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)

Inter Partes Review

No. IPR2024-01315 | **U.S. Patent No. 8,158,477**

Petitioners' Demonstratives

DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

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Exhibit 1020 - Page 1

Both Challenged Claims (1, 3) Disclaimed

- Adverse Judgment should be entered

37 C.F.R. § 42.73(b) states:

(b) Request for adverse judgment. A party may request judgment against itself at any time during a proceeding. **Actions construed to be a request for adverse judgment include:**

(1) Disclaimer of the involved application or patent;

(2) Cancellation or **disclaimer of a claim such that the party has no remaining claim in the trial;**

Adverse Judgment Appropriate



- PO's "Wait & See" approach should not be rewarded
- Petitioner is entitled to estoppel provided by adverse judgment
  - Dependent claim 2 was not disclaimed
    - Parent claim 1 recites "***capping*** silicon nitride"
    - Claim 2 recites "forming a layer of ***passivation*** silicon nitride"
    - 477 patent IPR involves the same primary reference (***Anzai***) as in 121 patent IPR
- Equities favor Adverse Judgment
  - Petitioner incurred significant costs and efforts
- Consistent with precedent (IPR2016-00914)