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Paper: 70
Date: September 8, 2026

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.

IPR2024-01132
Patent 7,586,121 B2

Before BENJAMIN D. M. WOOD, and KEVIN W. CHERRY,
Administrative Patent Judges.

CHERRY, *Administrative Patent Judge*.

ORDER
Granting the Parties' Joint Motion to Expunge
37 C.F.R. § 42.56

I. INTRODUCTION

BOE Technology Group Co., Ltd. ("Petitioner") and Optronic Sciences LLC ("Patent Owner") jointly move to expunge certain confidential papers and exhibits in this proceeding that contain Petitioner's highly confidential business information. Paper 68 ("Motion" or "Mot."). Specifically, the parties ask that the documents in the following list be expunged.

Document	Description
Ex. 1022	4th Supplemental Response to First Set of Interrogatories (confidential version)
Ex. 1023	Expert Report of Adam Fontecchio, PH.D. Regarding Infringement (confidential version)
Ex. 1025	Deposition Transcript, Dr. Adam Fontecchio, Sept. 30, 2025 (confidential version)
Ex. 1028	Petitioner's Demonstratives (Restricted Confidential — Source Code) (confidential version)
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, Sept. 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-

Document	Description
	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 Sept. 26, 2025, Deposition
Ex. 2026	Patent Owner's Demonstrative Slides (confidential version)
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

Mot. 2–3.

The parties submit that

> 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.

Id. at 4. The parties note that sensitive information has been redacted from documents where possible and public versions are available in the record. *Id.* at 4–5. The parties assert that the Motion only applies to the confidential versions of those documents that have public versions. *Id.* at 5. The parties contend that "[t]he remaining Confidential Documents consist primarily of the underlying litigation materials, or materials addressing them, and are not meaningfully conducive to redaction." *Id.*

The parties note that we initially issued our final written decision (Paper 61) as Board and Parties only, requesting that the parties inform us of any proposed redactions. *Id.* On February 9, 2026, the parties submitted a joint notice (Paper 63) informing us that the final written decision did not contain any confidential information and could be made public, which it was on February 17, 2026, as Paper 65. *Id.* Thus, the parties argue that the original final written decision (Paper 61) does not contain any confidential information and need not be expunged. *Id.*

The parties note that we did not rely on the confidential information sought to be expunged in its public FWD (Paper 61), and that "[t]he documents sought to be expunged relate to allegations by both Patent Owner and Petitioner of inconsistent positions taken in the underlying district court litigation." *Id.* The parties assert that "[t]he alleged inconsistent positions all relate to the confidential information about the layers and materials in Petitioner's products," and "[t]his information was produced in documents designated by Petitioner as 'Restricted Confidential – Source Code' under the district court's protective order." *Id.* at 5–6. The parties argues that

"[g]iven 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." *Id.* at 6 (citing *Consolidated Trial Practice Guide* at 21–22; MPEP § 724.05). Accordingly, the parties submit that good cause exists for protecting Petitioner's confidential information by expunging the Confidential Documents. *Id.*

There is generally 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. USPTO, *Consolidated Trial Practice Guide* (November 2019) at 21–22. 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. *Id.*; *see also* 37 C.F.R. § 42.56. After considering the Joint Motion to Expunge, we grant the parties Joint Motion to Expunge. We find that the public has sufficient information from the Final Written Decision, which is public, as well as the public, redacted versions of the confidential papers to understand sufficiently the record in this case.

II. ORDER

In consideration of the foregoing, it is hereby:

ORDERED that, the Joint Motion to Expunge is *granted*; and

FURTHER ORDERED that the confidential versions of Exhibits 1022, 1023, 1025, 1028, and 2026; Exhibits 2014, 2016, 2018, 2019, 2021,

2022, 2023, 2024, and 2025; and Papers 40, 41, 43, 46, 49, 56, and 59 be expunged from the record in this proceeding.

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