

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

OPTRONIC SCIENCES LLC.,

Plaintiff,

v.

BOE TECHNOLOGY GROUP CO.,
LTD.,

Defendant.

Case No. 2:23-cv-00549-JRG

**PLAINTIFF OPTRONIC SCIENCES LLC'S PRELIMINARY DISCLOSURE
OF ASSERTED CLAIMS AND INFRINGEMENT CONTENTIONS**

I. Patent Rule 3-1: Disclosure of Asserted Claims and Infringement Contentions

Pursuant to Patent Rule 3-1, Plaintiff Optronik Sciences LLC ("Plaintiff" or "Optronik") submits the following Preliminary Disclosure of Asserted Claims and Infringement Contentions. This disclosure is based on the information available to Optronik as of the date of this disclosure, and Optronik reserves the right to amend this disclosure to the full extent permitted, consistent with the Court's Rules and Orders.

A. Patent Rule 3-1(a): Asserted Claims

Optronik asserts that Defendant BOE Technology Group Co., Ltd. ("Defendant" or "BOE") infringes the following claims (collectively, "Asserted Claims"):

- (1) U.S. Patent No. 7,168,842 (the "'842 patent"), claims 3, 4, 5, 7, and 8;
- (2) U.S. Patent No. 7,226,801 (the "'801 patent"), claims 9 and 10;
- (3) U.S. Patent No. 7,586,121 (the "'121 patent"), claims 1-4 and 6;
- (4) U.S. Patent No. 7,884,914 (the "'914 patent"), claims 1 and 5;
- (5) U.S. Patent No. 9,263,509 (the "'509 patent"), claims 1, 5, 10, and 12;

- (6) U.S. Patent No. 9,406,733 (the “’733 patent”), claim 1;
- (7) U.S. Patent No. 7,915,117 (the “’117 patent”), claims 1 and 2;
- (8) U.S. Patent No. 8,158,477 (the “’477 patent”), claim 1; and
- (9) U.S. Patent No. 8,492,222 (the “’222 patent”), claims 1 and 4.

B. Patent Rule 3-1(b): Accused Instrumentalities of which Optronic is aware

Optronic asserts that the Asserted Claims are infringed by the various instrumentalities used, made, sold, offered for sale, or imported into the United States by Defendant, including:

- (1) ’842 patent: BOE products, including without limitation the BOE NV156FHM-T06 module supplied to Dell and included in the Dell Laptop (15" 3520), and all versions and variations thereof since the issuance of the asserted patent;
- (2) ’801 and ’914 patents: BOE products, including without limitation the BOE E88441 panel supplied to Hisense and included in the Hisense 75-Inch Class U8 Series 4K Mini-LED ULED Google TV, the BOE panel in the LG 75" Class NanoCell 90, the BOE panel in the Hisense - 75" Class A6 Series LED 4K UHD HDR Smart Google TV, and all versions and variations thereof since the issuance of the asserted patent;
- (3) ’121, ’509, ’733, ’117, ’477, and ’222 patents: BOE products, including without limitation the BOE OLED panel supplied to Apple and included in the iPhone 13, the BOE OLED panel supplied to Apple and included in the iPhone 14, the BOE OLED panel supplied to Apple and included in the iPhone 14 Plus, the BOE OLED panel supplied to Apple and included in the iPhone 15, the BOE OLED panel supplied to Apple and included in the iPhone 15 Plus, the BOE OLED panel supplied to Motorola and included in the Moto Edge 2021, the BOE OLED panel supplied to Oneplus and included in the Oneplus 12, the BOE OLED panel supplied

to Oneplus and included in the Oneplus 12R, the BOE OLED panel supplied to Valve and included in the Steam Deck Gaming Console, the BOE OLED panel supplied to Samsung and included in the Samsung Galaxy M52 5G, and all versions and variations thereof since the issuance of the asserted patent.

The above are collectively defined as “Accused Instrumentalities.” Defendant’s Accused Instrumentalities of which Optronic is presently aware are described in more detail in the accompanying preliminary infringement contention charts.

Optronic reserves the right to accuse additional products from Defendant to the extent Optronic becomes aware of additional products during the discovery process. Unless otherwise stated, Optronic’s assertions of infringement apply to all variations, versions, and applications of each of the Accused Instrumentalities, on information and belief, that different variations, versions, and applications of each of the Accused Instrumentalities are substantially the same for purposes of infringement of the Asserted Claims.

C. Patent Rule 3-1(c): Claim Charts

Optronic’s analysis of Defendant’s products is based upon limited information that is publicly available, and based on Optronic’s own investigation prior to any discovery in these actions. Specifically, Optronic’s analysis is based on certain limited resources that evidence certain products made, sold, offered for sale, used, or imported into the United States by Defendant.

Optronic reserves the right to amend or supplement these disclosures for any of the following reasons:

- (1) Defendant and/or third parties provide evidence relating to the Accused Instrumentalities;
- (2) Optronic’s position on infringement of specific claims may depend on the claim constructions adopted by the Court, which has not yet occurred; and

(3) Optronic's investigation and analysis of Defendant's Accused Instrumentalities is based upon public information and Optronic's own investigations. Optronic reserves the right to amend these contentions based upon discovery of non-public information that Optronic anticipates receiving during discovery.

Attached and incorporated herein in their entirety are charts identifying where each element of the Asserted Claims are found in the Accused Instrumentalities.

Unless otherwise indicated, the information provided that corresponds to each claim element is considered to indicate that each claim element is found within each of the different variations, versions, and applications of each of the respective Accused Instrumentalities described above.

D. Patent Rule 3-1(d): Literal Infringement / Doctrine of Equivalents

With respect to the patents at issue, each element of each Asserted Claim is considered to be literally present. Optronic also contends that each Asserted Claim is infringed or has been infringed under the doctrine of equivalents in Defendant's Accused Instrumentalities. Optronic also contends that Defendant both directly and indirectly infringes the Asserted Claims. For example, the Accused Instrumentalities are provided by the Defendant to customers, who are actively encouraged and instructed (for example, through Defendant's online instructions on its website and instructions, manual, or user guides that are provided with the Accused Instrumentalities) by Defendant to use the Accused Instrumentalities in ways that directly infringe the Asserted Claims. Defendant therefore specifically intends for and induces its customers to infringe the Asserted Claims under Section 271(b) through the customers' normal and customary use of the Accused Instrumentalities. In addition, Defendant is contributorily infringing the Asserted Claims under Section 271(c) and/or Section 271(f) by selling, offering for sale, or importing the Accused Instrumentalities into the United States, which constitute a material part of

the inventions claimed in the Asserted Claims, are especially made or adapted to infringe the Asserted Claims, and are otherwise not staple articles or commodities of commerce suitable for non-infringing use.

E. Patent Rule 3-1(e): Priority Dates

The Asserted Claims of the '842 patent are entitled to a priority date at least as early as December 1, 2004, the filing date of application No. 11/000,372.

The Asserted Claims of the '801 patent are entitled to a priority date at least as early as June 27, 2005, the filing date of Taiwan Patent Application No. 94121405 A.

The Asserted Claims of the '121, '117, '477, and '222 patents are entitled to a priority date at least as early as December 7, 2004, the filing date of application No. 11/005,648.

The Asserted Claims of the '914 patent are entitled to a priority date at least as early as February 18, 2004, the filing date of application No. 10/782,259.

The Asserted Claims of the '509 and '733 patents are entitled to a priority date at least as early as September 12, 2013, the filing date of Taiwan Patent Application No. 102133040 A.

A diligent search continues for additional responsive information and Optronic reserves the right to supplement this response.

F. Patent Rule 3-1(f): Identification of Instrumentalities Practicing the Claimed Invention

Optronic does not identify any of its own instrumentalities as practicing the Asserted Claims.

II. Patent Rule 3-2: Document Production Accompanying Disclosure

Pursuant to Patent Rule 3-2, Optronic has or shortly will serve its Document Production Accompanying Disclosure, and gives the following identification of the categories to which each of the documents corresponds.

A. Patent Rule 3-2(a) documents:

Optronic is presently unaware of any documents in its possession, custody, or control sufficient to evidence any discussion with, disclosure to, or other manner of providing to a third party, or sale of or offer to sell, the inventions recited in the Asserted Claims of the Asserted Patents prior to the application dates or priority dates for the Asserted Patents. A diligent search continues for such documents and Optronic reserves the right to supplement this response.

B. Patent Rule 3-2(b) documents:

Optronic is presently unaware of any documents in its possession, custody, or control related to evidencing conception and reduction to practice of each claimed invention of the Asserted Patents. A diligent search continues for additional documents and Optronic reserves the right to supplement this response.

C. Patent Rule 3-2(c) documents:

Optronic identifies the following documents as being the file histories for the Asserted Patents:

OPTRONIC-BOE-00000001-OPTRONIC-BOE-00000072

OPTRONIC-BOE-00000098-OPTRONIC-BOE-00000215

OPTRONIC-BOE-00000241-OPTRONIC-BOE-00000497

OPTRONIC-BOE-00000523-OPTRONIC-BOE-00000838

OPTRONIC-BOE-00000864-OPTRONIC-BOE-00001127

OPTRONIC-BOE-00001151-OPTRONIC-BOE-00001299

OPTRONIC-BOE-00001323-OPTRONIC-BOE-00001433

OPTRONIC-BOE-00001459-OPTRONIC-BOE-00002030

OPTRONIC-BOE-00002060-OPTRONIC-BOE-00002136.

Dated: July 19, 2024

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that this document is being served upon counsel of record for Defendant
on July 19, 2024 via e-mail.

/s/ Christian W. Conkle
Christian W. Conkle