

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.

IPR2024-01134
Patent 9,406,733 B2

Before THU A. DANG, BENJAMIN D. M. WOOD, and
KEVIN W. CHERRY, *Administrative Patent Judges*.

DANG, *Administrative Patent Judge*.

ORDER
Oral Argument
37 C.F.R. § 42.70

I. BACKGROUND

Patent Owner filed a Response, asserting that, since it has filed a disclaimer in the U.S. Patent and Trademark Office disclaiming the entire term of U.S. Patent No. 9,406,733, “this IPR is now moot and should be terminated.” Paper 25 (“PO Resp.”), at 1. In its Reply, Petitioner argues that “mere termination is improper,” and that “an adverse judgment should be entered against Patent Owner under 37 C.F.R. § 42.73(b).” Paper 27 (“Pet. Reply”), at 1. In its Sur-reply, Patent Owner argues that “the Board should decline to treat Patent Owner’s disclaimer as a request for adverse judgment as a matter of policy.” Paper 28 (“PO Sur-reply”), at 1.

The Scheduling Order set the due date for filing a request for oral argument (“Due Date”) as September 17, 2025. Paper 15, at 12. On September 17, 2025, Petitioner filed its Request for Oral Argument to be held in Alexandria on October 27, 2025. Paper 29, 1. Patent Owner did not file any request for oral argument by the Due Date.

II. DISCUSSION

The Parties agree that no question of patentability remains in this proceeding. *See* PO Resp. 1; Pet. Reply 1. As such, an Oral Hearing is not necessary at this time.

However, a question remains in this proceeding as to whether an adverse judgment should be entered against Patent Owner. *See* Pet. Reply 1; PO Sur-reply 1. The Parties may meet and confer, and send an email request for a telephonic hearing on this matter. Alternatively, the Parties may provide a short discussion on this matter at the end of the Oral Arguments for related proceeding in IPR2024-001133, on October 27, 2025. Such

discussion will be limited to the issue of whether an adverse judgment is appropriate.

III. ORDER

Accordingly, it is

ORDERED no hearing is granted;

FURTHER ORDERED that the Parties may meet and confer, and send an email request for a telephonic hearing on the issue of whether an adverse judgment is appropriate; and

FURTHER ORDERED that, alternatively, the Parties may provide a short discussion on this adverse judgment matter after the Oral Argument in IPR2024-01133 on October 27, 2025.

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