

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

IPR2024-01133
Patent No. 9,263,509

PATENT OWNER'S PRELIMINARY SUR-REPLY

Patent Owner's Exhibit List

Exhibit	Description
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	Declaration of Benjamin T. Wang in Support of Motion to Appear <i>Pro Hac Vice</i>
2005	Declaration of Andrew D. Weiss in Support of Motion to Appear <i>Pro Hac Vice</i>
2006	Declaration of Christian W. Conkle in Support of Motion to Appear <i>Pro Hac Vice</i>
2007	Time to Trial for Rodney Gilstrap Report from Docket Navigator, accessed December 12, 2024.

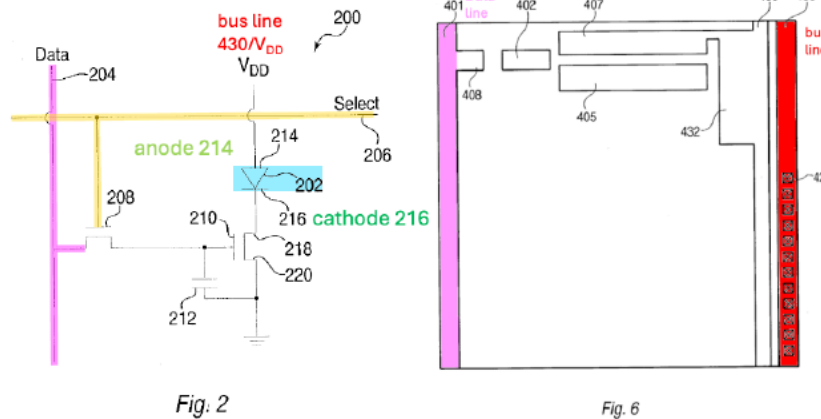
The Board's Nov. 22, 2024 email authorized this sur-reply.

I. Claim Construction of "Auxiliary"

Patent Owner's proposed construction uses common-sense understandings of what "auxiliary" and "electrode" mean. "Auxiliary" does not mean "primary." Petitioner's five sur-reply arguments have no merit.

First, Petitioner argues that there is no explicit definition or disclaimer of "auxiliary," but the '509 Patent did not need to include such an explicit statement because "auxiliary" and "primary" are different words that inherently mean different things. Even the Petition acknowledges "auxiliary" means "supplemental" (Petition at 5), not "primary." Second, Petitioner argues that the '509 patent is not limited to "parallel" connections, but Patent Owner did not take a position on whether "auxiliary" electrodes are limited to only "parallel" electrodes. Paper 11 at 1; Paper 7 at 6. Third, Figures 2–4 of the '509 Patent show that the first electrode layer 132 acts as the primary electrical power connection to the LED 130, and that the auxiliary electrodes 120/460 serve only in an auxiliary/supplemental capacity, making primary and auxiliary roles clear. Paper 7 at 6–7. Fourth, Petitioner argues that there is no "power line" recited in any claim, but this does not change what "auxiliary" means. Finally, Petitioner reiterates its own proposed construction that the supplemental electrode is connected in parallel to reduce the total resistance of the pixel structure. This is irrelevant because the bus line 430 (also labeled as V_{DD}) that

Petitioner annotated in red (further annotated by Patent Owner) is shown in a series connection from V_{DD} to the LED 202, not a parallel connection:



II. Claim Construction of “Electrode”

Petitioner’s Reply appears to concede that Petitioner relies on an interpretation of “electrode” to mean “resistor,” “power line,” or “bus line.” These negative examples are common sense, and they do not exclude embodiments within the specification. In the ’509 Patent, column 4, lines 40–42 (“the first electrode layer 132 and the second electrode layer 136 serve as an anode and a cathode respectively”) supports the interpretation that electrodes are anodes or cathodes, not resistors, power lines, or bus lines. Petitioner cannot deny that Weaver’s bus line 430 is akin to the “power line PL” of the ’509 Patent that is *omitted* from Figure 2, so the power line PL is not the same as the electrode *depicted in* Figure 2. Ex. 1001 at 3:37–39.

III. Preliminary Contentions Irrelevant

Claims are construed in view of the *specification* (MPEP § 2111), not in view of infringement contentions. Regardless, Patent Owner made no inconsistent arguments. Throughout the contentions, patent owner identified “auxiliary” electrodes that serve an auxiliary or supplemental role, as the accused devices have separate, primary electrical connections. These other, primary electrical connections were not pictured and labeled because it was unnecessary to do so.

IV. *Fintiv* Factors 2, 4, and 6

The court set multiple cases on the same trial date, but the other cases are likely to settle or resolve before trial. This has been the Court’s historical practice, resulting in a median time to trial of 19 months and average of 23 months—aligned with the expected trial date here. Ex. 2007 (showing data starting in 2015 to current).

Petitioner has not filed a *Sotera*-type stipulation, nor does Petitioner dispute that it asserted 5 systems as prior art. Instituting this IPR parallel to district court litigation to address will waste this agency’s resources.

Because the Petition relies on a construction of “electrode” to mean “resistor,” “power line,” or “bus line,” akin to the “power line PL” of the ’509 Patent that is omitted from Figure 2, the Petition has failed to identify the “auxiliary electrode” of Figure 2 and lacks merit. Ex. 1001 at 3:37–39.

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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