusa, Kurokawa, and Fukuta. Double-tracking this IPR as well as district court litigation to address the same invalidity arguments is not an effective use of this agency's resources.

These factors are about *invalidity* issues. Most of Petitioner's Preliminary Reply arguments are related to their view of the merits of the *infringement* contentions in the litigation, an irrelevant factor. The only relevant *invalidity* argument raised by Petitioner is regarding claims 6 and 9. The merits of these invalidity arguments are weak, however, as the POPR demonstrates that Petitioner's prior art does not disclose the "fastener" limitation. Petitioner also attempts to distract from the failings of its prior art to argue that the "sole purported problem in the prior art" described in the patent is the "placement of heat sinks." Reply at 2. In fact, the invention is directed at the placement of all claimed components not simply heatsinks, including the claimed "fastener" that Petitioner has failed to show is disclosed in the cited references. *See* Ex. 1001 at 2:12-17 (disclosing that the invention is intended to "overcome these problems" by discussing a "light-emitting device backlight package" that minimizes "the space required for the packaging" among other things).

Respectfully submitted,

Dated: December 4, 2024

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**CERTIFICATE OF SERVICE (37 C.F.R. § 42.6(e)(1))**

The undersigned hereby certifies that the above document was served on December 4, 2024, by filing this document through P-TACTS as well as delivering a copy via electronic mail upon the following attorneys of record for Petitioners:

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