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To: [Loney, Zachary](#); rak_optronic@raklaw.com; ptong@raklaw.com; bwang@raklaw.com; aweiss@raklaw.com; cconkle@raklaw.com; [Erickson, Brian](#); [DLA-BOE-OptronicSciences-IPR](#)
Cc: [Trials](#)
Subject: RE: Unopposed Request for Board Authorization to File Reply to Patent Owner's Preliminary Response in IPR2024-01131
Date: Monday, December 9, 2024 9:21:58 AM
Attachments: [image001.png](#)

Counsel,

Petitioner's unopposed request to file a preliminary reply is granted. Petitioner may file a 3-page preliminary reply no later than December 12, 2024 to address: (1) post-Petition developments in the underlying litigation related to the *Fintiv* factors; and (2) the construction of "forming/formed on" and "predetermined material layer." No additional matters may be addressed. Patent Owner may file a 3-page responsive preliminary sur-reply no later than December 19, 2024. No additional matters may be addressed.

Regards,

Franchesca I. Alicea Villanueva
Supervisory Paralegal
Patent Trial & Appeal Board
U.S. Patent & Trademark Office

From: Loney, Zachary <Zachary.Loney@us.dlapiper.com>
Sent: Friday, December 6, 2024 1:50 PM
To: Trials <Trials@USPTO.GOV>
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Subject: Unopposed Request for Board Authorization to File Reply to Patent Owner's Preliminary Response in IPR2024-01131

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Dear Honorable Board,

Fintiv Factors

Pursuant to 35 U.S.C. § 301(a)(2), (b) and (c), Petitioner in *BOE Tech. Group Co., Ltd. v. Optronic Sciences LLC*, IPR2024-01131, seeks leave to file a 3-page Reply addressing the post-Petition developments related to the *Fintiv* factors. Should the Board grant leave for Petitioner to file a

IPR2024-01131
Ex. 3001

Reply, Petitioner proposes it file its 3-page Reply by Thursday, December 12, 2024 and that Patent Owner be permitted to file a 3-page Sur-Reply no later than December 19, 2024.

Inclusion of claim construction arguments

Also pursuant to 35 U.S.C. § 301(a)(2), (b) and (c), Petitioner seeks leave to address the claim construction of “forming/formed on” and “predetermined material layer” as part of the 3-page Reply. The Petition did not address explicit constructions for these terms beyond their plain and ordinary meaning and good cause exists to address Patent Owner’s constructions of these terms because Petitioner could not anticipate that Patent Owner would assert constructions of “forming/formed on” and “predetermined material layer” that conflict with Patent Owner’s position on the ordinary meaning of these terms in the litigation and with the specification of the ’801 patent itself.

Patent Owner does not oppose this request.

Should the Board wish to have a conference call regarding this request, Counsel for Petitioner and Patent Owner are available Tuesday, December 12:00-1:00 pm.

Respectfully submitted,

Zac Loney

Of Counsel

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