

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.

Case No.: IPR2024-01133

Patent 9,263,509

**PATENT OWNER'S REPLY IN SUPPORT OF PATENT OWNER'S
MOTION TO EXCLUDE EXPERT DECLARATIONS
EX 1003 AND 1020**

Table of Contents

I.	INTRODUCTION	1
II.	ARGUMENT	1
A.	Dr. Baker is Not a POSITA	1
B.	Dr. Baker's Hindsight on the Record is Excluded by FRE 702(c)	2
C.	Dr. Baker's Contradictory Positions Should Result in Exclusion or Termination	4
D.	Dr. Baker Fundamentally Misunderstood the Technology	4
III.	CONCLUSION.....	5

Table of Authorities

Rules

Fed. R. Evid. 702(c).....	4, 5
Fed. R. Evid. 702(d)	4

Patent Owner's Exhibit List for IPR2024-01133

Exhibit No.	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.
2008	Declaration of Paul A. Kroeger in support of Motion to Appear <i>Pro Hac Vice</i> .
2009	[Intentionally Omitted].
2010	<i>POS Solutions</i> , Cirque: Innovative Touch Solutions, available at https://web.archive.org/web/20131109010416/http://www.cirque.com/solutions/posSolutions.aspx (archived by the Wayback Machine on Nov. 9, 2013).
2011	COMPREHENSIVE DICTIONARY OF ELECTRICAL ENGINEERING (2d ed. 2005).
2012	WILEY ELECTRICAL AND ELECTRONICS ENGINEERING DICTIONARY (2004).
2013	MCGRAW-HILL DICTIONARY OF SCIENTIFIC AND TECHNICAL TERMS (6th ed. 2003)
2014	THE AMERICAN HERITAGE COLLEGE DICTIONARY (3rd ed. 1997)
2015	WEBSTER'S NEW WORLD DICTIONARY AT 94 (3rd College Ed. 1994)
2016	WEBSTER'S II NEW COLLEGE DICTIONARY (2001)

2017	Disclosure of Dr. Eric Bretschneider in Compliance with P.R. 4-3(B), <i>Optronic Sciences LLC v. BOE Tech. Group. Co., Ltd.</i> , No. 2:23-cv-005549-JRG (E.D. Tex.).
2018	Exhibit 9 from the Deposition of Dr. Baker, <i>IPR2024-01130, IPR2024-01133, IPR2024-01134</i> , Volume 1.
2019	Exhibit 10 from the Deposition of Dr. Baker, <i>IPR2024-01130, IPR2024-01133, IPR2024-01134</i> , Volume 1.
2020	Exhibit 11 from the Deposition of Dr. Baker, <i>IPR2024-01130, IPR2024-01133, IPR2024-01134</i> , Volume 1.
2021	<i>Solid-State Lighting Research and Development Multi-Year Program Plan</i> , U.S. DEPARTMENT OF ENERGY (Apr. 2013).
2022	Part 1 of Video Excerpt from April 2, 2025, Deposition Transcript of Dr. Jacob Baker, <i>IPR2024-01130, IPR2024-01133, IPR2024-01134</i> , Volume 1.
2023	Part 2 of Video Excerpt from April 2, 2025, Deposition Transcript of Dr. Jacob Baker, <i>IPR2024-01130, IPR2024-01133, IPR2024-01134</i> , Volume 1.
2024	Part 3 of Video Excerpt from April 2, 2025, Deposition Transcript of Dr. Jacob Baker, <i>IPR2024-01130, IPR2024-01133, IPR2024-01134</i> , Volume 1.
2025	Part 4 of Video Excerpt from April 2, 2025, Deposition Transcript of Dr. Jacob Baker, <i>IPR2024-01130, IPR2024-01133, IPR2024-01134</i> , Volume 1.
2026	Declaration of Dr. Eric Bretschneider in support of Patent Owner's Response ("Bretschneider Decl.").
2027	<i>Curriculum vitae</i> of Dr. Eric Bretschneider.
2028	April 2, 2025, Deposition Transcript of Dr. Jacob Baker, <i>IPR2024-01130, IPR2024-01133, IPR2024-01134</i> , Volume 1.
2029	April 3, 2025, Deposition Transcript of Dr. Jacob Baker, <i>IPR2024-01130, IPR2024-01133, IPR2024-01134</i> , Volume 2.

I. INTRODUCTION

Petitioner's Response (Paper 35) fails to rebut Patent Owner's showing that Dr. Baker's testimony should be excluded or that the proceeding should be terminated.

II. ARGUMENT

A. Dr. Baker is Not a POSITA

Dr. Baker is not a POSITA for the '509 Patent. Instead of qualifying Dr. Baker, Petitioner attacks a "bachelor's degree in (unspecified) engineering," arguing "[t]his omission is notable" and would not equip a POSITA with the requisite knowledge. Paper 35 at 1–2. To be clear, Patent Owners referred to a relevant engineering field, not civil or environmental engineering. But it does cover chemical engineering because fabrication at the device-level is inherently a chemical process. Petitioner's attack on Dr. Bretschneider's chemical engineering degrees ignores his over 30 years of experience with LEDs, displays, lighting fixtures, and lighting," including the design of flat panel displays like that of the '509 Patent. Ex. 2026, ¶¶ 10, 9–30.¹

¹ Further, Dr. Bretschneider's chemical engineering background exposes Petitioner's flawed understanding of semiconductor manufacturing processes and highlights the inconsistent testimony on which the instant IPR is based. *See* Paper 34 at 5–7.

Petitioner's argument that there is no mention of LED or OLED pixels in the '509 Patent is simply incorrect. *See* Ex. 1001 at 4:38–40 (“In this embodiment, the light emitting device 130 is a top-emission organic electroluminescent device, for example”), 5:9–14 (“The light emitting layer 134 can be an organic light emitting layer or an inorganic light emitting layer. According to the material used by the light emitting layer 134, the electroluminescent device is called an organic electroluminescent device or an inorganic electroluminescent device.”). Stating that “the problem and solution are common to any electrical circuit” is not accurate. Paper 35 at 3; *see* Ex. 1001 at 1:47–50 (“The invention provides a pixel structure for solving the problem of poor overall luminous uniformity that occurs on the traditional electroluminescent device.”). Notably, Petitioner does not dispute that Dr. Baker lacks experience in LED or OLED flat panel display design. *See* Paper 35 at 4. Rather, Petitioner states Dr. Baker worked on a flat panel display in the 1990s and identifies his work on *field emission displays*—a vastly different technology from LEDs or OLEDs. *See* Ex. 1019 at 1:20–21 (“Field emission displays typically include a general planar substrate having an array of projecting emitters.”); Ex. 2026 at ¶ 66.

Dr. Baker is not a POSITA for the '509 Patent.

B. Dr. Baker's Hindsight on the Record is Excluded by FRE 702(c)

Petitioner contends that the answers its expert provided at deposition “reflect the order of counsel’s questioning, not the thought process by which Dr. Baker reached his original conclusion.” Paper 35 at 5. Counsel asked: “Q[:] So to the extent that any other modifications you think are necessary and obvious, let me know now; otherwise, I will PDF this and get it committed as an exhibit. A[:] Well, just one sec. I mean, Claim 11 teaches using the material 422. So you don’t have an additional layer. So it’d probably be better to cover both Claims 10 and 11 with the modification, and you can easily do that by getting rid of the red box and just – or moving the red box to where it’s on the same layer as 422 and then just extending it down to the -- yeah, kind of.” Ex. 2028, 197:2–14; see also *id.* at 206:16, 20–21. This was not a trick question, nor was it a tricky line of questioning. The record reflects Dr. Baker’s thought process for the “modifications [he thought] are necessary and obvious,” which he answered only by looking at the language of the ’509 Patent’s claims, not by looking at the combination of prior art.

Petitioner’s arguments that Dr. Baker was coerced or misled by counsel (or that counsel intentionally misrepresented Dr. Baker’s directions) are incorrect. Patent Owner encourages the Board to watch the video excerpts themselves. *See* Ex. 2022–2025.

C. Dr. Baker's Contradictory Positions Should Result in Exclusion or Termination

Rather than address Patent Owner's arguments, Petitioner doubles down that its proposed combinations do not involve changing the process. Paper 35 at 6. Petitioner merely restates that, because a POSITA would be "us[e] the 'same layers' already formed in the Weaver device," no modification to the process would be required. *Id.* at 7. Dr. Bretschneider, who qualifies as a POSITA and holds a PhD in chemical engineering, explained the exact changes required—and repeated in Patent Owner's motion to exclude. Paper 34 at 6. Dr. Baker's repeated testimony that a POSITA would not change the process entirely contradicts his proposed combinations—which involve changing the process. Dr. Baker's testimony is therefore unreliable and should be excluded, and his inconsistencies present grounds for termination of this proceeding under *Interactive Communications v. Blackhawk Network*, IPR2024-00465, Paper 39 at 3.

D. Dr. Baker Fundamentally Misunderstood the Technology

Petitioner does not attempt to deny that Dr. Baker misunderstood the technology at issue—rather, Petitioner asserts that it is not legally relevant. Paper 35 at 7–8. Dr. Baker's fundamental misunderstanding of the technology as a whole showcases that his opinions do not meet the requirements of Fed. R. Evid. 702(c) and 702(d) and should be excluded.

III. CONCLUSION

Accordingly, Patent Owner requests that the Board exclude Exhibits 1003 and 1020 from consideration because Dr. Baker is not a POSITA and because his opinions are not reliable as required by Fed. R. Evid. 702(c) and 702(d), or in the alternative, terminate this IPR under *Interactive Communications v. Blackhawk Network*, IPR2024-00465, Paper 39.

Date: October 22, 2025

Respectfully submitted,

/ Qi Tong /

Qi Tong (Reg. No. 74,292)
RUSS AUGUST & KABAT
8080 N. Central Expy, Suite 1503
Dallas, TX 75206
(310) 826-7474

Attorney for Patent Owner

CERTIFICATION REGARDING PAGE COUNT

Pursuant to 37 C.F.R. §42.24(d), Patent Owner hereby certifies that there are under 5 pages. Pursuant to 37 C.F.R. § 42.24, this page limit is in compliance with the page limit set forth in 37 C.F.R. § 42.24(c)(2) excluding the portions exempted under 37 C.F.R. § 42.24(c).

Date: October 22, 2025

/ Qi Tong /

Qi Tong (Reg. No. 74,292)
RUSS AUGUST & KABAT
8080 N. Central Expy., Suite 1503
Dallas, TX 75206
(310) 826-7474

Attorney for Patent Owner

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

The undersigned hereby certifies that the above document was served on October 22, 2025, by filing this document through the Patent Trial and Appeal Board End to End system as well as delivering a copy via electronic mail upon the following attorneys of record for the Petitioner:

Alan A. Limbach
alan.limbach@us.dlapiper.com
Brian Erickson
Brian.erickson@us.dlapiper.com
Michael Saulnier
Michael.saulnier@us.dlapiper.com
Zachary Loney
Zachary.Loney@us.dlapiper.com
Peiyao Zhang
Peiyao.Zhang@us.dlapiper.com
dla-boe-optronicsciences-IPR@us.dlapiper.com

Date: October 22, 2025

/ Qi Tong /

Qi Tong (Reg. No. 74,292)
RUSS AUGUST & KABAT
8080 N. Central Expy, Suite 1503
Dallas, TX 75206
(310) 826-7474

Attorney for Patent Owner