

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.: IPR2024-01132
U.S. Patent No. 7,586,121

JOINT MOTION TO EXPUNGE

Pursuant to 37 C.F.R. § 42.56, and in view of the Board’s Final Written Decision, Petitioner BOE Technology Group Co., Ltd., (“Petitioner”) and Patent Owner Optronic Sciences LLC (“Patent Owner”) file this Joint Motion to Expunge requesting that certain confidential information in the record for this proceeding be expunged or permanently retained as confidential.

Petitioner and Patent Owner request that the full, confidential versions of the following documents currently under seal be expunged from the record or permanently kept confidential because they contain highly confidential business or technical information of Petitioner (collectively, the “Confidential Documents”):

Ex. 1022 – 4th Supplemental Response to First Set of Interrogatories

Ex. 1023 – Expert Report of Adam Fontecchio, PH.D. Regarding
Infringement

Ex. 1025 – Deposition Transcript, Dr. Adam Fontecchio, September 30,
2025

Ex. 1028 – Petitioner’s Demonstratives (Restricted Confidential – Source
Code)

Ex. 2014 – Excerpt from BOE Technology Group Co., Ltd.’s Fourth
Supplemental Responses to Plaintiff’s First Set of Interrogatories (Nos. 1-13)

Ex. 2016 – Response to BOE’s Motion for Summary Judgment in Optronic Sciences LLC v. BOE Tech. Group Co., Ltd., No. 2:23-cv-00549-JRG, Dkt. 152 (E.D. Tex. Oct. 14, 2025)

Ex. 2018 – Deposition Transcript, Dr. Adam Fontecchio, September 30, 2025

Ex. 2019 – BOE_549_00015426, produced by BOE in Optronic Sciences LLC v. BOE Tech. Group Co., Ltd., No. 2:23-cv-00549-JRG

Ex. 2021 – BOE_549_00017305, produced by BOE in Optronic Sciences LLC v. BOE Tech. Group Co., Ltd., No. 2:23-cv-00549-JRG

Ex. 2022 – BOE_549_00006466, produced by BOE in Optronic Sciences LLC v. BOE Tech. Group Co., Ltd., No. 2:23-cv-00549-JRG

Ex. 2023 – Excerpts from the Rebuttal Report of Dr. Dean Neikirk regarding U.S. Patent Nos. 7,586,121 and 8,492,222, from Optronic Sciences LLC v. BOE Tech. Group Co., Ltd., No. 2:23-cv-00549-JRG

Ex. 2024 – Excerpts from Opening Expert Report of Dr. Dean Neikirk regarding U.S. Patent Nos. 7,586,121 and 8,492,222, from Optronic Sciences LLC v. BOE Tech. Group Co., Ltd., No. 2:23-cv-00549-JRG

Ex. 2025 – Excerpts from Dean Neikirk’s September 26, 2025, Deposition Transcript from Optronic Sciences LLC v. BOE Tech. Group Co., Ltd.

Ex. 2026 – Patent Owner’s Demonstrative Slides

Paper 40 – Patent Owner’s Supplemental Briefing Regarding BOE’s
Inconsistent Statements

Paper 41 – Petitioner’s Submission of Supplemental Information

Paper 43 – Petitioner’s Response to Patent Owner’s Supplemental Briefing

Paper 46 – Response to Petitioner’s Submission of Supplemental Briefing

Paper 49 – Petitioner’s Reply to Patent Owner’s Response to Submission of
Supplemental Information

Paper 56 – Patent Owner’s Corrected Response to Petitioner’s Submission
of Supplemental Briefing

Paper 59 – Hearing Transcript

For the reasons set forth below, the Petitioner and Patent Owner request that
the Confidential Documents be expunged.

I. APPLICABLE LEGAL STANDARDS

37 C.F.R. § 42.56 provides that “[a]fter a denial of a petition to institute a trial or after final judgment in a trial, a party may file a motion to expunge confidential information from the record.” Similarly, the Consolidated Trial Practice Guide states, in pertinent part, that “[t]here is an expectation that information will be made public where the existence of the information is referred to in a decision to grant or deny a request to institute a review or is identified in a final written decision following a trial. A party seeking to maintain the

confidentiality of information, however, may file a motion to expunge the information from the record prior to the information becoming public.”

Consolidated Trial Practice Guide, p. 22. A party seeking expungement from the record must show good cause by demonstrating “that any information sought to be expunged constitutes confidential information, and that Petitioner’s interest in expunging it outweighs the public’s interest in maintaining a complete and understandable history of this *inter partes* review.” *Atlanta Gas Light Co. v. Bennett Regulator Guards, Inc.*, IPR2013-00453, Paper 97 at 2 (P.T.A.B. Apr. 15, 2015).

II. REASONS FOR RELIEF REQUESTED

A. Procedural Background

The Confidential Documents were filed under seal because they contain Petitioner’s confidential information that was designed “Restricted Confidential – Source Code” by Petitioner. They should not be public because they contain confidential information about the layers and materials in Petitioner’s products.

Pursuant to the Trial Practice Guide, sensitive information was redacted from documents where possible, and redacted versions of such documents made available on the public docket. Specifically, sensitive information was redacted from Exhibits 1022, 1023, 1025, 1028 and 2026, and redacted versions of these exhibits are available on the public docket. Sensitive information was also

redacted from Paper 59 (confidential hearing transcript), and is on the public docket as Paper 64. For those documents, the present motion pertains only to the sealed copies. The remaining Confidential Documents consist primarily of the underlying litigation materials, or materials addressing them, and are not meaningfully conducive to redaction.

On January 26, 2026, the Board issued its final written decision (“FWD”). Paper 61, which was made available only to the Board and Parties. On February 9, 2026, the parties submitted a joint notice (Paper 63) informing the Board that the FWD did not contain any confidential information and could be made public, which it was on February 17, 2026 as Paper 65. Therefore, the original FWD itself (Paper 61) does not contain any confidential information and need not be expunged.

B. Good Cause Exists for Expunging the Confidential Documents

The Board did not rely on the confidential information sought to be expunged in its public FWD (Paper 61). The documents sought to be expunged relate to allegations by both Patent Owner and Petitioner of inconsistent positions taken in the underlying district court litigation. The alleged inconsistent positions all relate to the confidential information about the layers and materials in Petitioner’s products. This information was produced in documents designated by

Petitioner as “Restricted Confidential – Source Code” under the district court’s protective order.

Given the lack of reliance by the Board on the confidential information that is sought to be expunged, the record provides a “complete and understandable file history for public notices purposes,” so there is no public interest in now making the confidential information publicly available. Consolidated Trial Practice Guide at 21-22; *accord* MPEP § 724.05 (Patent Office may expunge information that is not material to patentability). Accordingly, good cause exists for protecting Petitioner’s confidential information by expunging the Confidential Documents.

III. CONCLUSION

Because the Confidential Documents contain Petitioner’s confidential information, and redacted versions of certain document are available to the public and the Board did not rely on any of confidential information not available to the public in this proceeding, Petitioner and Patent Owner respectfully request that the Board expunge the Exhibit 1018 pursuant to 37 C.F.R. § 42.56.

Joint Motion to Expunge
IPR2024-01132 (U.S. Patent No. 7,586,121)

Dated: April 21, 2026

Respectfully submitted,

/Qi Tong/

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CERTIFICATE OF SERVICE

The undersigned certifies that on April 21, 2026, a true and correct copy of the **Joint Motion to Expunge** was served by emailing a copy of same (by agreement) to the following attorneys for the Patent Owner:

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